

1-1 By: Flynn, et al. (Senate Sponsor - Estes) H.B. No. 2447
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 1, 2009, read first time and referred to Committee on
1-4 Government Organization; May 14, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; May 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2447 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the abolition of the Board of Tax Professional
1-11 Examiners and the transfer of its functions to the Texas Department
1-12 of Licensing and Regulation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 1151.002, Occupations Code, is amended
1-15 by amending Subdivision (5) and adding Subdivisions (7-a), (7-b),
1-16 and (7-c) to read as follows:

1-17 (5) "Code of ethics" means a formal statement of
1-18 ethical standards of conduct adopted by the commission [~~board~~].

1-19 (7-a) "Commission" means the Texas Commission of
1-20 Licensing and Regulation.

1-21 (7-b) "Committee" means the Texas Tax Professional
1-22 Advisory Committee.

1-23 (7-c) "Department" means the Texas Department of
1-24 Licensing and Regulation.

1-25 SECTION 2. Section 1151.004(b), Occupations Code, is
1-26 amended to read as follows:

1-27 (b) The department [~~board~~] shall thoroughly investigate a
1-28 complaint of a violation of this section.

1-29 SECTION 3. The heading to Subchapter B, Chapter 1151,
1-30 Occupations Code, is amended to read as follows:

1-31 SUBCHAPTER B. TEXAS [~~BOARD OF~~] TAX PROFESSIONAL ADVISORY COMMITTEE
1-32 [~~EXAMINERS~~]

1-33 SECTION 4. Section 1151.051, Occupations Code, as amended
1-34 by Chapters 815 (S.B. 276) and 1170 (S.B. 287), Acts of the 78th
1-35 Legislature, Regular Session, 2003, is reenacted and amended to
1-36 read as follows:

1-37 Sec. 1151.051. [~~BOARD~~] MEMBERSHIP. (a) The Texas [~~Board~~
1-38 ~~of~~] Tax Professional Advisory Committee [~~Examiners~~] consists of
1-39 seven [~~five~~] members appointed by the presiding officer of the
1-40 commission with the approval of the commission [~~governor with the~~
1-41 ~~advice and consent of the senate~~] as follows:

1-42 (1) two members who are certified under this chapter
1-43 as registered professional appraisers [~~four members who:~~

1-44 [~~(A) are actively engaged in property tax~~
1-45 ~~administration;~~

1-46 [~~(B) have at least five years' experience in~~
1-47 ~~appraisal, assessment, or collection; and~~

1-48 [~~(C) are certified under this chapter as a~~
1-49 ~~registered professional appraiser, registered Texas collector, or~~
1-50 ~~registered Texas assessor]; [~~and~~]~~

1-51 (2) two members who are certified under this chapter
1-52 as registered Texas collectors or registered Texas assessors; and

1-53 (3) three members [~~one member~~] who represent
1-54 [~~represents~~] the public.

1-55 (b) A vacancy on the committee [~~board~~] is filled in the same
1-56 manner as the original appointment [~~by appointment by the governor~~
1-57 ~~of a qualified person to serve~~] for the unexpired portion of the
1-58 term.

1-59 (c) The presiding officer of the commission shall designate
1-60 one member of the committee as the presiding officer.

1-61 (d) Each appointment to the committee [~~board~~] shall be made
1-62 without regard to the race, color, disability, sex, religion, age,
1-63 or national origin of the appointee.

2-1 (e) Section 2110.008, Government Code, does not apply to the
2-2 committee.

2-3 SECTION 5. Section 1151.0511, Occupations Code, is amended
2-4 to read as follows:

2-5 Sec. 1151.0511. PUBLIC MEMBER ELIGIBILITY. A person may
2-6 not be a public member of the committee [~~board~~] if the person or the
2-7 person's spouse:

2-8 (1) is registered, certified, or licensed by a
2-9 regulatory agency in the field of property tax appraisal,
2-10 assessment, or collection;

2-11 (2) is employed by or participates in the management
2-12 of a business entity or other organization regulated by or
2-13 receiving money from the department [~~board~~];

2-14 (3) owns or controls, directly or indirectly, more
2-15 than a 10 percent interest in a business entity or other
2-16 organization regulated by or receiving money from the department
2-17 [~~board~~]; [~~or~~]

2-18 (4) uses or receives a substantial amount of tangible
2-19 goods, services, or money from the department [~~board~~] other than
2-20 compensation or reimbursement authorized by law for committee
2-21 [~~board~~] membership, attendance, or expenses; or

2-22 (5) at any time has served on an appraisal review
2-23 board.

2-24 SECTION 6. Sections 1151.0512(b) and (c), Occupations Code,
2-25 are amended to read as follows:

2-26 (b) A person may not be a member of the committee [~~board and~~
2-27 ~~may not be a board employee employed in a "bona fide executive,~~
2-28 ~~administrative, or professional capacity," as that phrase is used~~
2-29 ~~for purposes of establishing an exemption to the overtime~~
2-30 ~~provisions of the federal Fair Labor Standards Act of 1938 (29~~
2-31 ~~U.S.C. Section 201 et seq.), and its subsequent amendments,] if:~~

2-32 (1) the person is an officer, employee, or paid
2-33 consultant of a Texas trade association in the field of property tax
2-34 appraisal, assessment, or collection; or

2-35 (2) the person's spouse is an officer, manager, or paid
2-36 consultant of a Texas trade association in the field of property tax
2-37 appraisal, assessment, or collection.

2-38 (c) A person may not be a member of the committee [~~board or~~
2-39 ~~act as the general counsel to the board~~] if the person or the
2-40 person's spouse is required to register as a lobbyist under Chapter
2-41 305, Government Code, because of the person's activities for
2-42 compensation on behalf of a profession related to the operation of
2-43 the committee or the department [~~board~~].

2-44 SECTION 7. Section 1151.052, Occupations Code, is amended
2-45 to read as follows:

2-46 Sec. 1151.052. TERMS. Committee [~~Board~~] members serve
2-47 six-year terms, with the terms of one or two members expiring on
2-48 March 1 of each odd-numbered year.

2-49 SECTION 8. Section 1151.055(a), Occupations Code, is
2-50 amended to read as follows:

2-51 (a) A committee [~~board~~] member may not receive compensation
2-52 for the member's services.

2-53 SECTION 9. The heading to Subchapter C, Chapter 1151,
2-54 Occupations Code, is amended to read as follows:

2-55 SUBCHAPTER C. [BOARD POWERS AND] DUTIES OF COMMISSION, EXECUTIVE
2-56 DIRECTOR, DEPARTMENT, AND ADVISORY COMMITTEE

2-57 SECTION 10. Subchapter C, Chapter 1151, Occupations Code,
2-58 is amended by adding Section 1151.101 to read as follows:

2-59 Sec. 1151.101. FEES. The commission, with the advice of the
2-60 committee, shall establish fees under this chapter in amounts
2-61 reasonable and necessary to cover the costs of administering the
2-62 programs and activities under this chapter.

2-63 SECTION 11. Section 1151.1015, Occupations Code, is amended
2-64 to read as follows:

2-65 Sec. 1151.1015. ASSISTANCE FROM [INTERAGENCY CONTRACT
2-66 WITH] COMPTROLLER. The comptroller shall enter into a memorandum
2-67 of understanding with the department under which the comptroller
2-68 shall provide [(a) The board and the comptroller shall provide
2-69 under an interagency contract for the comptroller to provide

3-1 ~~administrative support to the board. The contract must include~~
3-2 ~~terms for fees to be paid by the board to the comptroller for~~
3-3 ~~services provided under the contract.~~

3-4 ~~[(b) Under the interagency contract, the comptroller shall~~
3-5 ~~provide to the board]:~~

3-6 (1) information on the educational needs of and
3-7 opportunities for tax professionals;

3-8 (2) review and approval of all required educational
3-9 courses, examinations, and continuing education programs for
3-10 registrants;

3-11 (3) a copy of any report issued by the comptroller
3-12 under Section 5.102, Tax Code, and if requested by the department a
3-13 copy of any work papers or other documents collected or created in
3-14 connection with a report issued under that section; and

3-15 (4) information and assistance regarding
3-16 administrative proceedings conducted under the commission's rules
3-17 or this chapter [assistance with outreach efforts to inform
3-18 taxpayers of their rights and remedies;

3-19 ~~[(3) information on appraisal district enforcement~~
3-20 ~~efforts; and~~

3-21 ~~[(4) assistance with administrative services,~~
3-22 ~~including:~~

3-23 ~~[(A) payroll services;~~

3-24 ~~[(B) budgeting services;~~

3-25 ~~[(C) information technology support;~~

3-26 ~~[(D) human resources services; and~~

3-27 ~~[(E) other administrative services necessary for~~
3-28 ~~the board to perform its powers and duties under this chapter].~~

3-29 SECTION 12. Section 1151.102, Occupations Code, is amended
3-30 to read as follows:

3-31 Sec. 1151.102. GENERAL RULEMAKING AUTHORITY. The
3-32 commission [board] may adopt and enforce rules necessary for the
3-33 performance of the department's [board's] duties.

3-34 SECTION 13. Section 1151.103, Occupations Code, is amended
3-35 to read as follows:

3-36 Sec. 1151.103. ESTABLISHMENT OF PROFESSIONAL STANDARDS.
3-37 The commission shall [board may] establish standards of
3-38 professional practice, conduct, education, and ethics for
3-39 appraisers, assessors, and collectors consistent with the purposes
3-40 and intent of this chapter.

3-41 SECTION 14. Section 1151.104, Occupations Code, is amended
3-42 to read as follows:

3-43 Sec. 1151.104. ENFORCEMENT OF CHAPTER. The department
3-44 [board] may ensure strict compliance with and enforce this chapter.

3-45 SECTION 15. Section 1151.106(a), Occupations Code, is
3-46 amended to read as follows:

3-47 (a) The commission [board] by rule shall:

3-48 (1) adopt a classification system for registrants; and

3-49 (2) establish minimum requirements for each
3-50 classification.

3-51 SECTION 16. Section 1151.107(a), Occupations Code, is
3-52 amended to read as follows:

3-53 (a) The department [board] shall maintain a roster of
3-54 registrants that includes each registrant's name, place of
3-55 employment, and classification.

3-56 SECTION 17. Section 1151.108, Occupations Code, is amended
3-57 to read as follows:

3-58 Sec. 1151.108. COMMITTEE DUTIES. The committee shall:

3-59 (1) recommend to the commission rules and standards
3-60 regarding technical issues relating to tax professionals;

3-61 (2) provide advice to the commission regarding
3-62 continuing education courses and curricula for registrants;

3-63 (3) provide advice to the commission regarding the
3-64 contents of any examination required by the commission under this
3-65 chapter; and

3-66 (4) educate, and respond to questions from, the
3-67 commission and the department regarding issues affecting tax
3-68 professionals. [MONEY RECEIVED BY BOARD. The board shall receive
3-69 and account for all money derived under this chapter.]

4-1 SECTION 18. Section 1151.151, Occupations Code, is amended
4-2 to read as follows:

4-3 Sec. 1151.151. REGISTRATION REQUIRED; EXEMPTION. (a) The
4-4 following persons must register with the department [~~board~~]:

4-5 (1) the chief appraiser of an appraisal district, an
4-6 appraisal supervisor or assistant, a property tax appraiser, an
4-7 appraisal engineer, and any other person authorized to render
4-8 judgment on, recommend, or certify an appraised value to the
4-9 appraisal review board of an appraisal district;

4-10 (2) a person who engages in appraisal of property for
4-11 ad valorem tax purposes for an appraisal district or a taxing unit;

4-12 (3) an assessor-collector, a collector, or another
4-13 person designated by a governing body as the chief administrator of
4-14 the taxing unit's assessment functions, collection functions, or
4-15 both; and

4-16 (4) a person who performs assessment or collection
4-17 functions for a taxing unit and is required to register by the chief
4-18 administrator of the unit's tax office.

4-19 (b) A county assessor-collector is not required to register
4-20 with the department [~~board~~] if the county, by contract entered into
4-21 under Section 6.24(b), Tax Code, has its taxes assessed and
4-22 collected by another taxing unit or an appraisal district.

4-23 SECTION 19. Section 1151.153, Occupations Code, is amended
4-24 to read as follows:

4-25 Sec. 1151.153. REGISTRATION APPLICATION. (a) An
4-26 application for registration must be made on the printed form
4-27 provided by the department [~~board~~]. In prescribing the contents of
4-28 an application form, the commission [~~board~~] shall ensure that the
4-29 form requires information sufficient to properly classify the
4-30 applicant.

4-31 (b) Each application form the department [~~board~~] provides
4-32 must be accompanied by the code of ethics.

4-33 SECTION 20. Section 1151.154, Occupations Code, is amended
4-34 to read as follows:

4-35 Sec. 1151.154. SUBMISSION OF APPLICATION. [~~(a)~~] An
4-36 initial application for registration must be accompanied by:

4-37 (1) a nonrefundable [~~\$50~~] processing fee; and
4-38 (2) a nonrefundable registration [~~the~~] fee [~~required~~
4-39 ~~by Section 1151.158~~].

4-40 SECTION 21. Sections 1151.155(a) and (b), Occupations Code,
4-41 are amended to read as follows:

4-42 (a) The department [~~board~~] shall act on an application for
4-43 registration not later than the 30th day after the date the
4-44 application is received.

4-45 (b) The department [~~board~~] shall:

4-46 (1) classify and register each applicant the
4-47 department [~~board~~] approves; and

4-48 (2) notify the registrant of the requirements for:

4-49 (A) maintenance of the registrant's current
4-50 registration; and

4-51 (B) professional certification by the department
4-52 [~~board~~].

4-53 SECTION 22. Section 1151.156, Occupations Code, is amended
4-54 to read as follows:

4-55 Sec. 1151.156. DISCRIMINATION PROHIBITED. The department
4-56 [~~board~~] may not refuse to register an applicant because of the race,
4-57 color, disability [~~creed~~], sex, religion, age, or national [~~ethnic~~]
4-58 origin of the applicant.

4-59 SECTION 23. Section 1151.157(a), Occupations Code, is
4-60 amended to read as follows:

4-61 (a) The department [~~board~~] shall issue an identification
4-62 card to each person registered under this chapter. While on
4-63 official duty, the registrant shall have the identification card in
4-64 the registrant's possession.

4-65 SECTION 24. Section 1151.158, Occupations Code, is amended
4-66 to read as follows:

4-67 Sec. 1151.158. ANNUAL FEE; EXPIRATION AND RENEWAL OF
4-68 REGISTRATION. (a) Except as otherwise provided by the commission,
4-69 a [A] registration under this chapter is valid for one year [~~expires~~

5-1 ~~on December 31]~~ and must be renewed annually. A registrant must pay
 5-2 an annual fee ~~[of not less than \$45 or more than \$75].~~ The
 5-3 commission by rule may adopt a system under which registrations
 5-4 expire on various dates during the year.

5-5 (b) The department shall notify a registrant under this
 5-6 chapter of the impending expiration of the registrant's
 5-7 registration as provided by Section 51.401(f). ~~[On or before~~
 5-8 ~~December 1 of each year, the board shall:~~

5-9 ~~[(1) establish the amount of the renewal fee for the~~
 5-10 ~~following year; and~~

5-11 ~~[(2) mail a renewal notice to each person registered~~
 5-12 ~~under this chapter.]~~

5-13 SECTION 25. Section 1151.1581, Occupations Code, is amended
 5-14 to read as follows:

5-15 Sec. 1151.1581. CONTINUING EDUCATION. (a) The
 5-16 commission [board] shall recognize, prepare, or administer
 5-17 continuing education programs for registrants under this chapter
 5-18 [its license holders].

5-19 (b) The comptroller must review and approve all continuing
 5-20 education programs for registrants.

5-21 (c) A registrant [license holder] must participate in the
 5-22 programs to the extent required by the department [board] to keep
 5-23 the person's certificate of registration [license].

5-24 (d) The commission may set fees for continuing education
 5-25 courses and providers of continuing education courses in amounts
 5-26 reasonable and necessary to cover the department's costs in
 5-27 administering the department's duties under this section.

5-28 (e) The comptroller may set fees for continuing education
 5-29 courses and providers of continuing education courses in amounts
 5-30 reasonable and necessary to cover the comptroller's costs in
 5-31 administering the comptroller's duties under this section.

5-32 SECTION 26. Sections 1151.160(a) and (b), Occupations Code,
 5-33 are amended to read as follows:

5-34 (a) The commission [board] by rule shall adopt minimum
 5-35 requirements for the certification of registrants. The
 5-36 requirements for certification of an employee of a taxing unit's
 5-37 tax office must emphasize~~[, but are not limited to,]~~ the areas of
 5-38 responsibility of the registrant in performing the registrant's
 5-39 duties for the taxing unit.

5-40 (b) "Registered professional appraiser" is the highest
 5-41 level of certification established by the commission [board] for a
 5-42 person engaged in appraisal. "Registered Texas assessor" is the
 5-43 highest level of certification established by the commission
 5-44 [board] for a person engaged in assessment. "Registered Texas
 5-45 collector" is the highest level of certification established by the
 5-46 commission [board] for a person engaged in collection.

5-47 SECTION 27. Section 1151.161, Occupations Code, is amended
 5-48 to read as follows:

5-49 Sec. 1151.161. EXAMINATION FOR CERTIFICATION; APPLICATION;
 5-50 FEE. (a) The commission [board] by rule shall may require a
 5-51 registrant to pass one or more examinations to be certified. The
 5-52 commission [board] by rule shall ensure that any examination
 5-53 required for certification is administered in compliance with the
 5-54 Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et
 5-55 seq.)~~[, and its subsequent amendments].~~

5-56 (b) An applicant for examination under this section must
 5-57 apply to take the examination in the manner prescribed by the
 5-58 department [file an application with the board on a printed form
 5-59 provided by the board. In prescribing the contents of the form, the
 5-60 board shall ensure that the form requires information sufficient to
 5-61 determine the applicant's current classification].

5-62 (c) The department may accept, develop, or contract for the
 5-63 examinations required by this section, including the
 5-64 administration of the examinations. The comptroller must approve
 5-65 the content of an examination accepted, developed, or contracted
 5-66 for by the department. The department may require a third-party
 5-67 vendor to collect a fee associated with the examination directly
 5-68 from examinees. [The application for examination must be:

5-69 ~~[(1) filed with the board not later than the 14th day~~

6-1 ~~before the examination date, and~~
6-2 ~~[(2) accompanied by a nonrefundable fee in the amount~~
6-3 ~~set by the board.]~~

6-4 SECTION 28. Section 1151.162, Occupations Code, is amended
6-5 to read as follows:

6-6 Sec. 1151.162. RULES RELATING TO RECERTIFICATION AND
6-7 SPECIALIZATION. The commission [~~board~~] may adopt rules:

6-8 (1) regarding recertification to ensure that each
6-9 person certified under this chapter who is engaged in appraisal,
6-10 assessment, or collection is registered and professionally
6-11 competent; and

6-12 (2) establishing specialized classifications,
6-13 designations, and requirements as necessary to accomplish the
6-14 purposes of this chapter, including maintaining high standards of
6-15 professional practice in all phases of property taxation.

6-16 SECTION 29. Section 1151.163, Occupations Code, is amended
6-17 to read as follows:

6-18 Sec. 1151.163. REGISTRATION [~~LICENSE~~] BY ENDORSEMENT. The
6-19 department [~~board~~] may waive any prerequisite to obtaining a
6-20 certificate of registration [~~license~~] for an applicant after
6-21 reviewing the applicant's credentials and determining that the
6-22 applicant holds a license or certificate of registration issued by
6-23 another jurisdiction that has [~~licensing~~] requirements
6-24 substantially equivalent to those of this state.

6-25 SECTION 30. Sections 1151.164(a) and (b), Occupations Code,
6-26 are amended to read as follows:

6-27 (a) The department [~~board~~] shall implement a training
6-28 program for newly appointed chief appraisers and shall prescribe
6-29 the curriculum for the training program as provided by this
6-30 section.

6-31 (b) The training program must provide the appointee with
6-32 information regarding:

- 6-33 (1) this chapter;
- 6-34 (2) the programs operated by the department [~~board~~];
- 6-35 (3) the role and functions of the department [~~board~~];
- 6-36 (4) the rules of the commission [~~board~~], with an
6-37 emphasis on the rules that relate to ethical behavior;

6-38 (5) the role and functions of the chief appraiser, the
6-39 appraisal district board of directors, and the appraisal review
6-40 board;

6-41 (6) the importance of maintaining the independence of
6-42 an appraisal office from political pressure;

6-43 (7) the importance of prompt and courteous treatment
6-44 of the public;

6-45 (8) the finance and budgeting requirements for an
6-46 appraisal district, including appropriate controls to ensure that
6-47 expenditures are proper; and

6-48 (9) the requirements of:

6-49 (A) the open meetings law, Chapter 551,
6-50 Government Code;

6-51 (B) the public information law, Chapter 552,
6-52 Government Code;

6-53 (C) the administrative procedure law, Chapter
6-54 2001, Government Code;

6-55 (D) other laws relating to public officials,
6-56 including conflict-of-interest laws; and

6-57 (E) the standards of ethics imposed by the
6-58 Uniform Standards of Professional Appraisal Practice.

6-59 SECTION 31. Section 1151.202, Occupations Code, is amended
6-60 to read as follows:

6-61 Sec. 1151.202. DENIAL OF REGISTRATION; DISCIPLINARY
6-62 ACTION. (a) The department [~~board~~] may deny an application for,
6-63 suspend, or revoke the registration of a person who violates this
6-64 chapter or a commission [~~board~~] rule, place on probation a person
6-65 whose registration has been suspended, or reprimand a person for a
6-66 violation by the person of this chapter or a commission [~~board~~]
6-67 rule.

6-68 (b) The commission [~~board~~] by rule shall adopt written
6-69 guidelines to ensure that the denial of an application, suspension,

7-1 revocation, probation, and the issuance of reprimands are
7-2 administered consistently.

7-3 SECTION 32. Section 1151.204, Occupations Code, is amended
7-4 to read as follows:

7-5 Sec. 1151.204. DISMISSAL OF COMPLAINT RELATING TO APPRAISED
7-6 VALUE. After investigation, the department [The board] may dismiss
7-7 a complaint without conducting a hearing if:

7-8 (1) the complaint challenges only [involves a
7-9 disagreement on] the appraised value of a property or another
7-10 matter for which Title I, Tax Code, specifies a remedy and does not
7-11 credibly allege a violation of this chapter or the standards
7-12 established by the commission for registrants under this chapter;
7-13 and

7-14 (2) the disagreement has not been resolved in the
7-15 complainant's favor by an appraisal review board or court.

7-16 SECTION 33. Sections 1151.205(a) and (b), Occupations Code,
7-17 are amended to read as follows:

7-18 (a) The department [board] may request and, if necessary,
7-19 compel by subpoena:

7-20 (1) the attendance of witnesses for examination under
7-21 oath; and

7-22 (2) the production of records, documents, and other
7-23 evidence relevant to the investigation of an alleged violation of
7-24 this chapter or a commission rule for inspection and copying.

7-25 (b) If a person does not comply with the subpoena, the
7-26 department [board], acting through the attorney general, may file
7-27 suit to enforce the subpoena in a district court in Travis County or
7-28 in the county in which a hearing conducted by the department [board]
7-29 may be held.

7-30 SECTION 34. Section 1151.251(a), Occupations Code, is
7-31 amended to read as follows:

7-32 (a) A person commits an offense if the person does not
7-33 register with the department [board] as required by Section
7-34 1151.151.

7-35 SECTION 35. Section 1151.252(a), Occupations Code, is
7-36 amended to read as follows:

7-37 (a) A person commits an offense if the person performs an
7-38 appraisal, assessment, or collection function while the person's
7-39 registration or certification with the department [board] is not
7-40 active [revoked or suspended].

7-41 SECTION 36. Section 1151.253, Occupations Code, is amended
7-42 to read as follows:

7-43 Sec. 1151.253. COMPLAINT OF VIOLATION. A person may file a
7-44 complaint with the department [board] concerning a violation of
7-45 this chapter or a rule adopted by the commission under this chapter
7-46 [Section 1151.251 or 1151.252].

7-47 SECTION 37. Section 1152.103, Occupations Code, is amended
7-48 to read as follows:

7-49 Sec. 1152.103. MEMBERSHIP RESTRICTIONS. A person is not
7-50 eligible for appointment as a member of the council if the person
7-51 is:

7-52 (1) required to register with the secretary of state
7-53 under Chapter 305, Government Code;

7-54 (2) required to register with the department [Board of
7-55 Tax Professional Examiners] under Chapter 1151; or

7-56 (3) exempt from the registration requirements imposed
7-57 by this chapter, except as provided by Section 1152.102.

7-58 SECTION 38. Section 411.122(d), Government Code, is amended
7-59 to read as follows:

7-60 (d) The following state agencies are subject to this
7-61 section:

7-62 (1) Texas Appraiser Licensing and Certification
7-63 Board;

7-64 (2) Texas Board of Architectural Examiners;

7-65 (3) Texas Board of Chiropractic Examiners;

7-66 (4) State Board of Dental Examiners;

7-67 (5) Texas Board of Professional Engineers;

7-68 (6) Texas Funeral Service Commission;

7-69 (7) Texas Board of Professional Geoscientists;

8-1 (8) Department of State Health Services, except as
8-2 provided by Section 411.110, and agencies attached to the
8-3 department, including:
8-4 (A) Texas State Board of Examiners of Dietitians;
8-5 (B) Texas State Board of Examiners of Marriage
8-6 and Family Therapists;
8-7 (C) Midwifery Board;
8-8 (D) Texas State Perfusionist Advisory Committee
8-9 [~~Board of Examiners of Perfusionists~~];
8-10 (E) Texas State Board of Examiners of
8-11 Professional Counselors;
8-12 (F) Texas State Board of Social Worker Examiners;
8-13 (G) State Board of Examiners for Speech-Language
8-14 Pathology and Audiology;
8-15 (H) Advisory Board of Athletic Trainers;
8-16 (I) State Committee of Examiners in the Fitting
8-17 and Dispensing of Hearing Instruments;
8-18 (J) Texas Board of Licensure for Professional
8-19 Medical Physicists; and
8-20 (K) Texas Board of Orthotics and Prosthetics;
8-21 (9) Texas Board of Professional Land Surveying;
8-22 (10) Texas Department of Licensing and Regulation,
8-23 except as provided by Section 411.093;
8-24 (11) Texas Commission on Environmental Quality;
8-25 (12) Texas Board of Occupational Therapy Examiners;
8-26 (13) Texas Optometry Board;
8-27 (14) Texas State Board of Pharmacy;
8-28 (15) Texas Board of Physical Therapy Examiners;
8-29 (16) Texas State Board of Plumbing Examiners;
8-30 (17) Texas State Board of Podiatric Medical Examiners;
8-31 (18) Polygraph Examiners Board;
8-32 (19) Texas State Board of Examiners of Psychologists;
8-33 (20) Texas Real Estate Commission;
8-34 (21) [~~Board of Tax Professional Examiners~~;
8-35 [~~22~~] Texas Department of Transportation;
8-36 (22) [~~23~~] State Board of Veterinary Medical
8-37 Examiners;
8-38 (23) [~~24~~] Texas Department of Housing and Community
8-39 Affairs;
8-40 (24) [~~25~~] secretary of state;
8-41 (25) [~~26~~] state fire marshal;
8-42 (26) [~~27~~] Texas Education Agency; and
8-43 (27) [~~28~~] Department of Agriculture.

8-44 SECTION 39. Section 2054.352(a), Government Code, is
8-45 amended to read as follows:
8-46 (a) The following licensing entities shall participate in
8-47 the system established under Section 2054.353:
8-48 (1) Texas Board of Chiropractic Examiners;
8-49 (2) Court Reporters Certification Board;
8-50 (3) State Board of Dental Examiners;
8-51 (4) Texas Funeral Service Commission;
8-52 (5) Texas Board of Professional Land Surveying;
8-53 (6) Texas Medical Board;
8-54 (7) Texas Board of Nursing;
8-55 (8) Texas Optometry Board;
8-56 (9) Department of Agriculture, for licenses issued
8-57 under Chapter 1951, Occupations Code;
8-58 (10) Texas State Board of Pharmacy;
8-59 (11) Executive Council of Physical Therapy and
8-60 Occupational Therapy Examiners;
8-61 (12) Texas State Board of Plumbing Examiners;
8-62 (13) Texas State Board of Podiatric Medical Examiners;
8-63 (14) [~~Board of Tax Professional Examiners~~;
8-64 [~~15~~] Polygraph Examiners Board;
8-65 (15) [~~16~~] Texas State Board of Examiners of
8-66 Psychologists;
8-67 (16) [~~17~~] State Board of Veterinary Medical
8-68 Examiners;
8-69 (17) [~~18~~] Texas Real Estate Commission;

9-1 (18) [~~(19)~~] Texas Appraiser Licensing and
 9-2 Certification Board;
 9-3 (19) [~~(20)~~] Texas Department of Licensing and
 9-4 Regulation;
 9-5 (20) [~~(21)~~] Texas State Board of Public Accountancy;
 9-6 (21) [~~(22)~~] State Board for Educator Certification;
 9-7 (22) [~~(23)~~] Texas Board of Professional Engineers;
 9-8 (23) [~~(24)~~] Department of State Health Services;
 9-9 (24) [~~(25)~~] Texas Board of Architectural Examiners;
 9-10 (25) [~~(26)~~] Texas Racing Commission;
 9-11 (26) [~~(27)~~] Commission on Law Enforcement Officer
 9-12 Standards and Education; and
 9-13 (27) [~~(28)~~] Texas Private Security Board.

9-14 SECTION 40. Section 5.04, Tax Code, is amended to read as
 9-15 follows:

9-16 Sec. 5.04. TRAINING AND EDUCATION OF APPRAISERS. (a) The
 9-17 comptroller shall enter into a memorandum of understanding [~~consult~~
 9-18 ~~and cooperate~~] with the Texas Department of Licensing and
 9-19 Regulation [~~Board of Tax Professional Examiners~~] or any successor
 9-20 agency responsible for certifying tax professionals in this state
 9-21 in setting standards for and approving curricula and materials for
 9-22 use in training and educating appraisers and assessor-collectors,
 9-23 and the comptroller may contract or enter into a memorandum of
 9-24 understanding [~~cooperate with the board or~~] with other public
 9-25 agencies, educational institutions, or private organizations in
 9-26 sponsoring courses of instruction and training programs.

9-27 (b) An appraisal district shall reimburse an employee of the
 9-28 appraisal office for all actual and necessary expenses, tuition and
 9-29 other fees, and costs of materials incurred in attending, with
 9-30 approval of the chief appraiser, a course or training program
 9-31 sponsored or approved by the Texas Department of Licensing and
 9-32 Regulation [~~Board of Tax Professional Examiners~~].

9-33 SECTION 41. The following statutes are repealed:

- 9-34 (1) Section 1151.002(4), Occupations Code;
 9-35 (2) Section 1151.003, Occupations Code;
 9-36 (3) Section 1151.053, Occupations Code;
 9-37 (4) Section 1151.054, Occupations Code;
 9-38 (5) Section 1151.055(b), Occupations Code;
 9-39 (6) Section 1151.056, Occupations Code;
 9-40 (7) Section 1151.057, Occupations Code;
 9-41 (8) Subchapter B-1, Chapter 1151, Occupations Code;
 9-42 (9) Section 1151.1021, Occupations Code;
 9-43 (10) Section 1151.105, Occupations Code;
 9-44 (11) Section 1151.109, Occupations Code;
 9-45 (12) Section 1151.110, Occupations Code;
 9-46 (13) Subchapter C-1, Chapter 1151, Occupations Code;
 9-47 (14) Section 1151.155(c), Occupations Code;
 9-48 (15) Section 1151.159, Occupations Code;
 9-49 (16) Section 1151.1611, Occupations Code;
 9-50 (17) Section 1151.164(c), Occupations Code;
 9-51 (18) Section 1151.201, Occupations Code;
 9-52 (19) Section 1151.2025, Occupations Code; and
 9-53 (20) Section 1151.203, Occupations Code.

9-54 SECTION 42. (a) As soon as possible after the effective
 9-55 date of this Act, the presiding officer of the Texas Commission of
 9-56 Licensing and Regulation shall appoint the members of the Texas Tax
 9-57 Professional Advisory Committee in accordance with Chapter 1151,
 9-58 Occupations Code, as amended by this Act. In making the initial
 9-59 appointments, the presiding officer shall designate two members for
 9-60 terms expiring March 1, 2011, two members for terms expiring March
 9-61 1, 2013, and three members for terms expiring March 1, 2015.

9-62 (b) Section 1151.1581, Occupations Code, as amended by this
 9-63 Act, applies only to continuing education that must be completed by
 9-64 a registrant on or after June 1, 2010. A registrant may comply with
 9-65 the continuing education requirements under Chapter 1151,
 9-66 Occupations Code, before that date by complying with the
 9-67 requirements in effect immediately before the effective date of
 9-68 this Act, and the former law is continued in effect for that
 9-69 purpose.

10-1 SECTION 43. (a) The Board of Tax Professional Examiners is
10-2 abolished but continues in existence until March 1, 2010, for the
10-3 sole purpose of transferring obligations, property, full-time
10-4 equivalent positions, rights, powers, and duties to the Texas
10-5 Department of Licensing and Regulation. The department assumes all
10-6 of the obligations, property, full-time equivalent positions,
10-7 rights, powers, and duties of the board, as it exists immediately
10-8 before the effective date of this Act. All unexpended funds
10-9 appropriated to the board are transferred to the department. The
10-10 transfer of the obligations, property, full-time equivalent
10-11 positions, rights, powers, and duties of the board to the
10-12 department must be completed not later than March 1, 2010.

10-13 (b) All rules of the Board of Tax Professional Examiners are
10-14 continued in effect as rules of the Texas Commission of Licensing
10-15 and Regulation until superseded by a rule of the commission. A
10-16 certificate issued by the board is continued in effect as provided
10-17 by the law in effect immediately before the effective date of this
10-18 Act. A complaint, investigation, contested case, or other
10-19 proceeding pending on the effective date of this Act is continued
10-20 without change in status after the effective date of this Act. An
10-21 activity conducted by the board is considered to be an activity
10-22 conducted by the Texas Department of Licensing and Regulation.

10-23 (c) A reference in another law or an administrative rule to
10-24 the Board of Tax Professional Examiners means the Texas Department
10-25 of Licensing and Regulation.

10-26 SECTION 44. (a) The Board of Tax Professional Examiners, in
10-27 cooperation with and at the direction of the Texas Department of
10-28 Licensing and Regulation, shall complete all necessary computer
10-29 programming and other tasks to ensure that the agency numbers
10-30 assigned by the comptroller of public accounts to the board and the
10-31 department are not necessary for any fiscal year after 2009, except
10-32 to complete earlier fiscal year revenue and expenditure
10-33 transactions and reporting. The number assigned by the comptroller
10-34 of public accounts to the Texas Department of Licensing and
10-35 Regulation shall be used to record transactions related to the
10-36 regulation of tax professionals beginning in fiscal year 2010.

10-37 (b) Not later than July 1, 2009, the Board of Tax
10-38 Professional Examiners shall request that the comptroller of public
10-39 accounts grant the Texas Department of Licensing and Regulation
10-40 inquiry-only security access to the uniform statewide accounting
10-41 system, the state property accounting system, the uniform statewide
10-42 payroll system, and the human resources information system for the
10-43 board. The Texas Department of Licensing and Regulation and the
10-44 comptroller of public accounts may coordinate implementation of
10-45 this subsection.

10-46 (c) Not later than July 15, 2009, the Texas Department of
10-47 Licensing and Regulation shall provide to the Board of Tax
10-48 Professional Examiners detailed information regarding the board's
10-49 responsibilities under Subsection (a) of this section.

10-50 SECTION 45. (a) Except as provided by Subsection (b) of
10-51 this section, this Act takes effect September 1, 2009.

10-52 (b) Section 44 of this Act takes effect immediately if this
10-53 Act receives a vote of two-thirds of all the members elected to each
10-54 house, as provided by Section 39, Article III, Texas Constitution.
10-55 If this Act does not receive the vote necessary for immediate
10-56 effect, Section 44 of this Act takes effect September 1, 2009.

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