

## **BILL ANALYSIS**

Senate Research Center  
78R7567 MCK-D

S.B. 938  
By: Barrientos  
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3/20/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, Texas law requires preference be given to a veteran in the hiring process if two equally qualified applicants are being considered for employment with a state agency or public works project. Chapter 657 (Veteran's Employment Preferences), Government Code, outlines provisions defining eligibility, application, and reporting requirements. The chapter does not, however, provide for enforcement. As proposed, S.B. 938 establishes an enforcement provision authorizing an eligible veteran to petition in district court if the veteran believes the preference was ignored. This bill also requires the district attorney to act on behalf of an eligible veteran and requires the court to order a speedy hearing.

### **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 Chapter 657, Government Code, by designating Sections 657.001-657.009 as Subchapter A and adding a heading to read as follows:

#### **SUBCHAPTER A. GENERAL PROVISIONS**

SECTION 2. Amends Chapter 657, Government Code, by adding Subchapter B, as follows:

#### **SUBCHAPTER B. ENFORCEMENT**

Sec. 657.051. COMPLIANCE WITH LAW; HEARING. (a) Authorizes a district court, in the district in which a public official fails to comply with a provision of this chapter, to require the public official to comply with the provision on the filing of an appropriate pleading by an individual entitled to a benefit under the provision.

(b) Requires the court to order a speedy hearing and to advance the hearing on the schedule.

Sec. 657.052. DISTRICT ATTORNEY. Requires the appropriate district attorney, on application by an individual the district attorney reasonably believes is entitled to a benefit under a provision of this chapter, to appear and act as an attorney for the individual in an amicable adjustment of the claim, or to file or prosecute an appropriate pleading specifically requiring compliance with the provision.

Sec. 657.053. COURT COSTS AND FEES. Prohibits a person applying for preference under this chapter from being charged court costs or fees for a pleading filed under Section 657.051 (Compliance With Law; Hearing).

SECTION 3. Effective date: September 1, 2003.