

BILL ANALYSIS

C.S.H.B. 139
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Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to build on the efforts of legislation enacted during the 86th Legislative Session that provided a path for military spouses to engage in a business or occupation in Texas without obtaining the applicable state-issued license. It has been suggested that expediting the acquisition of Texas residency will have an impact on the time it takes military veterans and military spouses to become licensed upon relocation to Texas. C.S.H.B. 139 seeks to further streamline the occupational licensing process for military veterans and military spouses by providing an expedited process for them to acquire Texas residency for purposes of attaining an occupational license or educator certification.

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 the commissioner of education and the State Board for Educator Certification in SECTION 1 of this bill and to a state agency that issues a license that has a residency requirement in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 139 amends the Education Code to authorize the commissioner of education to adopt rules establishing exceptions to examination requirements to obtain educator certification in Texas for an educator who is a military veteran or military spouse. The bill revises the provision requiring the State Board for Educator Certification (SBEC) to propose rules for expediting the processing of an application for educator certification of an educator who is the spouse of an active duty member of the U.S. armed forces by:

- specifying that the rules are applicable to an educator who is a military veteran or military spouse;
- specifying that the rules include rules for providing a permanent change of station order for purposes of establishing residency and for providing a military identification card; and
- specifying that the rules are to be proposed in accordance with Occupations Code provisions relating to the licensing of military service members, military veterans, and military spouses.

The bill requires the SBEC to post on its website the required notice describing those Occupations Code provisions that are available to military service members, military veterans, and military spouses.

C.S.H.B. 139 amends the Occupations Code to require a state agency, in adopting rules for the issuance of a license to license applicants who are military service members, military veterans,

or military spouses, to ensure that a military veteran or military spouse receives appropriate credit for the individual's experience, including clinical and professional experience, in a licensed profession.

C.S.H.B. 139 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, including by providing to the agency a copy of the permanent change of station order for the service member to whom the spouse is married. The bill updates definitions for "armed forces of the United States" to reflect the inclusion of the space force.

C.S.H.B. 139 repeals Section 2, Chapter 1048 (H.B. 1934), Acts of the 85th Legislature, Regular Session, 2017, which makes implementation of certain statutory provisions relating to temporary certification and expedited application processing for an educator from outside Texas who is the spouse of an active duty military service member contingent on legislative appropriations.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B.139 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute replaces the specification that the SBEC proposed rules include rules for providing a permanent change of station order or military identification card with a specification that the proposed rules include rules for providing such an order for purposes of establishing residency and for providing a military identification card.

The substitute does not include a military spouse's military identification card as an acceptable means to establish residency for purposes of eligibility for a state license with a residency requirement.

The substitute includes updates to definitions of "armed forces of the United States" to reflect the inclusion of the space force.