

## **BILL ANALYSIS**

Senate Research Center

S.B. 1376  
By: Parker  
Veteran Affairs  
6/6/2023  
Enrolled

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

Over 34 percent of veterans in Texas have a Department of Veteran Affairs disability rating between 70 to 100 percent, with an estimated 12-14 percent having an individual unemployability rating, and their spouses are often the primary income providers.

Providing greater opportunities for sustainable income and improved quality of life for veterans and their families would be possible by transferring veteran hiring preferences for veterans with an unemployability rating to the veteran's spouse.

Aligning the state veteran preference with the federal program will reduce confusion and ensure the best interest of veterans by allowing transfer of the veterans hiring preference if the veteran is deemed unemployable by the Department of Veteran Affairs.

S.B. 1376 eligibility requirements for the spouse/dependents would align with S.B. 805 from the 84th Session. This benefit aligns with the Gold Star Fathers Act of 2015, which extended hiring preferences for federal civil positions to fathers.

S.B. 1376 seeks to allow the spouse, widow, or widower of a veteran to claim the preference if the veteran is unable to use it.

S.B. 1376 would allow online certification and consent form would allow veterans to transfer veterans hiring preference benefits to their spouse and inform agencies of the transfer. The form, signed by the veteran and presented with the spouse's employment application, would require the veteran to provide a Department of Veteran Affairs Summary of Benefits Letter. This process would be similar to the Hazlewood Act Exemption benefit transfer process for veterans.

S.B. 1376 amends current law relating to an employment preference for members of the military and their spouses for positions at state agencies.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 656.027, Government Code, as follows:

Sec. 656.027. New heading: **MILITARY EMPLOYMENT PREFERENCE ON STATE EMPLOYMENT FORMS**. Requires the Texas Workforce Commission (TWC) to include on all forms relating to state agency employment that are prescribed by TWC under Subchapter B (Job Notices) or other law a statement regarding the requirement prescribed by Chapter 657 that each state agency give a military employment preference until the agency workforce is composed of at least 20 percent individuals who qualify for a military employment preference under Section 657.002, rather than veterans employment preference until the agency workforce is composed of at least 40 percent veterans.

SECTION 2. Amends the heading to Chapter 657, Government Code, as follows:

## CHAPTER 657. MILITARY EMPLOYMENT PREFERENCES

### SECTION 3. Amends Section 657.002, Government Code, as follows:

Sec. 657.002. New heading: **INDIVIDUALS QUALIFIED FOR MILITARY EMPLOYMENT PREFERENCE**. Provides that the following individuals qualify for a military employment preference:

- (1) makes no changes to this subdivision;
- (2)-(3) makes nonsubstantive changes to these subdivisions;
- (4) the spouse of a member of the United States armed forces or Texas National Guard serving on active duty; and
- (5) the spouse of a veteran if the spouse is the primary source of income for the household and the veteran has a total disability rating based either on having a service-connected disability with a disability rating of at least 70 percent or on individual unemployability.

Makes a conforming change.

### SECTION 4. Amends Section 657.003, Government Code, as follows:

Sec. 657.003. New heading: **MILITARY EMPLOYMENT PREFERENCE**. (a) Makes a conforming change to this subsection.

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

- (1)-(2) makes no changes to these subdivisions;
- (3) a spouse described by Section 657.002(4) or (5); and
- (4)-(5) makes nonsubstantive changes to these subdivisions.

Makes conforming changes.

(c)-(d) Makes conforming changes to these subsections.

### SECTION 5. Amends Section 657.0045, Government Code, as follows:

Sec. 657.0045. New heading: **DESIGNATION OF OPEN POSITION FOR AND IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO MILITARY EMPLOYMENT PREFERENCE**. (a)-(b) Makes conforming changes to these subsections.

### SECTION 6. Amends Section 657.0046, Government Code, as follows:

Sec. 657.0046. New heading: **STATE AGENCY LIAISON FOR VETERANS, MILITARY MEMBERS, AND THEIR DEPENDENTS**. (a) Requires each state agency that has at least 500 full-time equivalent positions to designate an individual from the agency to serve as a liaison for veterans, military members, and their dependents, rather than as a veteran's liaison.

(b) Authorizes a state agency that has fewer than 500 full-time equivalent positions to designate an individual from the agency to serve as the liaison described by Subsection (a), rather than as a veteran's liaisons.

(c) Requires each state agency that designates a liaison under this section, rather than that designates a veteran's liaison, to make available on the agency's Internet website the liaison's individual work contact information.

SECTION 7. Amends Section 657.0047, Government Code, as follows:

Sec. 657.0047. INTERVIEWS AT STATE AGENCIES. (a)-(b) Makes conforming changes to these subsections.

SECTION 8. Amends Section 657.005(a), Government Code, to make a conforming change.

SECTION 9. Amends Section 657.010, Government Code, as follows:

Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF STATE AGENCY. (a)-(b) Makes conforming changes to these subsections.

SECTION 10. Amends Section 32.54(b), Penal Code, to provide that a person commits an offense if the person takes certain actions, including uses or claims to hold a military record that is fraudulent, fictitious, or has been revoked with the intent to qualify for a military employment preference, rather than veteran's employment preference, under Chapter 657, Government Code.

SECTION 11. Makes application of this Act prospective.

SECTION 12. Effective date: September 1, 2023.