

BILL ANALYSIS

Senate Research Center
88R18749 SCP-D

C.S.S.B. 422
By: Paxton
Veteran Affairs
4/4/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019, the Texas Legislature passed S.B. 1200 which created Section 55.0041, Occupations Code, to recognize out-of-state occupational licenses for a spouse of a military service member. This allows the portability of a license for the spouse of a service member so the spouse does not have to redo any curriculum and testing from one state to another when the service member changes duty stations.

This bill extends this occupational licensing reciprocity to military members who often must station in states outside of where they originally obtained their license, but who still wish to provide valuable services some of which the state is experiencing workforce shortages, such as nursing.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 422 amends current law relating to the authority of certain military service members to engage in a business or occupation in this state.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to any state agency that issues a license under Section 55.0041, Occupations Code, is modified in SECTION 2 (Section 55.0041, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 55.004(d), Occupations Code, as follows:

(d) Requires a state agency that issues a license that has a residency requirement for license eligibility to adopt rules regarding documentation necessary for an applicant who is a military service member or military spouse, rather than a military spouse applicant, to establish residency for purposes of this subsection, including by providing to the agency a copy of the permanent change of station order for the applicant or the applicant's spouse, rather than the military service member to whom the spouse is married.

SECTION 2. Amends Section 55.0041, Occupations Code, as follows:

Sec. 55.0041. New heading: RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SERVICE MEMBERS AND MILITARY SPOUSES. (a) Authorizes a military service member or military spouse, rather than a military spouse, notwithstanding any other law, to engage in a business or occupation for which a license is required without obtaining the applicable license if the member or spouse, rather than the spouse, is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(b)-(d) Makes conforming changes to these subsections.

(d-1) Authorizes the spouse, notwithstanding Subsection (d) (relating to authorizing a military service member or military spouse to engage in the business or occupation under authority of this section only for a certain period), in the event of a divorce or similar event that affects a person's status as a military spouse, to continue to engage in the business or occupation under the authority of this section until the third anniversary of the date the spouse received the confirmation described by Subsection (b)(3) (relating to requiring the military service member or military spouse, before engaging in the practice of the business or occupation, to receive from the licensing agency confirmation of certain information).

(e) Requires that the rules to implement this section establish a process for a state agency to take certain actions, including verifying that the member or spouse, rather than that the military spouse, not later than the 30th day after the date a military service member or military spouse submits the information described by Subsections (b)(1) (relating to requiring the military service member or military spouse, before engaging in the practice of the business or occupation, to notify the applicable state agency of the member's or spouse's intent to practice in this state) and (2) (relating to requiring the military service member or military spouse, before engaging in the practice of the business or occupation, to submit to the agency certain documents), is licensed in good standing in a jurisdiction described by Subdivision (1) (relating to requiring that the rules establish a process for the agency to identify, with respect to each type of license issued by the agency, the jurisdictions that meet certain criteria).

(f) Makes conforming changes to this subsection.

SECTION 3. Amends Section 55.005(a), Occupations Code, to require a state agency that issues a license, not later than the 30th day after the date, rather than as soon as practicable after, a military service member, military veteran, or military spouse files an application for a license, to take certain actions.

SECTION 4. Makes application of Section 55.005(a), Occupations Code, as amended by this Act, prospective.

SECTION 5. Requires a state agency to which Section 55.0041, Occupations Code, as amended by this Act, applies, not later than December 1, 2023, to adopt rules to implement that section.

SECTION 6. Effective date: September 1, 2023.