

BILL ANALYSIS

Senate Research Center

S.B. 2104
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Veteran Affairs
4/11/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas recognizes the sacrifices made by military personnel and their families and is committed to ensuring their well-being and security. Military families often face discrimination in employment, housing, and access to public utilities due to their frequent relocations and the unique demands of military life. Military spouses experience high unemployment rates—four times the national average—due to hiring biases against applicants with ties to military[1] [2]. In housing, military families often face unfair financial burdens such as higher security deposits or refusal of lease flexibility. In public utilities, service providers may impose large deposits or inflexible terms on military families due to their transient lifestyle. To counter this discrimination, S.B. 2104 adds "military status" as a protected class under state anti-discrimination laws for employment, housing, and public utilities. The bill defines "military status" to include actively serving armed forces, reserve armed forces, honorably discharged veterans, and the spouses or children of active-duty service members or veterans. By enacting these protections, S.B. 2104 seeks to ensure that military families receive equal opportunities and fair treatment in daily life. Providing these protections not only upholds Texas' commitment to supporting service members and their loved ones but also strengthens national security by ensuring military families have the stability and resources they need.

[1] U.S. Bureau of Labor Statistics. (n.d.). Labor force statistics from the current population survey: Table 1. Employment status of the civilian population by sex and age. U.S. Department of Labor. <https://www.bls.gov/cps/cpsaat01.htm>

[2] Office of People Analytics. (2022). 2021 Active Duty Spouse Survey (ADSS): Tabulations of responses. U.S. Department of Defense. <https://www.opa.mil/research-analysis/spouse-family/military-spouse-survey-survey-reports-briefings/2021-active-duty-spouse-survey-adss-results-from-the-2021-active-duty-spouse-survey/>

As proposed, S.B. 2104 amends current law relating to the prohibition of military status discrimination.

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 21.002, Labor Code, by adding Subdivision (11-b) to define "military status."

SECTION 2. Amends Section 21.005, Labor Code, by adding Subsection (d), as follows:

(d) Provides that a provision in Chapter 21 (Employment Discrimination) prohibiting discrimination on the basis of an individual's military status does not affect the operation or enforcement of a program under the laws of this state or the United States that is designed to give a preference to a military veteran in recognition of the veteran's service to this state or the United States, including a preference authorized under Section 302.154

(Participation in Texas Veterans Commission Programs) or under Chapter 657 (Military Employment Preferences), Government Code.

SECTION 3. Amends Section 21.051, Labor Code, to provide that an employer commits an unlawful employment practice if because of race, color, disability, religion, sex, national origin, or age, or because of the individual's military status, the employer performs certain actions.

SECTION 4. Amends Section 21.052, Labor Code, to make conforming changes.

SECTION 5. Amends Section 21.053, Labor Code, to make a conforming change.

SECTION 6. Amends Section 21.054, Labor Code, to make a conforming and nonsubstantive change.

SECTION 7. Amends Section 21.059(a), Labor Code, to make a conforming change.

SECTION 8. Amends Section 21.102(c), Labor Code, to make a conforming change.

SECTION 9. Amends Section 21.112, Labor Code, to make a conforming change.

SECTION 10. Amends Section 21.113, Labor Code, to make conforming changes.

SECTION 11. Amends Section 21.120(b), Labor Code, to make a conforming change.

SECTION 12. Amends Section 21.122(a), Labor Code, to make a conforming change.

SECTION 13. Amends Section 21.124, Labor Code, as follows:

Sec. 21.124. PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES.

(a) Creates this subsection from existing text. Provides that, except as provided by Subsection (b), it is an unlawful employment practice for a respondent, in connection with the selection or referral of applicants for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, sex, national origin, religion, age, or disability, or on the basis of an individual's military status. Makes a nonsubstantive change.

(b) Provides that Subsection (a) does not apply to an act described by that subsection that is made in conjunction with a preference program for military veterans authorized under a law of this state or the United States.

SECTION 14. Amends the heading to Section 21.125, Labor Code, to read as follows:

Sec. 21.125. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, SEX, NATIONAL ORIGIN, RELIGION, AGE, DISABILITY, OR MILITARY STATUS IN EMPLOYMENT PRACTICES.

SECTION 15. Amends Section 21.125(a), Labor Code, to make conforming and nonsubstantive changes.

SECTION 16. Amends Section 21.126, Labor Code, to make a conforming change.

SECTION 17. Amends Section 21.152(a), Labor Code, to make a conforming change.

SECTION 18. Amends Section 21.155(a), Labor Code, to require the Texas Workforce Commission (TWC), rather than the Texas Commission on Human Rights, to refer a complaint concerning discrimination in employment because of race, color, disability, religion, sex, national origin, or age, or because of military status, that is filed with that commission to a local commission with the necessary investigatory and conciliatory powers if certain conditions are met, and to make conforming changes.

SECTION 19. Amends Section 301.003, Property Code, by adding Subdivision (9-B) to define "military status."

SECTION 20. Amends Sections 301.021(a) and (b), Property Code, as follows:

(a) Prohibits a person from refusing to sell or rent, after the making of a bona fide offer, refusing to negotiate for the sale or rental of, or in any other manner making unavailable or denying a dwelling to another because of race, color, religion, sex, familial status, or national origin, or because of status as a military veteran.

(b) Makes a conforming change to this subsection.

SECTION 21. Amends Section 301.022, Property Code, to make a conforming change.

SECTION 22. Amends Section 301.023, Property Code, to make a conforming change.

SECTION 23. Amends Section 301.024, Property Code, to make a conforming change.

SECTION 24. Amends Section 301.026(a), Property Code, to make a conforming change.

SECTION 25. Amends Section 301.027, Property Code, to make a conforming change.

SECTION 26. Amends Sections 301.042(a) and (c), Property Code, to make conforming and nonsubstantive changes.

SECTION 27. Amends Section 301.068, Property Code, as follows:

Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Creates this subsection from existing text. Authorizes TWC, subject to Subsection (b), to defer proceedings under Chapter 301 (Texas Fair Housing Act) and refer a complaint to a municipality that has been certified by the federal Department of Housing and Urban Development as a substantially equivalent fair housing agency.

(b) Prohibits TWC from deferring proceedings and referring a complaint under Subsection (a) to a municipality in which the alleged discrimination occurred if the complaint alleges discrimination based on military status and the municipality does not have laws prohibiting the alleged discrimination.

SECTION 28. Amends Section 301.171(a), Property Code, to make conforming and nonsubstantive changes.

SECTION 29. Amends Section 17.002, Utilities Code, by adding Subdivision (4-a) to define "military status."

SECTION 30. Amends Section 17.004(a), Utilities Code, to provide that all buyers of telecommunications and retail electric services are entitled to certain benefits, including protection from discrimination on the basis of race, color, sex, nationality, religion, marital status, income level, or because of military status, or source of income and from unreasonable discrimination on the basis of geographic location.

SECTION 31. (a) Makes application of the changes made by this Act to the Labor Code and the Utilities Code prospective.

(b) Makes application of the changes made by this Act to the Property Code prospective.

SECTION 32. Effective date: September 1, 2025.