

BILL ANALYSIS

S.B. 707
By: Nelson
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Because sexually oriented businesses currently are not regulated by the state, there is no requirement that they maintain files documenting their employees' ages. A Dallas business that was found last year to have employed a 12-year-old girl as a nude dancer was able to remain open because neither state law nor Dallas city ordinance prohibited that employment.

S.B. 707 prohibits a sexually oriented business from employing an individual younger than 18 years of age, requires a sexually oriented business to keep detailed records verifying the age of its employees and independent contractors, and allows state and local agencies to inspect the records if there is good reason to believe that a business employs or has employed an individual younger than 18 within the two years preceding the inspection.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 707 amends the Labor Code to prohibit a sexually oriented business from employing an individual younger than 18 years of age. The bill requires such a business to maintain at the business a record that contains for each employee or independent contractor working on the premises of the business a copy of a valid proof of identification that contains a physical description and photograph consistent with the person's appearance, contains the date of birth of the person, and was issued by a government agency. The bill provides that the form of such identification may include a driver's license issued by Texas or another state, a passport, or an identification card issued by Texas or another state or the federal government.

S.B. 707 requires a sexually oriented business to maintain an employee's or independent contractor's record for at least two years after the date the employee or independent contractor ends employment with or a contractual obligation to the business. The bill specifies that such a business is not required to maintain a record for an independent contractor who contracts with the business solely to perform repair, maintenance, or construction services at the business. The bill authorizes the Texas Workforce Commission, the attorney general, or a local law enforcement agency to inspect a record maintained under the bill's provisions if there is good reason to believe that an individual under 18 years of age is employed or has been employed by the business within the two years preceding the date of the inspection. The bill makes it an offense to fail to maintain a record as required by the bill or to knowingly hinder an authorized inspection. The bill defines "sexually oriented business."

EFFECTIVE DATE

September 1, 2009.