

By: Solomons

H.B. No. 3949

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 that:

(A) is issued by a licensing authority; and

(B) an individual 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.

(4) "Verify" means to examine a document to determine if it appears to be valid on its face.

Sec. 60.0015. EXCEPTIONS. (a) This chapter does not apply to a license issued under:

(1) Alcoholic Beverage Code, Chapter 63;

(2) Occupations Code, Chapter 155.005;

1 (3) Occupations Code, Chapter 155.006;

2 (4) Occupations Code, Chapter 1601.260;

3 (5) Occupations Code, Chapter 1602.266; or

4 (6) Occupations Code, Chapter 2052.

5 (7) an applicant for a horse or greyhound license
6 under the authority of the Texas Racing Act Article 179(e),
7 Vernon's Texas Civil Statutes.

8 (b) Notwithstanding any other provision of this chapter,
9 the Texas Board of Nursing may:

10 (1) allow an applicant for a license under Chapter 301
11 to apply for the license and take an examination before
12 establishing employment eligibility in the United States; and

13 (2) provisionally approve an application for a license
14 under Chapter 301 submitted by an applicant who meets all the
15 license requirements other than employment eligibility in the
16 United States and delay issuing the license until the applicant
17 establishes employment eligibility in the United States.

18 (c) Notwithstanding any other provision of this chapter, an
19 applicant whose occupation requires a license from both a state and
20 a political subdivision licensing authority, shall provide
21 documents to prove employment eligibility to the state licensing
22 authority only.

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

26 (1) applying for an original license; or

27 (2) renewing a license and the applicant has not

1 previously established employment eligibility.

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

5 Sec. 60.003. DOCUMENTS THAT ESTABLISH EMPLOYMENT
6 ELIGIBILITY. (a) To establish employment eligibility, an
7 applicant shall provide to the licensing authority for inspection
8 an original, copy, or a receipt of replacement for:

9 (1) one of the following documents:

10 (A) a United States passport, unexpired or
11 expired;

12 (B) a Certificate of United States Citizenship;

13 (C) a Certificate of Naturalization;

14 (D) an unexpired foreign passport, with I-551
15 stamp or attached Form I-94 indicating unexpired employment
16 authorization;

17 (E) a Permanent Resident Card or Alien
18 Registration Receipt Card with photograph;

19 (F) an unexpired Temporary Resident Card;

20 (G) an unexpired Employment Authorization Card;

21 (H) an unexpired reentry permit;

22 (I) an unexpired Refugee Travel Document; or

23 (J) an unexpired Employment Authorization
24 Document issued by the United States Department of Homeland
25 Security that contains a photograph; or

26 (2) two documents as follows:

27 (A) one document listed in this paragraph:

1 (i) a driver's license or identification
2 card that is issued by a state or outlying possession of the United
3 States and that contains the applicant's photograph or information,
4 including the applicant's name, date of birth, sex, height, eye
5 color, and address;

6 (ii) an identification card that is issued
7 by a federal, state, or local government agency and that contains
8 the applicant's photograph or information, including the
9 applicant's name, date of birth, sex, height, eye color, and
10 address;

11 (iii) a voter registration certificate;

12 (iv) a United States military card or draft
13 record;

14 (v) a military dependent's identification
15 card;

16 (vi) a United States Coast Guard Merchant
17 Mariner Card;

18 (vii) a Native American tribal document; or

19 (viii) a driver's license issued by a
20 Canadian government authority; and

21 (B) one document listed in this paragraph:

22 (i) a social security card issued by the
23 Social Security Administration, other than a card stating it is not
24 valid for employment;

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

27 (iii) an original or certified copy of a

1 birth certificate issued by a state, county, municipality, or
2 outlying possession of the United States bearing an official seal;
3 (iv) a Native American tribal document;
4 (v) a United States Citizen Identification
5 Card;
6 (vi) an Identification Card for Use of
7 Resident Citizen in the United States; or
8 (vii) an unexpired Employment
9 Authorization Document issued by the United States Department of
10 Homeland Security.

11 (b) In addition to the documents required by Subsection (a),
12 an applicant may establish employment eligibility by submitting to
13 the licensing authority a document verifying that the applicant
14 provided to their current or most recent employer authentic
15 supporting documents to comply with a true and correct Form 1-9.

16 (c) Except as provided by this subsection, the documents
17 required by Subsection (a) or (b) must be submitted with the license
18 application. An applicant who submits an application through the
19 TexasOnline system or another electronic means shall submit the
20 documents required under Subsection (a) or (b) not later than 30
21 days after the date the application is submitted electronically.

22 Sec. 60.004. TEMPORARY LICENSE. (a) After an applicant has
23 submitted all documents that will be required for a licensing
24 authority to verify the applicant's employment eligibility and
25 before the licensing authority verifies the applicant's employment
26 eligibility, the licensing authority may issue a temporary license
27 to the applicant.

1 (b) A temporary license under this section expires on the
2 21st day after the date the temporary license is issued.

3 (c) The licensing authority shall determine the applicant's
4 employment eligibility not later than the day the temporary license
5 expires.

6 Sec. 60.005. AUDIT. A licensing authority may audit some or
7 all of the applications submitted to the licensing authority for
8 compliance with this chapter, including documents used to establish
9 employment eligibility.

10 Sec. 60.006. CONFIDENTIALITY. Information provided by an
11 applicant under this chapter that is not subject to disclosure
12 under other law is confidential and not subject to disclosure under
13 Chapter 552, Government Code.

14 Sec. 60.007. NONDISCRIMINATION. A licensing authority
15 shall implement this chapter without regard to an applicant's race,
16 religion, sex, ethnicity, or national origin.

17 SECTION 2. The purpose of this Act is to assist in the
18 enforcement of 8 U.S.C. Chapter 12.

19 SECTION 3. (a) In this section:

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

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

23 (B) an individual must obtain to engage in a
24 particular business, occupation, or profession.

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

1 (b) Each licensing authority shall adopt rules under
2 Chapter 60, Occupations Code, as added by this Act, not later than
3 January 1, 2010.

4 (c) The change in law made by this Act applies only to an
5 application for the issuance or renewal of a license that is filed
6 with a licensing authority on or after March 1, 2010. An
7 application for the issuance or renewal of a license that is filed
8 before March 1, 2010, is governed by the law in effect on the date
9 the application was filed, and the former law is continued in effect
10 for that purpose.

11 SECTION 4. This Act takes effect September 1, 2009.