

HOUSE BILL 3118
By Casada

AN ACT to amend Tennessee Code Annotated, Section 1-3-105; Title 4, Chapter 3; Title 23; Section 50-1-103; Title 62 and Title 63, relative to unlawful employment of aliens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 1-3-105, is amended by adding the following language as a new, appropriately designated subdivision:

() "Unauthorized alien" means, with respect to the employment of an alien at a particular time, that the alien is not at that time either an alien lawfully admitted for permanent residence in the United States or authorized to be so employed pursuant to federal law.

SECTION 2. Tennessee Code Annotated, Section 63-1-107(b)(1), is amended by adding the following language at the end of the subdivision:

In addition, each application for a new license or for renewal of a license shall contain the following question which must be answered truthfully by the applicant or licensee under penalty of perjury:

Has the applicant or licensee ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 3. Tennessee Code Annotated, Section 63-1-120(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for licensure or renewal thereof relating to such issue; provided, that the division shall only suspend or revoke the license of the applicant or licensee for a second or subsequent assessment;

SECTION 4. Tennessee Code Annotated, Section 62-1-111(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Each application for a new license or for renewal of a license or certificate shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 5. Tennessee Code Annotated, Section 62-1-107(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for licensure or certification or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 6. Tennessee Code Annotated, Section 62-2-301(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2):

(2) Each application for a new license or certificate of registration or for renewal of a license or certificate of registration shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 7. Tennessee Code Annotated, Section 62-2-308, is amended by adding the following language as a new, appropriately designated subsection:

() In addition to any other powers and duties otherwise conferred upon the board herein, the board may either refuse to issue or renew, or may suspend or revoke any license or certificate of registration if the applicant has been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or for failing to truthfully answer the question on the application for licensure or certification or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license or certificate of registration of the applicant for a second or subsequent assessment.

SECTION 8. Tennessee Code Annotated, Section 62-3-116, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) Each application for a new or renewal certificate of registration shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 9. Tennessee Code Annotated, Section 62-3-121, is amended by adding the following language as a new, appropriately designated subdivision:

() Assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license of the applicant for a second or subsequent;

SECTION 10. Tennessee Code Annotated, Section 62-4-110, is amended by adding the following language as a new, appropriately designated subsection:

() Each application for a new license or certificate or for renewal of a license or certificate under this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 11. Tennessee Code Annotated, Section 62-4-129, is amended by adding the following language as a new, appropriately designated subsection:

() In addition to any other powers and duties otherwise conferred upon the board herein, the board may either refuse to issue or renew, or may suspend or revoke any license or certificate if the applicant has been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or for failing to truthfully answer the question on the application for licensure or certification or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license of the applicant for a second or subsequent assessment.

SECTION 12. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding the following language as a new, appropriately designated section:

Section _____. Each application for a new license or for renewal of a license or certificate issued pursuant to this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 13. Tennessee Code Annotated, Section 62-5-317(a), is amended by adding the following language as a new, appropriately designated subdivision:

() The applicant has been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for licensure or registration or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 14. Tennessee Code Annotated, Section 62-6-103, is amended by adding the following language as a new, appropriately designated subsection:

() Each application for a new license or for renewal of a license shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 15. Tennessee Code Annotated, Section 62-6-118, is amended by adding the following language as a new, appropriately designated subsection:

() In addition to any other powers and duties otherwise conferred upon the board herein, the board may either refuse to issue or renew, or may suspend or revoke any license if the applicant has been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or for failing to truthfully answer the question on the application for licensure or certification or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license of the applicant for a second or subsequent assessment.

SECTION 16. Tennessee Code Annotated, Section 62-13-303, is amended by adding the following language as a new, appropriately designated subsection:

() Each application for a new license or for renewal of a license or certification issued pursuant to this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 17. Tennessee Code Annotated, Section 62-13-312, is amended by adding the following language as a new, appropriately designated subsection:

() In addition to any other powers and duties otherwise conferred upon the commission herein, the commission may either refuse to issue or renew, or may suspend or revoke any license or certificate if the applicant has been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or for failing to truthfully answer the question on the application for licensure or certification or renewal thereof relating to such issue; provided, that the commission shall only suspend or revoke the license of the applicant for a second or subsequent assessment.

SECTION 18. Tennessee Code Annotated, Section 62-18-109, is amended by adding the following language as a new, appropriately designated subsection:

() Each application for a new certificate or registration or for renewal of a certificate or registration issued pursuant to this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 19. Tennessee Code Annotated, Section 62-18-116(a)(1), is amended by adding the following language as a new, appropriately designated subdivision:

() Any assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license of the applicant or licensee for a second or subsequent assessment;

SECTION 20. Tennessee Code Annotated, Section 62-19-111, is amended by adding the following language as a new, appropriately designated subsection:

() Each application for a new license or for renewal of a license issued pursuant to this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 21. Tennessee Code Annotated, Section 62-19-112(b), is amended by adding the following language as a new, appropriately designated subdivision:

() Assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the commission shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 22. Tennessee Code Annotated, Section 62-20-106, is amended by adding the following language at the end of the section:

() The following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 23. Tennessee Code Annotated, Section 62-20-115(b), is amended by adding the following language as a new, appropriately designated subdivision:

() Assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 24. Tennessee Code Annotated, Section 62-21-109, is amended by adding the following language as a new, appropriately designated subsection:

() Each registration application shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 25. Tennessee Code Annotated, Section 62-21-119(a), is amended by adding the following language at the end of the subsection:

In addition to any other powers and duties otherwise conferred upon the commissioner herein, the commissioner may either refuse to issue or renew, or may suspend or revoke any registration if the applicant has been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or for failing to truthfully answer the question on the registration application or renewal thereof relating to such issue; provided, that the commissioner shall only suspend or revoke the license of the applicant for a second or subsequent assessment.

SECTION 26. Tennessee Code Annotated, Section 62-25-103(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2):

(2) Each application for a new license or for renewal of a license issued pursuant to this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 27. Tennessee Code Annotated, Section 62-25-107(b), is amended by adding the following language as a new, appropriately designated subdivision:

() Assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to

truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the commission shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 28. Tennessee Code Annotated, Section 62-26-207(a), is amended by adding the following language at the end of the subsection:

Each application for a new license or for renewal of a license issued pursuant to this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 29. Tennessee Code Annotated, Section 62-26-217(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the commission shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 30. Tennessee Code Annotated, Section 62-27-108(b), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2):

(2) Each application for a new license or for renewal of a license issued pursuant to this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 31. Tennessee Code Annotated, Section 62-27-117, is amended by adding the following language as a new, appropriately designated subdivision:

() Having been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the commission shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 32. Tennessee Code Annotated, Section 62-28-101, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) The application for each permit shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 33. Tennessee Code Annotated, Section 62-28-104, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) In addition to any other powers and duties otherwise conferred upon the commissioner herein, the commissioner may either refuse to issue or renew, or may suspend or revoke any registration if the applicant has been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or for failing to truthfully answer the question on the registration application or renewal thereof relating to such issue; provided, that the commissioner shall only suspend or revoke the license of the applicant for a second or subsequent assessment.

SECTION 34. Tennessee Code Annotated, Section 62-32-107(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Each application for a new certificate or registration or for renewal of a certificate or registration shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 35. Tennessee Code Annotated, Section 62-32-111, is amended by adding the following language as a new, appropriately designated subdivision:

() Having been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or

failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the state fire marshal shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 36. Tennessee Code Annotated, Section 62-32-204(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Each application for a new certificate or registration or for renewal of a certificate or registration shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 37. Tennessee Code Annotated, Section 62-32-208, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b);

(b) In addition to any other powers and duties otherwise conferred upon the commissioner herein, the commissioner may either refuse to issue or renew, or may suspend or revoke any registration if the applicant has been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or for failing to truthfully answer the question on the registration application or renewal thereof relating to such issue; provided, that the commissioner shall only suspend or revoke the license of the applicant for a second or subsequent assessment.

SECTION 38. Tennessee Code Annotated, Title 62, Chapter 32, Part 3, is amended by adding the following language as a new, appropriately designated section:

Section _____. Each application for a new license or certificate or for renewal of a license or certificate issued pursuant to this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 39. Tennessee Code Annotated, Section 62-32-319(b), is amended by adding the following language as a new, appropriately designated subdivision:

() Been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 40. Tennessee Code Annotated, Section 62-35-105(a), is amended by adding the following language as a new, appropriately designated subdivision:

() The following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 41. Tennessee Code Annotated, Section 62-35-130(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the commissioner shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 42. Tennessee Code Annotated, Section 62-36-103, is amended by adding the following language at the end of the section:

In addition, each application for registration or for renewal of registration shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 43. Tennessee Code Annotated, Section 62-36-109(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal

thereof relating to such issue; provided, that the commissioner shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 44. Tennessee Code Annotated, Section 62-37-108(a), is amended by designating the existing language as subdivision (1) and by adding the following language as a new subsection (2):

(2) Each application for a new license or for renewal of a license shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 45. Tennessee Code Annotated, Section 62-37-111(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Has been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the commission shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 46. Tennessee Code Annotated, Section 62-38-202(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2):

(2) Each application for registration or certification or for renewal of registration or certification shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 47. Tennessee Code Annotated, Section 62-38-302, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) Each application for a new license or permit or for renewal of a license or permit issued pursuant to this part shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 48. Tennessee Code Annotated, Title 62, Chapter 38, is amended by adding the following language as a new, appropriately designated section:

Section _____. In addition to any other powers and duties otherwise conferred upon the commissioner herein, the commissioner may either refuse to issue or renew, or may suspend or revoke any registration or certificate issued pursuant to this chapter if the applicant has been assessed a civil or criminal penalty under federal law for

employing or recruiting or referring for a fee for employment, an unauthorized alien or for failing to truthfully answer the question on the registration application or renewal thereof relating to such issue; provided, that the commissioner shall only suspend or revoke the license of the applicant for a second or subsequent assessment.

SECTION 49. Tennessee Code Annotated, Section 62-39-103(a), is amended by designating the existing language as subdivision (1) and adding the following language to be designated as subdivision (2):

(2) Each application for a new license or certificate or for renewal of a license or certificate issued pursuant to this chapter shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 50. Tennessee Code Annotated, Section 62-39-326, is amended by adding the following language as a new, appropriately designated subdivision:

() Assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the commission shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 51. Tennessee Code Annotated, Section 62-42-105(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2)

(2) Each application for a new license or for renewal of a license shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 52. Tennessee Code Annotated, Section 62-42-113, is amended by adding the following language as a new, appropriately designated subdivision:

() Assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the board shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 53. Tennessee Code Annotated, Section 62-43-108(a), is amended by designating the existing language as subdivision (1) and by adding the following language as a new subdivision (2):

(2) Each application for a new license or for renewal of a license shall contain the following question which must be answered truthfully by the applicant under penalty of perjury:

Has the applicant ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien?

If so, please insert, in the box provided, the number of times the applicant has been so assessed.

SECTION 54. Tennessee Code Annotated, Section 62-43-112(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Assessment of a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien or failing to truthfully answer the question on the application for certificate of registration or renewal thereof relating to such issue; provided, that the commissioner shall only suspend or revoke the license of the applicant for a second or subsequent assessment;

SECTION 55. The Supreme Court is encouraged to establish guidelines to:

(1) Add a question to the application of any person applying for licensure as an attorney to determine if the applicant has ever been assessed a civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien; and

(2) Suspend the license of an attorney who;

(A) Fails to truthfully answer such a question; or

(B) Has been assessed a second or subsequent civil or criminal penalty under federal law for employing or recruiting or referring for a fee for employment, an unauthorized alien.

SECTION 56. Until supplies of existing printed application forms are exhausted by a specific board or the appropriate commissioner, the questions required to be placed on each application under the provisions of this act may be attached to the application on a separate piece of paper.

SECTION 57. Tennessee Code Annotated, Title 4, Chapter 3, Part 13, is amended by adding the following language as a new, appropriately designated section:

Section ____.

(a) To insure compliance with this act, the commissioner of commerce and insurance shall annually conduct random field investigations and audits of the employment records of up to one percent (1%) of applicants requesting licensure, certification, or renewal thereof, with a regulatory board under Title 62 that is attached to the department of commerce and insurance.

(b) The commissioner shall adjust the fees imposed by each regulatory board to cover the cost of such field investigations and audits.

(c) The commissioner shall adopt auditing guidelines and standards with guidance from the comptroller of the treasury which shall govern audits and field investigations conducted under this section. The guidelines and standards shall be formulated to accomplish the following purposes:

(1) The audits should encourage compliance and detect violations of this act;

(2) The audits should be conducted with maximum efficiency in a cost-effective manner; and

(3) The audits should be as unobtrusive as possible, consistent with the foregoing purposes.

In adopting guidelines and standards the commissioner shall consider relevant guidelines and standards of the American Institute of Certified Public Accountants to the extent such guidelines and standards are applicable and consistent with the purposes set forth in this section.

SECTION 58. Tennessee Code Annotated, Title 4, Chapter 3, Part 13, is amended by adding the following language as a new, appropriately designated section:

Section ____.

(a) To insure compliance with this act, the commissioner of agriculture shall annually conduct random field investigations and audits of the employment records of up to one percent (1%) of applicants requesting licensure, certification, or renewal thereof, with the pest control board.

(b) The commissioner shall adjust the fees imposed by the pest control board to cover the cost of such field investigations and audits.

(c)(1) The commissioner shall adopt auditing guidelines and standards with guidance from the comptroller of the treasury which shall govern audits and field investigations conducted under this section. The guidelines and standards shall be formulated to accomplish the following purposes:

(A) The audits should encourage compliance and detect violations of this act;

(B) The audits should be conducted with maximum efficiency in a cost-effective manner; and

(C) The audits should be as unobtrusive as possible, consistent with the foregoing purposes.

(2) In adopting guidelines and standards the commissioner shall consider relevant guidelines and standards of the American Institute of Certified Public Accountants to the extent such guidelines and standards are applicable and consistent with the purposes set forth in this section.

SECTION 59. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section ____.

(a) To insure compliance with this act, the division of health related boards shall annually conduct random field investigations and audits of the employment records of up

to one percent (1%) of applicants requesting licensure, certification, or renewal thereof, with a health related board under Title 63 that is attached to the department of health.

(b) The division shall adjust the fees imposed by each health related board to cover the cost of such field investigations and audits.

(c)(1) The division shall adopt auditing guidelines and standards with guidance from the comptroller of the treasury which shall govern audits and field investigations conducted under this section. The guidelines and standards shall be formulated to accomplish the following purposes:

(A) The audits should encourage compliance and detect violations of this act;

(B) The audits should be conducted with maximum efficiency in a cost-effective manner; and

(C) The audits should be as unobtrusive as possible, consistent with the foregoing purposes.

(2) In adopting guidelines and standards the division shall consider relevant guidelines and standards of the American Institute of Certified Public Accountants to the extent such guidelines and standards are applicable and consistent with the purposes set forth in this section.

SECTION 60. This act shall take effect July 1, 2006, the public welfare requiring it.