By: Hinojosa S.B. No. 1865

A BILL TO BE ENTITLED

AN ACT

relating to certain state programs to address the workforce needs of members of the United States military and their dependents.

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

SECTION 1. Subchapter U, Chapter 51, Education Code, is amended by adding Section 51.811 to read as follows:

Sec. 51.811. PREFERENTIAL ADMISSION: NURSING DEGREE PROGRAMS. (a) Each institution of higher education, as defined by Section 61.003, that offers a program leading to a baccalaureate degree in nursing shall give preference to a person who qualifies for a military employment preference under Section 657.002(4), Government Code, and applies for admission to the degree program over other applicants for the same program who do not have a greater qualification.

(b) If the number of applicants qualified to be admitted to a baccalaureate degree program in nursing by an institution of higher education under Subsection (a) exceeds the enrollment capacity set aside by the institution, the institution shall conduct a lottery to award the spaces to eligible applicants.

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9113 to read as follows:

Sec. 51.9113. INSTITUTION OF HIGHER EDUCATION MILITARY INITIATIVE. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) Each institution of higher education is encouraged to recruit and encourage members of the armed forces of the United States and their dependents to take advantage of state and federal educational benefits to attend the institution.

(c) Each institution of higher education is encouraged to explore opportunities to enter into a partnership between the institution and a military base to locate and establish a research or extension campus of the institution on the military base to encourage the transfer and sharing of resources and provide job opportunities to students and alumni of the institution, local residents, and military dependents.

SECTION 3. Section 656.027, Government Code, is amended to read as follows:

Sec. 656.027. MILITARY EMPLOYMENT PREFERENCE [~~FOR VETERANS~~] ON STATE EMPLOYMENT FORMS. The commission shall include on all forms relating to state agency employment that are prescribed by the commission under this subchapter or other law a statement regarding the requirement prescribed by Chapter 657 that each state agency give a military [~~veterans~~] employment preference until the agency workforce is composed of at least 40 percent individuals who qualify for a military employment preference under Section 657.002 [~~veterans~~].

SECTION 4. The heading to Chapter 657, Government Code, is amended to read as follows:

CHAPTER 657. MILITARY [~~VETERAN'S~~] EMPLOYMENT PREFERENCES

SECTION 5. Section 657.002, Government Code, is amended to read as follows:

Sec. 657.002. INDIVIDUALS QUALIFIED FOR MILITARY [~~VETERAN'S~~] EMPLOYMENT PREFERENCE. The following individuals qualify for a military [~~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 member of the United States armed forces serving on active duty.

SECTION 6. Section 657.003, Government Code, is amended to read as follows:

Sec. 657.003. MILITARY [~~VETERAN'S~~] EMPLOYMENT PREFERENCE. (a) An individual who qualifies for a military [~~veteran's~~] employment preference is entitled to a preference in employment with or appointment to a state agency over other applicants for the same position who do not have a greater qualification.

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

(1) a veteran with a disability;

(2) a veteran;

(3) a spouse of a member of the United States armed forces serving on active duty 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.

(c) If a state agency requires a competitive examination under a merit system or civil service plan for selecting or promoting employees, an individual entitled to a military [~~veteran's~~] employment preference who otherwise is qualified for that position and who has received at least the minimum required score for the test is entitled to have a service credit of 10 points added to the test score. A veteran with a disability is entitled to have a service credit of five additional points added to the individual's test score.

(d) An individual entitled to a military [~~veteran's~~] employment preference is not disqualified from holding a position with a state agency because of age or an established service-connected disability if the age or disability does not make the individual incompetent to perform the duties of the position.

SECTION 7. Section 657.0045, Government Code, is amended to read as follows:

Sec. 657.0045. DESIGNATION OF OPEN POSITION FOR AND IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO MILITARY [~~VETERAN'S~~] EMPLOYMENT PREFERENCE. (a) A state agency may designate an open position as a military preference [~~veteran's~~] position and only accept applications for that position from individuals who are entitled to a military [~~veteran's~~] employment preference under Section 657.003.

(b) Notwithstanding any other law, a state agency may hire

or appoint for an open position within the agency an individual entitled to a military [~~veteran's~~] employment preference under Section 657.003 without announcing or advertising the position if the agency:

(1) uses the automated labor exchange system administered by the Texas Workforce Commission to identify an individual who qualifies for a military [~~veteran's~~] employment preference under this chapter; and

(2) determines the individual meets the qualifications required for the position.

SECTION 8. Section 657.0047, Government Code, is amended to read as follows:

Sec. 657.0047. INTERVIEWS AT STATE AGENCIES. (a) For each announced open position at a state agency, the state agency shall interview:

(1) if the total number of individuals interviewed for the position is six or fewer, at least one individual qualified for a military [~~veteran's~~] employment preference under Section 657.003; or

(2) if the total number of individuals interviewed for the position is more than six, a number of individuals qualified for a military [~~veteran's~~] employment preference under Section 657.003 equal to at least 20 percent of the total number interviewed.

(b) A state agency that does not receive any applications from individuals who qualify for a military [~~veteran's~~] employment preference under Section 657.003 is not required to comply with Subsection (a).

SECTION 9. Section 657.005(a), Government Code, is amended to read as follows:

(a) The individual whose duty is to appoint or employ an applicant for a position with a state agency or an officer or the chief administrator of the agency who receives an application for appointment or employment by an individual entitled to a military [~~veteran's~~] employment preference, before appointing or employing any individual, shall investigate the qualifications of the applicant for the position.

SECTION 10. Section 657.010, Government Code, is amended to read as follows:

Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF STATE AGENCY. (a) An individual entitled to a military [~~veteran's~~] employment preference under this chapter who is aggrieved by a decision of a state agency to which this chapter applies relating to hiring or appointing the individual, or relating to retaining the individual if the state agency reduces its workforce, may appeal the decision by filing a written complaint with the executive director of the state agency under this section.

(b) The executive director of a state agency that receives a written complaint under Subsection (a) shall respond to the complaint not later than the 15th business day after the date the executive director receives the complaint. The executive director may render a different hiring or appointment decision than the decision that is the subject of the complaint if the executive director determines that the military [~~veteran's~~] preference was not applied.

SECTION 11. Section 32.54(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if the person:

(1) uses or claims to hold a military record that the person knows:

(A) is fraudulent;

(B) is fictitious or has otherwise not been granted or assigned to the person; or

(C) has been revoked; and

(2) uses or claims to hold that military record:

(A) in a written or oral advertisement or other promotion of a business; or

(B) with the intent to:

(i) obtain priority in receiving services or resources under Subchapter G, Chapter 302, Labor Code;

(ii) qualify for a military [~~veteran's~~] employment preference under Chapter 657, Government Code;

(iii) obtain a license or certificate to practice a trade, profession, or occupation;

(iv) obtain a promotion, compensation, or other benefit, or an increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation;

(v) obtain a benefit, service, or donation from another person;

(vi) obtain admission to an educational program in this state; or

(vii) gain a position in state government with authority over another person, regardless of whether the actor receives compensation for the position.

SECTION 12. (a) The change in law made by this Act applies beginning with admissions for the 2020 fall semester.

(b) Each institution of higher education shall adopt policies relating to the admission of students under Section 51.811, Education Code, as added by this Act, not later than January 1, 2020.

SECTION 13. The changes in law made by this Act to Chapter 657, Government Code, 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.

SECTION 14. This Act takes effect September 1, 2019.