

## **BILL ANALYSIS**

Senate Research Center

H.B. 139  
By: Buckley et al. (Powell)  
Veteran Affairs & Border Security  
4/8/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 139 amends current law relating to state occupational licensing of certain military veterans and military spouses.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to commissioner of education is modified in SECTION 1 (Section 21.052, Education Code) of this bill.

Rulemaking authority previously granted to a state agency is modified in SECTION 3 (Section 55.004, Occupations Code) of this bill.

Rulemaking authority is expressly granted to a state agency in SECTION 3 (Section 55.004, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 21.052, Education Code, by amending Subsections (a-1), (b-1), and (f) and adding Subsection (i), as follows:

(a-1) Authorizes the commissioner of education to adopt rules establishing exceptions to the examination requirements prescribed by Subsection (a)(3) (relating to a certificate issued to an educator who performs satisfactorily on a certain examination and holds certain certificates or credentials from another state or country) for an educator from outside the state, including military service members, military spouses, and military veterans, to obtain a certificate in this state.

(b-1) Requires the State Board for Educator Certification (SBEC) to propose rules in accordance with Chapter 55 (Licensing of Military Service Members, Military Veterans, and Military Spouses), Occupations Code, to establish procedures to expedite the processing of an application for a certificate under Section 21.052 (Certifications of Educators from Outside the State) submitted by an educator who is a military veteran or military spouse, including rules for providing a permanent change of station order for purposes of establishing residency and for providing a military identification card. Deletes existing text relating to expediting the process for a certificate under this section submitted by an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States, including rules for providing the appropriate documentation to establish the educator's status as a spouse of a person who is serving on active duty as a member of the armed forces of the United States.

(f) Requires SBEC to post on SBEC's Internet website the procedures for obtaining a certificate under Subsection (a) (relating to the authorization of SBEC to issue a certain certificate to certain educators) and the notice required under Section 55.010 (Notice of Chapter Provisions), Occupations Code.

(i) Defines "active duty," "armed forces of the United States," "military service member," "military spouse," and "military veteran."

SECTION 2. Amends Section 55.001(2), Occupations Code, to redefine "armed forces of the United States" in Chapter 55.

SECTION 3. Amends Section 55.004, Occupations Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Authorizes a state agency that issues a license, in addition to the rules adopted under Subsection (a) (relating to the requirements that a state agency adopt certain rules for issuing a certain license to military service members, veterans, and military spouses), to adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license, including receiving appropriate credit for training, education, and clinical and professional experience.

(d) Requires a state agency that issues a license that has a residency requirement for license eligibility to adopt rules regarding documentation necessary for a military spouse applicant to establish residency for purposes of this subsection, including by providing to the agency a copy of the permanent change of station order for the military service member to whom the spouse is married.

SECTION 4. Amends Section 55.0041(b), Occupations Code, as follows:

(b) Requires the military spouse, before engaging in the practice of the business or occupation, to submit to the applicable state agency proof of the spouse's residency in this state in accordance with rules adopted under Section 55.004(d) and a copy of the spouse's military identification card.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2021.