

By: Guillen, et al.

H.B. No. 92

A BILL TO BE ENTITLED

AN ACT

relating to the entitlement of spouses of certain veterans with disabilities to a veteran's employment preference.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 657.002, Government Code, is amended to read as follows:

Sec. 657.002. INDIVIDUALS QUALIFIED FOR VETERAN'S EMPLOYMENT PREFERENCE. The following individuals qualify for a veteran's employment preference:

- (1) a veteran, including a veteran with a disability;
- (2) a veteran's surviving spouse who has not remarried; ~~and~~
- (3) an orphan of a veteran if the veteran was killed while on active duty; and
- (4) the spouse of a veteran with a disability who has a total disability rating based either on having a service-connected disability with a disability rating of 100 percent or on individual unemployability and who is receiving Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq. or Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq., if the spouse was married to the veteran at the time the veteran separated from the armed services.

SECTION 2. Section 657.003(b), Government Code, is amended to read as follows:

(b) A state agency shall provide to an individual entitled to a veteran's employment preference for employment or appointment over other applicants for the same position who do not have a greater qualification a veteran's employment preference, in the following order of priority:

(1) a veteran with a disability;

(2) a veteran;

(3) a spouse of a veteran with a disability as described by Section 657.002(4);

(4) a veteran's surviving spouse who has not remarried; and

(5) ~~(4)~~ an orphan of a veteran if the veteran was killed while on active duty.

SECTION 3. Section 657.005(b), Government Code, is amended to read as follows:

(b) An applicant who is either a veteran with a disability or a spouse of a veteran with a disability as described by Section 657.002(4) shall furnish the official records to the individual whose duty is to fill the position.

SECTION 4. The changes in law made by this Act apply only to an open position with a state agency for which the state agency begins accepting applications on or after the effective date of this Act. An open position with a state agency for which the state agency begins accepting applications before the effective date of this Act is governed by the law in effect on the date the state agency began accepting applications, and the former law is continued in effect for that purpose.

1           SECTION 5.   This Act takes effect September 1, 2017.