

BILL ANALYSIS

C.S.S.B. 1733
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A military spouse faces many challenges because of the military service of the spouse's husband or wife. Such challenges include difficulty obtaining an occupational license, which may impede a military spouse's ability to find employment when he or she relocates to a new state. C.S.S.B. 1733 addresses this problem by providing alternative license procedures for military spouses.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to a state agency that issues a license in SECTION 2 of this bill.

ANALYSIS

C.S.S.B. 1733 amends the Occupations Code to require a state agency that issues a license to adopt rules for the issuance of the license to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States and either holds a current license issued by another state that has licensing requirements that are substantially equivalent to the requirements for the license or, within the five years preceding the application date, held the license in Texas that expired while the applicant lived in another state for at least six months.

C.S.S.B. 1733 requires the rules adopted under the bill's provisions to include provisions to allow alternative demonstrations of competency to meet the requirements for obtaining the license and authorizes the executive director of a state agency to issue a license by endorsement to an applicant described by the bill's provisions in the same manner as the Texas Commission of Licensing and Regulation under provisions of law relating to the commission's authority to issue licenses by endorsement.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1733, in the requirement that a state agency that issues a license adopt rules for the issuance of the license to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States, contains a condition not included in the original for such issuance that the applicant either holds a current license issued by another state that has licensing requirements that are substantially equivalent to the requirements for the license or, within the five years preceding the application date, held the license in Texas that expired while the applicant lived in another state for at least six months.

C.S.S.B. 1733 omits a provision included in the original requiring the rules adopted under the bill's provisions to allow a period during which an otherwise qualified person may seek employment or practice with an expired license.

C.S.S.B. 1733 differs from the original by authorizing the executive director of a state agency to issue a license by endorsement in the same manner as the Texas Commission of Licensing and Regulation under provisions of law relating to the commission's authority to issue licenses by endorsement, whereas the original authorizes the executive director of the Texas Department of Licensing and Regulation to issue a license by endorsement in that manner.

C.S.S.B. 1733 differs from the original in nonsubstantive ways.