

## **BILL ANALYSIS**

C.S.H.B. 45  
By: Flynn  
Defense & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law governing occupational licensing varies from state to state. Interested parties contend that, with the high number of military families moving to Texas, there is need for military members and their spouses to have a process for receiving reasonable credit toward an occupational license in Texas based on licenses received from other jurisdictions, including the U.S. Department of Defense. C.S.H.B. 45 seeks to address a growing demand to expedite the occupational licensing renewal and application process for members of the military and their spouses.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 1 and 6, to the Commission on Law Enforcement Officer Standards and Education in SECTIONS 5 and 6, and to a state agency that issues an occupational license in SECTIONS 4 and 6 of this bill.

### **ANALYSIS**

C.S.H.B. 45 amends the Occupations Code to require the Texas Department of Licensing and Regulation (TDLR) to credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by TDLR. The bill requires the Texas Commission of Licensing and Regulation to adopt rules necessary to implement this requirement not later than March 1, 2014. The bill applies this requirement only to an application for a license filed with TDLR on or after May 1, 2014.

C.S.H.B. 45 requires a state agency that issues a license, as soon as practicable after a military spouse files an application for a license, to process the application and issue a license without requiring an examination to a qualified military spouse applicant who holds a current license issued by another jurisdiction that has substantially equivalent licensing requirements to those in Texas. The bill prohibits a license issued under these provisions relating to expedited licensure of military spouses from being a provisional license and requires the license to confer the same rights, privileges, and responsibilities as a license issued under other statutory provisions.

C.S.H.B. 45 requires a state agency that issues an expedited license under the bill's provisions to determine the requirements for license renewal as soon as practicable after an expedited license is issued. The bill requires the state agency to notify the license holder of the requirements for license renewal in writing or by electronic means and specifies that an expedited license issued under these provisions has the term established by law or state agency rule.

C.S.H.B. 45 requires a state agency that issues a license to credit the verified military service, training, or education of an applicant who is a military service member or military veteran toward the licensing requirements, other than an examination requirement, for a license issued by the state agency. The bill requires the state agency to adopt rules necessary to implement this requirement. The bill prohibits application of such rules to an applicant who holds a restricted

license issued by another jurisdiction or who has an unacceptable criminal history according to the law applicable to the state agency. The bill requires a state agency that issues a license to adopt rules to implement the bill's provisions not later than September 1, 2014. The bill's provisions relating to expedited licensing procedures for state licensing agencies apply only to an application for a license filed with a state agency on or after November 1, 2014.

C.S.H.B. 45 requires the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to adopt rules not later than September 1, 2014, allowing an applicant to qualify to take certain law enforcement officer licensing examinations if the applicant has served in the special forces as specified in the bill; has successfully completed a special forces training course and provides to TCLEOSE documentation verifying completion of the course; completes a supplemental peace officer training course; and completes any other training required by TCLEOSE after TCLEOSE has reviewed the applicant's military training. The bill requires such rules to include rules to determine acceptable forms of documentation verifying completion of a special forces training course, rules under which TCLEOSE may waive any other license requirement for such an applicant based on other relevant military training the applicant has received, and rules establishing an expedited application process for such an applicant. The bill requires TCLEOSE to review the content of the training course for each special forces component and, in adopting such rules, to provide the training requirements that an applicant who has completed that training course must complete and the training requirements from which an applicant who has completed that training course is exempt. The bill's provisions relating to licensing persons with military special forces training apply only to an application for a license filed with TCLEOSE on or after November 1, 2014.

C.S.H.B. 45 defines "military service member" as a person who is currently serving in the U.S. military, in a reserve component of the U.S. military, including the National Guard, or in the state military service of any state. The bill defines "military spouse" as a person who is married to a military service member who is currently on active duty. The bill defines "military veteran" as a person who served as a military service member before the date the person applied for a license in Texas.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 45 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

##### INTRODUCED

**No equivalent provision.**

##### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter H, Chapter 51, Occupations Code, is amended by adding Section 51.4013 to read as follows:  
Sec. 51.4013. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH MILITARY EXPERIENCE. (a) Notwithstanding any other law, the department shall credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license

SECTION 1. The heading to Chapter 55, Occupations Code, is amended to read as follows:

CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, ~~RECENT VETERANS, [LICENSE WHILE ON MILITARY DUTY]~~ AND ~~[FOR] MILITARY SPOUSES [SPOUSE]~~

SECTION 2. Section 55.001, Occupations Code, is amended by adding Subdivisions (1-a), (1-b), and (1-c) to read as follows:

(1-a) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(1-b) "Military spouse" means a person who is married to a military service member who is currently on active duty.

(1-c) "~~Recent~~ veteran" means a person who ~~has~~ served as a military service member within the 12 months preceding the date the person applied for a license in this state.

SECTION 3. Chapter 55, Occupations Code, is amended by adding Sections 55.005 and 55.006 to read as follows:

Sec. 55.005. EXPEDITED LICENSE PROCEDURE.

(a) A state agency that issues a license shall, as soon as practicable after a ~~military service member, recent veteran, or~~ military spouse files an application for a license:

(1) process the application; and  
(2) issue a license to a qualified applicant who holds a current license issued by another jurisdiction, including a branch of the armed forces of the United States, that has licensing requirements that are substantially equivalent to the licensing requirements in this state.

(b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

issued by the department.

(b) The commission shall adopt rules necessary to implement this section.

SECTION 2. The heading to Chapter 55, Occupations Code, is amended to read as follows:

CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, ~~MILITARY~~ VETERANS, ~~[LICENSE WHILE ON MILITARY DUTY]~~ AND ~~[FOR] MILITARY SPOUSES [SPOUSE]~~

SECTION 3. Section 55.001, Occupations Code, is amended by adding Subdivisions (1-a), (1-b), and (1-c) to read as follows:

(1-a) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(1-b) "Military spouse" means a person who is married to a military service member who is currently on active duty.

(1-c) "~~Military~~ veteran" means a person who served as a military service member before the date the person applied for a license in this state.

SECTION 4. Chapter 55, Occupations Code, is amended by adding Sections 55.005, 55.006, and ~~55.007~~ to read as follows:

Sec. 55.005. EXPEDITED LICENSE PROCEDURE ~~FOR MILITARY SPOUSES.~~

(a) A state agency that issues a license shall, as soon as practicable after a military spouse files an application for a license:

(1) process the application; and  
(2) issue a license without requiring an examination to a qualified military spouse applicant who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the licensing requirements in this state.

(b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

Sec. 55.006. RENEWAL OF EXPEDITED LICENSE.

(a) As soon as practicable after a state agency issues a license under Section 55.005, the state agency shall determine the requirements for the license holder to renew the license. The renewal requirements must be designed so that the license holder must, in order to renew the license, satisfy the requirements for the issuance of an original license in this state and the requirements to renew the license in this state.

(b) The agency shall notify the license holder of the requirements for renewing the license in writing.

(c) A license issued under Section 55.005 expires on the first anniversary of the date the state agency provides notice of the renewal requirements under Subsection (b). The license holder may not renew the license unless the license holder complies with the renewal requirements described by Subsection (a).

No equivalent provision.

SECTION 4. Section 55.004, Occupations Code, is repealed.

No equivalent provision.

Sec. 55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SPOUSE.

(a) As soon as practicable after a state agency issues a license under Section 55.005, the state agency shall determine the requirements for the license holder to renew the license.

(b) The state agency shall notify the license holder of the requirements for renewing the license in writing or by electronic means.

(c) A license issued under Section 55.005 has the term established by law or state agency rule.

Sec. 55.007. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH MILITARY EXPERIENCE.

(a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.

(b) The state agency shall adopt rules necessary to implement this section.

(c) Rules adopted under this section may not apply to an applicant who:

(1) holds a restricted license issued by another jurisdiction; or

(2) has an unacceptable criminal history according to the law applicable to the state agency.

No equivalent provision.

SECTION 5. Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.315 to read as follows:

Sec. 1701.315. LICENSE REQUIREMENTS FOR PERSONS WITH MILITARY SPECIAL FORCES

TRAINING. (a) In this section, "special forces" means a special forces component of the United States armed forces, including:  
(1) the United States Army Special Forces;  
(2) the United States Navy SEALs;  
(3) the United States Air Force Pararescue;  
(4) the United States Marine Corps Force Reconnaissance; and  
(5) any other component of the United States Special Operations Command approved by the commission.  
(b) The commission shall adopt rules to allow an applicant to qualify to take an examination described by Section 1701.304 if the applicant:  
(1) has served in the special forces;  
(2) has successfully completed a special forces training course and provides to the commission documentation verifying completion of the course;  
(3) completes a supplemental peace officer training course; and  
(4) completes any other training required by the commission after the commission has reviewed the applicant's military training.  
(c) Commission rules adopted under Subsection (b) shall include rules:  
(1) to determine acceptable forms of documentation that satisfy the requirements of Subsection (b)(2);  
(2) under which the commission may waive any other license requirement for an applicant described by Subsection (b) based on other relevant military training the applicant has received, as determined by the commission, including intelligence or medical training; and  
(3) to establish an expedited application process for an applicant described by Subsection (b).  
(d) The commission shall review the content of the training course for each special forces component described by Subsection (a) and in adopting rules under Subsection (b) provide the training requirements an applicant who has completed that training course must complete and the training requirements from which an applicant who has completed that training course is exempt.

SECTION 5.

No equivalent provision.

SECTION 6.

(a) Section 51.4013, Occupations Code, as added by this Act, applies only to an application for a license filed with the Texas

No equivalent provision.

Sections 55.005 and 55.006, Occupations Code, as added by this Act, apply only to an application for a license filed on or after the effective date of this Act. An application for a license filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and that law is continued in effect for that purpose.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 6. A state agency that issues an occupational license shall adopt any rules necessary to implement Sections 55.005 and 55.006, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 7. This Act takes effect September 1, 2013.

Department of Licensing and Regulation on or after May 1, 2014. An application for a license filed before May 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The Texas Commission of Licensing and Regulation shall adopt rules under Section 51.4013, Occupations Code, as added by this Act, not later than March 1, 2014.

(c) Sections 55.005, 55.006, and 55.007, Occupations Code, as added by this Act, apply only to an application for a license filed with a state agency as defined by Section 55.001, Occupations Code, on or after November 1, 2014. An application for a license filed before November 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(d) Each state agency as defined by Section 55.001, Occupations Code, shall adopt rules under Sections 55.005, 55.006, and 55.007, Occupations Code, as added by this Act, not later than September 1, 2014.

(e) Section 1701.315, Occupations Code, as added by this Act, applies only to an application for a license filed with the Commission on Law Enforcement Officer Standards and Education on or after November 1, 2014. An application for a license filed before November 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(f) The Commission on Law Enforcement Officer Standards and Education shall adopt rules under Section 1701.315, Occupations Code, as added by this Act, not later than September 1, 2014.

No equivalent provision.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate

effect, this Act takes effect September 1,  
2013.