

Amend CSHB 2447 (Senate committee printing), in SECTION 31 of the bill, by striking amended Section 1151.202, Occupations Code (page 6, line 61, through page 7, line 2), and substituting the following:

Sec. 1151.202. DENIAL OF REGISTRATION; DISCIPLINARY ACTION. (a) The department [~~board~~] may deny an application for [~~suspend, or revoke the~~] registration of or take other disciplinary action as described by Chapter 51 against a person who violates this chapter or a commission [~~board~~] rule [~~, place on probation a person whose registration has been suspended, or reprimand a person for a violation by the person of this chapter or a board rule~~].

(b) The commission [~~board~~] by rule shall adopt written guidelines to ensure that denials of registration under this section and other disciplinary actions under Chapter 51 [~~probation and the issuance of reprimands~~] are administered consistently.

(c) Before imposing an administrative penalty under Subchapter F, Chapter 51, against a registrant, the department must consider evidence that the registrant:

(1) attempted in good faith to implement or execute a law, policy, rule, order, budgetary restriction, or other regulation provided by the laws of this state, the comptroller, or the governing body or the chief administrator of the appraisal district or taxing jurisdiction that employs the registrant;

(2) acted on the advice of counsel or the comptroller;
or

(3) had discretion over the matter on which the complaint is based, if the complaint is based solely on grounds that the registrant decided incorrectly or failed to exercise discretion in favor of the complainant.

(d) The department may notify the local governmental entity that employs a registrant of a complaint against the registrant by sending a copy of the complaint letter to the local governmental entity.