

BILL ANALYSIS

C.S.H.B. 5629

By: Wilson

Homeland Security, Public Safety & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that military spouses in Texas can often face challenges with respect to state licensing and the administrative burdens associated with licensing procedures due to their partner's frequent relocations because they are often unable to transfer their out-of-state licenses for use within Texas. The bill author has also informed the committee that there is currently no expedited process for licensing for military spouses, even if the spouse holds a license issued by another jurisdiction that is similar in scope of practice and is in good standing with the licensing authority. C.S.H.B. 5629 seeks to reduce barriers to employment, support military families, encourage participation in the state workforce, and strengthen the commitment of Texas to honoring, accommodating, and serving the unique needs of military personnel and their families, recognizing the challenges they face due to frequent relocations tied to military service for America and Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to a department, board, bureau, commission, committee, division, office, council, or agency of the state in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 5629 amends the Occupations Code to do the following with respect to alternative occupational licensing for military service members, military veterans, and military spouses:

- replace the requirement for a state agency that issues a license to adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse who meets certain criteria with a requirement for such a state agency to issue the license to such an applicant who meets those criteria;
- with respect to those criteria, replace the requirement for an applicant to hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in Texas with a requirement for the applicant to hold a current license issued by another state that is similar in scope of practice to the license in Texas and to be in good standing with that state's licensing authority; and
- replace the requirement for 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 to establish residency for purposes of alternative licensing with a prohibition against a such a state agency

adopting rules requiring documentation for an applicant who is a military service member, military veteran, or military spouse to establish residency for those purposes.

C.S.H.B. 5629 does the following with respect to the recognition of out-of-state licensing for military service members and military spouses:

- changes the condition that must be satisfied for a military service member or military spouse to engage in a business or occupation for which a license is required without obtaining the applicable license from the member or spouse being currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in Texas to the member or spouse currently holding a license similar in scope of practice issued by the licensing authority of another state and being in good standing with that licensing authority;
- removes the requirement for 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 or spouse's intent to practice in Texas, submit proof of residency in Texas and a copy of military identification to the applicable agency, and receive confirmation from that agency that the agency has verified the member's or spouse's license in the other jurisdiction and the member or spouse is authorized to engage in the business or occupation;
- replaces that requirement with a requirement for the member or spouse, before engaging in the practice of the business or occupation, to submit an application to the applicable state agency in the form the agency prescribes that includes the following:
 - a copy of the member's military orders showing relocation to Texas;
 - if the applicant is a military spouse, a copy of the spouse's marriage license; and
 - a notarized affidavit affirming under the penalty of perjury that the applicant is the person described and identified in the application, all statements in the application are true, correct, and complete, the applicant understands the scope of practice for the applicable license in Texas and will not perform outside of that scope of practice, and the applicant is in good standing in each state in which the applicant holds or has held an applicable license;
- requires an applicable agency, not later than the 10th business day after the date the agency receives such an application, to notify the applicant that:
 - the agency recognizes the applicant's out-of-state license;
 - the application is incomplete; or
 - the agency is unable to recognize the applicant's out-of-state license because the agency does not issue a license similar in scope of practice to the applicant's license;
- removes the provision limiting the period of time during which a military spouse may engage in the business or occupation under the authority of provisions relating to the recognition of out-of-state licenses to three years from the date the spouse receives confirmation that the agency has verified the member's or spouse's license in the other jurisdiction and the member or spouse is authorized to engage in the business or occupation;
- revises the authorization for a military spouse, in the event of a divorce or similar event that affects the person's status as a military spouse, to continue to engage in the business or occupation under the authority of those provisions until the third anniversary of a certain date by changing that date the date the spouse received such confirmation to the date the spouse submitted the required application;
- replaces the requirement for the rules adopted by a state agency that issues a license for the purpose of implementing provisions relating to the recognition of out-of-state licenses to establish a process for the agency to identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in Texas with a requirement for those rules to establish a process for the agency to identify, with respect to each type of license issued by the agency, the states that issue licenses similar in scope of practice to those issued by the agency;

- removes the requirement for those rules to establish a process for the agency, not later than the 30th day after the date a military service member or military spouse submits certain required information to the state agency, to verify that the member or spouse is licensed in good standing in an applicable jurisdiction; and
- repeals the provision authorizing a state agency that issues a license to adopt rules to provide for the issuance of a license to a military service member or military spouse to whom the agency provides confirmation that the agency has verified the member's or spouse's license in the other jurisdiction and the member or spouse is authorized to engage in the business or occupation.

C.S.H.B. 5629 establishes that, for the purposes of provisions relating to the licensing of military service members, military veterans, and military spouses, a person is in good standing with another state's licensing authority if the person meets the following criteria:

- holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;
- has not been disciplined by the licensing authority with respect to the license or person's practice of the occupation for which the license is issued; and
- is not currently under investigation by the licensing authority for unprofessional conduct related to the person's license or profession.

The bill requires a state agency that issues a license or recognizes an out-of-state license under those provisions to maintain a record of each complaint made against a military service member, military veteran, or military spouse to whom the agency issues a license or who holds an out-of-state license the agency recognizes and requires such an agency to publish at least quarterly on the agency's website the information maintained under these provisions, including a general description of the disposition of each complaint.

C.S.H.B. 5629 changes the deadline by which a state agency that issues a license must process a military service member's, military veteran's, or military spouse's license application and issue the license to an applicant who qualifies for the license under applicable state law from not later than the 30th day after the date the application is filed to not later than the 10th business day after the date the application is filed.

C.S.H.B. 5629 revises the requirement for a state agency that issues a license to waive the license application and examination fees paid to the state for certain military service members, military veterans, and military spouses by making the requirement applicable with respect to any military service member, military veteran, or military spouse.

C.S.H.B. 5629 repeals Section 55.0041(f), Occupations Code.

C.S.H.B. 5629 requires a department, board, bureau, commission, committee, division, office, council, or agency of the state, as soon as practicable after the bill's effective date, to adopt, modify, or repeal the rules necessary to implement the changes in law made by the bill's provisions.

C.S.H.B. 5629 applies only to an application for a license filed with an applicable state agency on or after the bill's effective date. An application for a license filed before the bill's effective date is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5629 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits provisions from the introduced that did the following:

- restricted the following to a military service member or military veteran, if applicable:
 - the requirement for a state agency that issues a license to adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse and holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in Texas;
 - the authorization for a military service member or military spouse to engage in a business or occupation for which a license is required without obtaining the applicable license; and
 - the requirement for a state agency that issues a license to waive the license application and examination fees paid to the state for an applicant who is a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in Texas;
- required such a state agency to adopt rules for the issuance of the license to an applicant who is a military spouse and holds a current license issued by another jurisdiction that is similar in scope of practice to a licensed issued in Texas; and
- prohibited a state agency that issues a license that has a residency requirement for license eligibility from adopting rules requiring documentation for an applicant who is a military spouse to establish residency.

The substitute includes provisions absent from the introduced that do the following with respect to alternative occupational licensing for military service members, military veterans, and military spouses:

- replace the requirement for a state agency that issues a license to adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse who meets certain criteria with a requirement for such a state agency to issue the license to such an applicant who meets those criteria;
- with respect to those criteria, replace the requirement for an applicant to hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in Texas with a requirement for the applicant to hold a current license issued by state that is similar in scope of practice to the license in Texas and to be in good standing with that state's licensing authority; and
- replace the requirement for 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 to establish residency for purposes of alternative licensing with a prohibition against a such a state agency adopting rules requiring documentation for an applicant who is a military service member, military veteran, or military spouse to establish residency for those purposes.

The substitute omits provisions from the introduced that did the following with respect to the recognition of out-of-state licensing for military service members and military spouses:

- authorized a military spouse to engage in a business or occupation for which a license is required without obtaining the license if the spouse currently holds a license similar in scope of practice issued by another jurisdiction and is in good standing with that licensing authority;
- required a military spouse, before engaging in the practice of the business or occupation, to do the following:

- notify the applicable state agency of the spouse's intent to practice in this state;
 - submit to the agency a copy of the spouse's military identification card; and
 - receive from the agency confirmation that the agency has verified the spouse's license in the other jurisdiction and the spouse is authorized to engage in the business or occupation in accordance with this
- required the rules that a state agency that issues a license must adopt for recognizing out-of-state licenses to establish a process for the agency to identify, with respect to each type of license issued by the agency, the jurisdictions that issue licenses similar in scope of practice to a license issued in Texas.

Instead, the substitute includes provisions absent from the introduced that do the following with respect to the recognition of out-of-state licensing for military service members and military spouses:

- change the condition that must be satisfied for a military service member or military spouse to engage in a business or occupation for which a license is required without obtaining the applicable license from the member or spouse being currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in Texas to the member or spouse currently holding a license similar in scope of practice issued by the licensing authority of another state and being in good standing with that licensing authority;
- remove the requirement for 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 or spouse's intent to practice in Texas, submit proof of residency in Texas and a copy of military identification to the applicable agency, and receive confirmation from that agency that the agency has verified the member's or spouse's license in the other jurisdiction and the member or spouse is authorized to engage in the business or occupation;
- replace that requirement with a requirement for the member or spouse, before engaging in the practice of the business or occupation, to submit an application to the applicable state agency in the form the agency prescribes that includes the following:
 - a copy of the member's military orders showing relocation to Texas;
 - if the applicant is a military spouse, a copy of the spouse's marriage license; and
 - a notarized affidavit affirming under the penalty of perjury that the applicant is the person described and identified in the application, all statements in the application are true, correct, and complete, the applicant understands the scope of practice for the applicable license in Texas and will not perform outside of that scope of practice, and the applicant is in good standing in each state in which the applicant holds or has held an applicable license;
- require an applicable agency, not later than the 10th business day after the date the agency receives such an application, to notify the applicant that:
 - the agency recognizes the applicant's out-of-state license;
 - the application is incomplete; or
 - the agency is unable to recognize the applicant's out-of-state license because the agency does not issue a license similar in scope of practice to the applicant's license;
- remove the provision limiting the period of time during which a military spouse may engage in the business or occupation under the authority of provisions relating to the recognition of out-of-state licenses to three years from the date the spouse receives confirmation that the agency has verified the member's or spouse's license in the other jurisdiction and the member or spouse is authorized to engage in the business or occupation;
- revise the authorization for a military spouse, in the event of a divorce or similar event that affects the person's status as a military spouse, to continue to engage in the business or occupation under the authority of those provisions until the third anniversary of a certain date by changing that date the date the spouse received such confirmation to the date the spouse submitted the required application;

- replace the requirement for the rules adopted by a state agency that issues a license for the purpose of implementing provisions relating to the recognition of out-of-state licenses to establish a process for the agency to identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in Texas with a requirement for those rules to establish a process for the agency to identify, with respect to each type of license issued by the agency, the states that issue licenses similar in scope of practice to those issued by the agency;
- remove the requirement for those rules to establish a process for the agency, not later than the 30th day after the date a military service member or military spouse submits certain required information to the state agency, to verify that the member or spouse is licensed in good standing in an applicable jurisdiction; and
- repeal the provision authorizing a state agency that issues a license to adopt rules to provide for the issuance of a license to a military service member or military spouse to whom the agency provides confirmation that the agency has verified the member's or spouse's license in the other jurisdiction and the member or spouse is authorized to engage in the business or occupation.

The substitute omits the requirement from the introduced for a state agency that issues a license to waive the license application and examination fees paid to the state for an applicant who is a military spouse who holds a current license issued by another jurisdiction that is similar in scope of practice to a license issued in Texas.

The substitute includes provisions absent from the introduced that do the following:

- establish criteria, for the purposes of provisions relating to the licensing of military service members, military veterans, and military spouses, that a person must satisfy to be classified as in good standing with another state's licensing authority;
- require a state agency that issues a license or recognizes an out-of-state license under the bill to maintain a record of each complaint made against a military service member, military veteran, or military spouse to whom a license was issued or who holds an out of state license recognized by the agency;
- require such an agency to publish at least quarterly on the agency's website the information relating to these complaints, including a general disposition of the disposition of each complaint;
- change the deadline by which a state agency that issues a license must process a military service member's, military veteran's, or military spouse's application for a license and issue the license to a qualified applicant; and
- revise the requirement for a state agency that issues a license to waive the license application and examination fees paid to the state for certain military service members, military veterans, and military spouses by making the requirement applicable with respect to any military service member, military veteran, or military spouse.

The substitute repeals Section 55.0041(f), Occupations Code, whereas the introduced did not.