

BILL ANALYSIS

C.S.H.B. 197
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a United States employer verifies the employment eligibility status of a newly hired employee under federal law. These requirements prohibit an employer from knowingly hiring or continuing to employ a worker who is not lawfully present in the United States. Currently, Texas does not provide for the same standard of verification of employment eligibility status for an applicant for a license issued by a state agency or a political subdivision. C.S.H.B. 197 addresses the standard of verification of employment eligibility status for such a license.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to any department, commission, board, office, or other agency of Texas that issues a license in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 197 amends the Occupations Code to authorize an individual who is licensed to practice or engage in a particular business, occupation, or profession to engage in that work under the license only after the license holder provides to the appropriate licensing authority documentation that the license holder is a citizen of the United States or lawfully present in the United States and authorized to engage in the work authorized under the license. The bill requires a license holder to submit the required documentation to the appropriate licensing authority at the time of an application for the issuance or renewal of the license. The bill requires an applicant who submits an application through the TexasOnline system or another electronic means to submit the required documentation not later than the 30th day after the date the application is submitted electronically. The bill requires each licensing authority by rule to prescribe forms and procedures by which a license holder may submit the documentation. The bill makes it a Class A misdemeanor to violate these provisions.

C.S.H.B. 197 creates an exception to its documentation requirements for a license issued to a professional contestant in a combative sport. The bill requires any department, commission, board, office, or other agency of Texas that issues a license to adopt rules under its provisions not later than January 1, 2012. The bill makes its provisions applicable only to an application for the issuance or renewal of a license that is filed with a licensing authority on or after March 1, 2012.

C.S.H.B. 197 defines "licensing authority" and "license."

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 197 differs from the original by changing references to a person as in the original to instead refer to an individual or a license holder in the substitute. The substitute contains a provision not included in the original creating the exception for a license issued to a professional contestant in a combative sport. The substitute differs from the original by making its provisions applicable to an application for the issuance or renewal of a license, rather than to an application for the renewal of a license as in the original. The substitute omits a provision included in the original requiring the required documentation to be submitted not later than the 30th day after the date of issuance of the license if the license is issued for the first time on or after January 1, 2012. The substitute contains a provision not included in the original setting the submission deadline for an applicant who submits an application through the TexasOnline system or another electronic means. The substitute omits a provision included in the original making its provisions requiring proof of citizenship or authorization to work effective January 1, 2012. The substitute differs from the original by requiring each licensing authority to adopt rules under its provisions not later than January 1, 2012, rather than not later than December 1, 2011. The substitute contains a provision not included in the original making its provisions applicable only to an application for the issuance or renewal of a license that is filed with a licensing authority on or after March 1, 2012.