

By: Solomons

H.B. No. 38

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that applicants for certain licenses be eligible for employment in the United States.

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

SECTION 1. Title 2, Occupations Code, is amended by adding Chapter 60 to read as follows:

CHAPTER 60. EMPLOYMENT ELIGIBILITY IN UNITED STATES REQUIRED FOR BUSINESS, OCCUPATIONAL, OR PROFESSIONAL LICENSE

Sec. 60.001. DEFINITIONS. In this chapter:

(1) "Employment eligibility" means eligibility for employment in the United States.

(2) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) a person must obtain to engage in a particular business, occupation, or profession.

(3) "Licensing authority" means a department, commission, board, office, or other agency of this state or a political subdivision of this state that issues a license.

Sec. 60.002. EMPLOYMENT ELIGIBILITY REQUIRED. (a) An applicant for a license must establish employment eligibility if the applicant is:

(1) applying for an original license;

(2) renewing a license and the applicant has not

1 previously established employment eligibility; or

2 (3) renewing a license and the applicant's employment
3 eligibility expired before the end of the applicant's current
4 license period.

5 (b) The licensing authority may not issue a license to an
6 applicant or renew an applicant's license unless the applicant
7 establishes employment eligibility as required by Subsection (a).

8 (c) A licensing authority shall record the title, issuing
9 authority, number, and expiration date, if any, of each document
10 used by an applicant to establish employment eligibility.

11 Sec. 60.003. DOCUMENTS THAT ESTABLISH EMPLOYMENT
12 ELIGIBILITY. (a) To establish employment eligibility, an
13 applicant shall provide to the licensing authority for inspection:

14 (1) one of the following documents:

15 (A) a United States passport, unexpired or
16 expired;

17 (B) a Certificate of United States Citizenship;

18 (C) a Certificate of Naturalization;

19 (D) an unexpired foreign passport, with I-551
20 stamp or attached Form I-94 indicating unexpired employment
21 authorization;

22 (E) a Permanent Resident Card or Alien
23 Registration Receipt Card with photograph;

24 (F) an unexpired Temporary Resident Card;

25 (G) an unexpired Employment Authorization Card;

26 (H) an unexpired reentry permit;

27 (I) an unexpired Refugee Travel Document; or

1 (J) an unexpired Employment Authorization
2 Document issued by the United States Department of Homeland
3 Security that contains a photograph; or

4 (2) two documents as follows:

5 (A) one document listed in this paragraph:

6 (i) a driver's license or identification
7 card issued by a state or outlying possession of the United States
8 and that contains the applicant's photograph or information,
9 including the applicant's name, date of birth, sex, height, eye
10 color, and address;

11 (ii) an identification card issued by a
12 federal, state, or local government agency and that contains the
13 applicant's photograph or information, including the applicant's
14 name, date of birth, sex, height, eye color, and address;

15 (iii) a voter registration certificate;

16 (iv) a United States military card or draft
17 record;

18 (v) a military dependent's identification
19 card;

20 (vi) a United States Coast Guard Merchant
21 Mariner Card;

22 (vii) a Native American tribal document; or

23 (viii) a driver's license issued by a
24 Canadian government authority; and

25 (B) one document listed in this paragraph:

26 (i) a social security card issued by the
27 Social Security Administration, other than a card stating it is not

1 valid for employment;

2 (ii) a Certification of Birth Abroad issued
3 by the United States Department of State;

4 (iii) an original or certified copy of a
5 birth certificate issued by a state, county, municipality, or
6 outlying possession of the United States bearing an official seal;

7 (iv) a Native American tribal document;

8 (v) a United States Citizen Identification
9 Card;

10 (vi) an Identification Card for Use of
11 Resident Citizen in the United States; or

12 (vii) an unexpired Employment
13 Authorization Document issued by the United States Department of
14 Homeland Security.

15 (b) For purposes of this chapter, a person's employment
16 eligibility does not expire on the expiration date of a document
17 that is not required by Subsection (a) to be unexpired. A person's
18 license does not expire immediately on the expiration of a document
19 used to establish the person's employment eligibility. However,
20 renewal of the license is subject to Section 60.002.

21 Sec. 60.004. CONFIDENTIALITY. Information provided by an
22 applicant under this chapter that is not subject to disclosure
23 under other law is confidential and not subject to disclosure under
24 Chapter 552, Government Code.

25 Sec. 60.005. NONDISCRIMINATION. A licensing authority
26 shall implement this chapter without regard to an applicant's race,
27 religion, sex, ethnicity, or national origin.

1 SECTION 2. (a) In this section:

2 (1) "License" means a license, certificate,
3 registration, permit, or other authorization that:

4 (A) is issued by a licensing authority; and

5 (B) a person must obtain to engage in a
6 particular business, occupation, or profession.

7 (2) "Licensing authority" means a department,
8 commission, board, office, or other agency of this state or a
9 political subdivision of this state that issues a license.

10 (b) Each licensing agency shall adopt rules under this Act
11 not later than January 1, 2008.

12 (c) The change in law made by this Act applies only to an
13 application for the issuance or renewal of a license that is filed
14 with a licensing agency on or after March 1, 2008. An application
15 for the issuance or renewal of a license that is filed before March
16 1, 2008, is governed by the law in effect on the date the
17 application was filed, and the former law is continued in effect for
18 that purpose.

19 SECTION 3. This Act takes effect September 1, 2007.