

BILL ANALYSIS

H.B. 1849
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Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that over the years the various changes to statutes intended to assist military service members, military veterans, and military spouses in obtaining or renewing an occupational license have resulted in confusion over who is eligible for alternative licensing requirements and confusion in the amount of time a service member called to active duty has to renew an occupational license. H.B. 1849 seeks to clarify the law in this regard and avoid this unnecessary confusion.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to a state agency that issues an occupational license in SECTION 5 of this bill.

ANALYSIS

H.B. 1849 amends the Occupations Code to revise certain definitions for purposes of provisions applicable to the occupational licensing of military service members, military veterans, and military spouses. The bill defines "active duty" to mean current full-time military service in the U.S. armed forces, the Texas military forces, or similar military service of another state, defines "armed forces of the United States" to mean the army, navy, air force, coast guard, or marine corps of the United States or an auxiliary service or reserve unit of one of those branches, redefines "military service member" to mean a person who is on such active duty, redefines "military spouse" to mean a person who is married to such a military service member, and redefines "military veteran" to mean a person who has served on such active duty and who was discharged or released from such active duty.

H.B. 1849 exempts from any increased fee or other penalty imposed by a state agency for failure to timely renew an occupational license an individual who failed to timely renew an occupational license because the individual was serving as a military service member in the Texas military forces or a similar military service of another state. The bill removes the specification that the active duty service that triggers the exemption is service outside Texas.

H.B. 1849 revises the provision entitling a member of the Texas military forces or of a reserve component of the U.S. armed forces ordered to active duty to an extension of the deadline for completing continuing education requirements and any other renewal requirement for the occupational license and applies the revised entitlement to all military service members. The bill removes from this provision the total number of years or parts of years the person serves on active duty as the basis for determining the extension period and instead entitles all such military

service members to one year of additional time for the completion of such requirements.

H.B. 1849 applies the requirement that a state agency adopt rules for alternative licensing procedures for an applicant who is a military spouse who qualifies for such procedures also to an applicant who is a military service member or a military veteran who qualifies for such procedures. The bill removes the specification from such qualifications, formerly applicable only to the military spouse, that the applicant, within the five years preceding the application date, held the license in Texas that expired while the applicant lived in another state for at least six months. The bill replaces the requirement that such rules for alternative licensing procedures include provisions allowing alternative demonstrations of competency for licensing with an authorization for a state agency to adopt rules that would establish alternate methods for a demonstration of competency. The bill authorizes the executive director of a state agency to waive any prerequisite to obtaining a license for an applicant who is a military service member, military veteran, or military spouse after reviewing the applicant's credentials and removes a provision authorizing the executive director to issue a license to a military spouse by endorsement under statutory provisions relating to the issuance of a license to an applicant who holds a license issued by another jurisdiction that has substantially equivalent licensing requirements as the state or with which the state has a reciprocity agreement.

H.B. 1849 applies only to an application for an occupational license or renewal of an occupational license filed on or after January 1, 2016.

EFFECTIVE DATE

September 1, 2015.