Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission
DATE: 10/29/2015

Agenda Item #: **14 B: #1-3**

Agenda Title: **New language to address military personnel and others**

Action to be taken: **Discussion and possible action for publication**

Origin of Item:FF Advisory Committee

1. INTRODUCTION/PURPOSE

The purpose of the proposed changes in agenda items 1, 2, and 3 is to address requirements contained in newly-passed legislation. The legislation requires the waiving of certain fees for military personnel and spouses as well as extending the time in which military service members can renew certification without penalty. Definitions are being proposed for inclusion in Chapter 421 of TCFP rules to clarify who qualifies for the above benefits.

2. DESCRIPTION/ JUSTIFICATION

The proposed language maintains compliance with statute.

3. BUDGET IMPACT

Impact cannot be determined at this time. Some revenue loss from fee waivers could be offset by an increase in the number of applications for non-mandatory certifications (the proposed rule changes apply only to mandatory certifications). Additionally a general increase in the overall number of certificate holders would also result in an increase in renewal revenue.

4. TIMELINE CONSIDERATIONS

Proposed language is for possible publication.

5. RECOMMENDATION

Reviewed and forwarded as approved by FF Advisory Committee.

6. REFERENCES

Title 37, Part 13, Chapters 421, 437, and 441; Texas Administrative Code. Senate Bills 807 and 1307, 84th Legislature.

CHAPTER 421
STANDARDS FOR CERTIFICATION

§421.5 Definitions.

The following words and terms, when used in the Standards Manual, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Admission to employment--An entry level full-time employee of a local government entity in one of the categories of fire protection personnel.

(2) Appointment--The designation or assignment of a person to a discipline regulated by the commission. The types of appointments are:

(A) permanent appointment--the designation or assignment of certified fire protection personnel or certified part time fire protection employees to a particular discipline (See Texas Government Code, Chapter 419, §419.032); and

(B) probationary or temporary appointment--the designation or assignment of an individual to a particular discipline, except for head of a fire department, for which the individual has passed the commission's certification and has met the medical requirement of §423.1(c) of this title (relating to Minimum Standards for Structure Fire Protection Personnel), if applicable, but has not yet been certified. (See Texas Government Code, Chapter, §419.032.)

(3) Approved training--Any training used for a higher level of certification must be approved by the commission and assigned to either the A-List or the B-List. The training submission must be in a manner specified by the commission and contain all information requested by the commission. The commission will not grant credit twice for the same subject content or course. Inclusion on the A-List or B-List does not preclude the course approval process as stated elsewhere in the Standards Manual.

(4) Assigned/work--A fire protection personnel or a part-time fire protection employee shall be considered "assigned/working" in a position, any time the individual is receiving compensation and performing the duties that are regulated by the commission and has been permanently appointed, as defined in this section, to the particular discipline.

(5) Assistant fire chief--The officer occupying the first position subordinate to the head of a fire department.

(6) Auxiliary fire fighter--A volunteer fire fighter.

(7) Benefits--Benefits shall include, but are not limited to, inclusion in group insurance plans (such as health, life, and disability) or pension plans, stipends, free water usage, and reimbursed travel expenses (such as meals, mileage, and lodging).

(8) Chief Training Officer--The individual, by whatever title he or she may be called, who coordinates the activities of a certified training facility.

(9) Class hour--Defined as not less than 50 minutes of instruction, also defined as a contact hour; a standard for certification of fire protection personnel.

(10) Code--The official legislation creating the commission.

(11) College credits--Credits earned for studies satisfactorily completed at an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education and including National Fire Academy (NFA) open learning program colleges, or courses recommended for college credit by the American Council on Education (ACE) or delivered through the National Emergency Training Center (both EMI and NFA) programs. A course of study satisfactorily completed and identified on an official transcript from a college or in the

ACE National Guide that is primarily related to Fire Service, Emergency Medicine, Emergency Management, or Public Administration is defined as applicable for Fire Science college credit, and is acceptable for higher levels of certification. A criminal justice course related to fire and or arson investigation that is satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide may be used to qualify for Master Arson Investigator certification.

(12) Commission--Texas Commission on Fire Protection.

(13) Commission-recognized training--A curriculum or training program which carries written approval from the commission, or credit hours that appear on an official transcript from an accredited college or university, or any fire service training received from a nationally recognized source, i.e., the National Fire Academy.

(14) Compensation--Compensation is to include wages, salaries, and "per call" payments (for attending drills, meetings or answering emergencies).

(15) Expired--Any certification that has not been renewed on or before the end of the certification period.

(16) Federal fire fighter--A person as defined in Texas Government Code, Chapter 419, §419.084(h).

(17) Fire chief--The head of a fire department.

(18) Fire department--A department of a local government that is staffed by one or more fire protection personnel or part-time fire protection employees.

(19) Fire protection personnel--Any person who is a permanent full-time employee of a fire department or governmental entity and who is appointed duties in one of the following categories/disciplines: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto.

(20) Fire Code Inspection—Also called Fire Safety Inspection as referenced in Texas Government Code, Chapter 419, §419.909. An inspection performed for the purpose of determining and enforcing compliance with an adopted fire code.

(21) Fire suppression duties--Engaging in the controlling or extinguishment of a fire of any type or performing activities which are required for and directly related to the control and extinguishment of fires or standing by on the employer's premises or apparatus or nearby in a state of readiness to perform these duties.

(22) Full-time--An officer or employee is considered full-time if the employee works an average of 40 hours a week or averages 40 hours per week or more during a work cycle in a calendar year. For the purposes of this definition paid leave will be considered time worked.

(23) Government entity--The local authority having jurisdiction as employer of full-time fire protection personnel in a state agency, incorporated city, village, town or county, education institution or political subdivision.

(24) High school--A school accredited as a high school by the Texas Education Agency or equivalent accreditation agency from another jurisdiction.

(25) Immediately dangerous to life or health (IDLH)--An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

(26) Incipient stage fire--A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

(27) Instructor:

(A) Lead Instructor--Oversees the presentation of an entire course and assures that course objectives are met in accordance with the applicable curriculum or course material. The lead instructor should have sufficient experience in presenting all units of the course so as to be capable of last-minute substitution for other instructors.

(B) Instructor (also Unit Instructor for wildland courses)--Responsible for the successful presentation of one or more areas of instruction within a course, and should be experienced in the lesson content they are presenting.

(C) Guest Instructor--An individual who may or may not hold Instructor certification but whose special knowledge, skill, and expertise in a particular subject area may enhance the effectiveness of the training in a course. Guest instructors shall teach under the endorsement of the lead instructor.

(28) Interior structural fire fighting--The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. (See 29 CFR §1910.155.)

(29) Military active duty (or active duty)-Current full-time military service in the armed forces of the United States, or full-time military service as a member of the Texas military forces or a similar service of another state.

(30) Military service member-A person who is on active duty.

(31) Military spouse-A person who is married to a military service member.

(32) Military veteran-A person who has served on active duty and who was discharged or released from active duty.

(33) [(~~29~~)] Municipality--Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as defined in this section.

(34) [(~~30~~)] National Fire Academy semester credit hours--The number of hours credited for attendance of National Fire Academy courses is determined as recommended in the most recent edition of the "National Guide to Educational Credit for Training Programs," American Council on Education (ACE).

(35) [(~~31~~)] National Fire Protection Association (NFPA)--An organization established to provide and advocate consensus codes and standards, research, training, and education for fire protection.

(36) [(~~32)]~~ National Wildfire Coordinating Group (NWCG)--An operational group designed to establish, implement, maintain, and communicate policy, standards, guidelines, and qualifications for wildland fire program management among participating agencies.

(37) [(~~33~~)] Non-self-serving affidavit--A sworn document executed by someone other than the individual seeking certification.

(38) [(~~34)]~~ Participating volunteer fire fighter--An individual who voluntarily seeks certification and regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.

(39) [(~~35~~)] Participating volunteer fire service organization--A fire department that voluntarily seeks regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.

(40) [(~~36~~)] Part-time fire protection employee--An individual who is appointed as a part-time fire protection employee and who receives compensation, including benefits and reimbursement for expenses. A part-time fire protection employee is not full-time as defined in this section.

(41) [(~~37~~)] Personal alert safety system (PASS)--Devices that are certified as being compliant with NFPA 1982 and that automatically activates an alarm signal (which can also be manually activated) to alert and assist others in locating a fire fighter or emergency services person who is in danger.

(42) [(~~38~~)] Political subdivision--A political subdivision of the State of Texas that includes, but is not limited to the following:

(A) city;

(B) county;

(C) school district;

(D) junior college district;

(E) levee improvement district;

(F) drainage district;

(G) irrigation district;

(H) water improvement district;

(I) water control and improvement district;

(J) water control and preservation district;

(K) freshwater supply district;

(L) navigation district;

(M) conservation and reclamation district;

(N) soil conservation district;

(O) communication district;

(P) public health district;

(Q) river authority;

(R) municipal utility district;

(S) transit authority;

(T) hospital district;

(U) emergency services district;

(V) rural fire prevention district; and

(W) any other governmental entity that:

(i) embraces a geographical area with a defined boundary;

(ii) exists for the purpose of discharging functions of the government; and

(iii) possesses authority for subordinate self-government through officers selected by it.

(43) [(~~39~~)] Pre-fire Planning—Also called a Pre-fire Survey. A walk-through performed by fire fighters for the purpose of gaining familiarity with a building, its contents, and its occupancy.

(44) [(~~40~~)] Reciprocity for IFSAC seals and TEEX Pro Board certificates--Valid documentation of accreditation from the International Fire Service Accreditation Congress and the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service used for commission certification may only be used for obtaining an initial certification.

(45) [(~~41~~)] Recognition of training--A document issued by the commission stating that an individual has completed the training requirements of a specific phase level of the Basic Fire Suppression Curriculum.

(46) [(~~42)]~~ School--Any school, college, university, academy, or local training program which offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.

(47) [(~~43~~)] Structural fire protection personnel--Any person who is a permanent full-time employee of a government entity who engages in fire fighting activities involving structures and may perform other emergency activities typically associated with fire fighting activities such as rescue, emergency medical response, confined space rescue, hazardous materials response, and wildland fire fighting.

(48) [(~~44~~)] Trainee--An individual who is participating in a commission approved training program.

(49) [(~~45~~)] Volunteer fire protection personnel--Any person who has met the requirements for membership in a volunteer fire service organization, who is assigned duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others in related positions necessarily or customarily appertaining thereto.

(50) [(~~46]~~) Volunteer fire service organization--A volunteer fire department or organization not under mandatory regulation by the commission.

(51) [(~~47~~)] Years of experience--For purposes of higher levels of certification or fire service instructor certification:

(A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time or volunteer fire service while holding:

(i) a commission certification as a full-time, or part-time employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or

(ii) a State Firemen's and Fire Marshals' Association advanced fire fighter certification and have successfully completed, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or

(iii) an equivalent certification as a full-time fire protection personnel of a governmental entity from another jurisdiction, including the military, or while a member in a volunteer fire service organization from another jurisdiction, and have, as a minimum, the requirements for an ECA as specified by the DSHS, or its successor agency, or its equivalent; or

(iv) for fire service instructor eligibility only, a State Firemen's and Fire Marshals' Association Level II Instructor Certification, received prior to June 1, 2008 or Instructor I received on or after June 1, 2008 or an equivalent instructor certification from the DSHS or the Texas Commission on Law Enforcement. Documentation of at least three years of experience as a volunteer in the fire service shall be in the form of a non self-serving sworn affidavit.

(B) For fire service personnel certified as required in subparagraph (A) of this paragraph on or before October 31, 1998, years of experience includes the time from the date of employment or membership to date of certification not to exceed one year.

§421.17 Requirement to Maintain Certification.

(a) All full-time or part-time employees of a fire department or local government [~~who are~~] assigned duties identified as fire protection personnel duties must maintain certification by the commission in the discipline(s) to which they are assigned for the duration of their assignment.

(b) In order to maintain the certification required by this section, the certificate(s) of the employees must be renewed annually by complying with §437.5 of this title (relating to Renewal Fees) and Chapter 441 of this title (relating to Continuing Education) of the commission standards manual.

(c) **Except for subsection (d), an** [~~an]~~ individual whose certificate has been expired for one year or longer may not renew the certificate [~~that was~~] previously held. To obtain a new certification, an individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification).

(d) A military service member whose certificate has been expired for three years or longer may not renew the certificate previously held. To obtain a new certification, the person must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification). In order to qualify for this provision, the individual must have been a military service member at the time the certificate expired and continued in that status for the duration of the three year period.

(e)~~(d)~~ The commission will provide proof of current certification to individuals whose certification has been renewed.

(f)~~(e)~~ All certificate holders are subject to the requirements of §57.491 of the Texas Education Code regarding license renewal and default on student loans.

S.B. No. 1307

AN ACT

relating to occupational licenses for military service members, military veterans, and military spouses.

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

SECTION 1. The heading to Chapter 55, Occupations Code, as amended by Chapters 66 (S.B. 162) and 348 (H.B. 2254), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

SECTION 2. Section 55.001, Occupations Code, is amended to read as follows:

Sec. 55.001. DEFINITIONS. In this chapter:

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "License" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business.

(4) [~~(1-a)~~] "Military service member" means a person who is on active duty [~~currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state~~].

(5) [~~(1-b)~~] "Military spouse" means a person who is married to a military service member [~~who is currently on active duty~~].

(6) [~~(1-c)~~] "Military veteran" means a person who has served on active duty and who was discharged or released from active duty [~~in the army, navy, air force, marine corps, or coast guard of the United States, or in an auxiliary service of one of those branches of the armed forces~~].

(7) [~~(2)~~] "State agency" means a department, board, bureau, commission, committee, division, office, council, or agency of the state.

SECTION 3. Section 55.002, Occupations Code, is amended to read as follows:

Sec. 55.002. EXEMPTION FROM PENALTY FOR FAILURE TO RENEW LICENSE. A state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was serving as a military service member [~~on active duty in the United States armed forces serving outside this state~~].

SECTION 4. Section 55.003, Occupations Code, is amended to read as follows:

Sec. 55.003. EXTENSION OF LICENSE RENEWAL [~~CERTAIN~~] DEADLINES FOR [~~ACTIVE DUTY~~] MILITARY SERVICE MEMBERS [~~PERSONNEL~~].

A military service member [~~person~~] who holds a license[~~, is a member of the state military forces or a reserve component of the armed forces of the United States, and is ordered to active duty by proper authority~~] is entitled to two years of [~~an~~] additional [~~amount of~~] time[~~, equal to the total number of years or parts of years that the person serves on active duty,~~] to complete:

(1) any continuing education requirements; and

(2) any other requirement related to the renewal of the military service member's [~~person's~~] license.

SECTION 5. Section 55.004, Occupations Code, is amended to read as follows:

Sec. 55.004. ALTERNATIVE LICENSING [~~LICENSE PROCEDURE~~] FOR MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES [~~SPOUSE~~].

(a) A state agency that issues a license shall adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse [~~the spouse of a person serving on active duty as a member of the armed forces of the United States~~] and:

(1) holds a current license issued by another jurisdiction [~~state~~] that has licensing requirements that are substantially equivalent to the requirements for the license in this state; or

(2) within the five years preceding the application date held the license in this state [~~that expired while the applicant lived in another state for at least six months~~].

(b) [~~Rules adopted under this section must include provisions to allow alternative demonstrations of competency to meet the requirements for obtaining the license.~~

[~~(c)~~] The executive director of a state agency may waive any prerequisite to obtaining a license for an applicant described by

Subsection (a) after reviewing the applicant's credentials [~~issue a license by endorsement in the same manner as the Texas Commission of Licensing and Regulation under Section 51.404 to an applicant described by Subsection (a)~~].

(c) In addition to the rules adopted under Subsection (a), a state agency that issues a license may 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.

SECTION 6. The heading to Section 55.005, Occupations Code, as added by Chapter 66 (S.B. 162), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

Sec. 55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES.

SECTION 7. Section 55.005(a), Occupations Code, as added by Chapter 66 (S.B. 162), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

(a) A state agency that issues a license shall, as soon as practicable after a military service member, military veteran, or military spouse files an application for a license:

(1) process the application; and

(2) issue the [~~a~~] license to an [~~a qualified military spouse~~] applicant who qualifies for the license under Section 55.004 [~~holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the licensing requirements in this state~~].

SECTION 8. Section 55.005, Occupations Code, as added by Chapter 348 (H.B. 2254), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 55.008, Occupations Code, and amended to read as follows:

Sec. 55.008 [~~55.005~~]. APPRENTICESHIP REQUIREMENTS FOR APPLICANT WITH MILITARY EXPERIENCE.

(a) Notwithstanding any other law, if an apprenticeship is required for a [~~an occupational~~] license issued by a state agency, the state agency shall credit verified military service, training, or education that is relevant to the occupation toward the apprenticeship requirements for the license.

(b) The state agency shall adopt rules necessary to implement this section.

SECTION 9. The heading to Section 55.006, Occupations Code, is amended to read as follows:

Sec. 55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SERVICE MEMBER, MILITARY VETERAN, OR MILITARY SPOUSE.

SECTION 10. Chapter 55, Occupations Code, is amended by adding Section 55.009 to read as follows:

Sec. 55.009. NOTICE OF CHAPTER PROVISIONS. A state agency that issues a license shall prominently post a notice on the home page of the agency's Internet website describing the provisions of this chapter that are available to military service members, military veterans, and military spouses.

SECTION 11. The changes in law made by this Act apply only to an application for an occupational license or renewal of an occupational license filed on or after January 1, 2016. An application for a license or for license renewal filed before January 1, 2016, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 12. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 13. This Act takes effect September 1, 2015.

BILL ANALYSIS

Senate Research Center
84R7822 NC-F

S.B. 1307
By: Menéndez
Veteran Affairs & Military Installations
3/26/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state, through the Department of Licensing and Regulation and other regulatory agencies, issues licenses to individuals who seek careers in which certain knowledge and skills are required to perform their duties such as plumbing, nursing, electricians, public safety, et cetera. Veterans and military spouses significantly benefit from occupational licenses because of their unique life circumstances. Many veterans are trained in specialized skillsets like electrical engineering or medical training. Often, military spouses find careers which are easily transferable because their living situation is mobile and dependent on their significant other's deployment schedule. This makes occupational licensing careers like teaching, cosmetology, or nursing desirable because those licenses are transferable from state to state.

Chapter 55 (Licensing of Military Services Members, Military Veterans, and Military Spouses), Occupations Code, regulates the licensing of military service members, veterans, and military spouses. Given the overwhelming support of crediting military skills to occupational licenses, the 83rd Legislature passed six bills amending the Occupations Code. These bills while effective and important left the regulatory code with multiple titles, confusing definitions, and burdensome to interpret. S.B. 1307 would streamline the Occupations Code and ensure that every military spouse, veteran, and active duty service member get credit for their skills and have their occupational licenses expedited.

As proposed, S.B. 1307 amends current law relating to occupational licenses for military service members, military veterans, and military spouses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to state agencies that issue licenses in SECTION 5 (Section 55.004, Occupations Code) of this bill.

Rulemaking authority previously granted to state agencies that issue licenses is modified in SECTION 3 (Section 55.002, Occupations Code), SECTION 5 (Section 55.004, Occupations Code), and SECTION 8 (55.008, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts the heading to Chapter 55, Occupations Code, as amended by Chapters 66 (S.B. 162) and 348 (H.B. 2254), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

SECTION 2. Amends Section 55.001, Occupations Code, as follows:

Sec. 55.001. DEFINITIONS. Defines, in this chapter, "active duty" and "armed forces of the United States," and redefines, in this chapter, "military service member," "military spouse," and "military veteran," and makes nonsubstantive changes.

SECTION 3. Amends Section 55.002, Occupations Code, as follows:

Sec. 55.002. EXEMPTION FROM PENALTY FOR FAILURE TO RENEW LICENSE. Requires a state agency that issues a license to adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was serving as a military service member, rather than because the individual was on active duty in the United States armed forces serving outside this state.

SECTION 4. Amends Section 55.003, Occupations Code, as follows:

Sec. 55.003. New heading: EXTENSION OF LICENSE RENEWAL DEADLINES FOR MILITARY SERVICE MEMBERS. Entitles a military service member who holds a license to two years of additional time to complete any continuing education requirements, and any other requirement related to the renewal of the military service member's license, rather than entitles a person who holds a license, is a member of the state military forces or a reserve component of the armed forces of the United States, and is ordered to active duty by proper authority to an additional amount of time equal to the total number of years or parts of years that the person serves on active duty to complete any continuing education requirements and any other requirement related to the renewal of the person's license.

SECTION 5. Amends Section 55.004, Occupations Code, as follows:

Sec. 55.004. New heading: ALTERNATIVE LICENSING FOR MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES. (a) Requires a state agency that issues a license to adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse, rather than to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States, and:

(1) holds a current license issued by another jurisdiction, rather than state, that has licensing requirements that are substantially equivalent to the requirements for the license in this state; or

(2) within the five years preceding the application date held the license in this state, rather than held the license in this state that expired while the applicant lived in another state for at least six months.

(b) Authorizes the executive director of a state agency to waive any prerequisite to obtaining a license for an applicant described by Subsection (a) after reviewing the applicant's credentials.

(c) Authorizes, in addition to the rules adopted under Subsection (a), a state agency that issues a license 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.

Deletes existing text requiring that rules adopted under this section include provisions to allow alternative demonstrations of competency to meet the requirements for obtaining the license.

Deletes existing text authorizing the executive director of a state agency to issue a license by endorsement in the same manner as the Texas Commission of Licensing and Regulation under Section 51.404 (Endorsement; Reciprocity) to an applicant described by Subsection (a).

Makes a nonsubstantive change.

SECTION 6. Amends the heading to Section 55.005, Occupations Code, as added by Chapter 66 (S.B. 162), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

Sec. 55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES.

SECTION 7. Amends Section 55.005(a), Occupations Code, as added by Chapter 66 (S.B. 162), Acts of the 83rd Legislature, Regular Session, 2013, as follows:

(a) Requires a state agency that issues a license, as soon as practicable after a military service member, military veteran, or military spouse files an application for a license, to:

(1) process the application; and

(2) issue the license to an applicant who qualifies for the license under Section 55.004, rather than issue a license to a qualified military spouse applicant who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the licensing requirements in this state.

SECTION 8. Redesignates Section 55.005, Occupations Code, as added by Chapter 348 (H.B. 2254), Acts of the 83rd Legislature, Regular Session, 2013, as Section 55.008 and amends it as follows:

Sec. 55.008 APPRENTICESHIP REQUIREMENTS FOR APPLICANT WITH MILITARY EXPERIENCE. (a) Redesignates Section 55.005, as Section 55.008. Requires a state agency, notwithstanding any other law, if an apprenticeship is required for a license, rather than an occupational license, issued by a state agency, to credit verified military service, training, or education that is relevant to the occupation toward the apprenticeship requirements for the license.

(b) Requires the state agency to adopt rules necessary to implement this section.

SECTION 9. Amends the heading to Section 55.006, Occupations Code, to read as follows:

Sec. 55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SERVICE MEMBER, MILITARY VETERAN, OR MILITARY SPOUSE.

SECTION 10. Amends Chapter 55, Occupations Code, by adding Section 55.009, as follows:

Sec. 55.009. NOTICE OF CHAPTER PROVISIONS. Requires a state agency that issues a license to prominently post a notice on the home page of the agency's Internet website describing the provisions of this chapter that are available to military service members, military veterans, and military spouses.

SECTION 11. Provides that the changes in law made by this Act apply only to an application for an occupational license or renewal of an occupational license filed on or after January 1, 2016. Provides that an application for a license or for license renewal filed before January 1, 2016, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 12. Provides that, to the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 13. Effective date: September 1, 2015.