

By: Estes

S.B. No. 1008

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the abolition of the Board of Tax Professional
3 Examiners and the transfer of its functions to the Texas Department
4 of Licensing and Regulation.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

9 (5) "Code of ethics" means a formal statement of
10 ethical standards of conduct adopted by the commission [~~board~~].

11 (7-a) "Commission" means the Texas Commission of
12 Licensing and Regulation.

13 (7-b) "Committee" means the Texas Tax Professional
14 Advisory Committee.

15 (7-c) "Department" means the Texas Department of
16 Licensing and Regulation.

17 SECTION 2. Section 1151.004(b), Occupations Code, is
18 amended to read as follows:

19 (b) The department [~~board~~] shall thoroughly investigate a
20 complaint of a violation of this section.

21 SECTION 3. The heading to Subchapter B, Chapter 1151,
22 Occupations Code, is amended to read as follows:

23 SUBCHAPTER B. TEXAS [~~BOARD OF~~] TAX PROFESSIONAL ADVISORY COMMITTEE
24 [~~EXAMINERS~~]

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

5 Sec. 1151.051. ~~[BOARD]~~ MEMBERSHIP. (a) The Texas ~~[Board~~
6 ~~of]~~ Tax Professional Advisory Committee ~~[Examiners]~~ consists of
7 five members appointed by the presiding officer of the commission
8 with the approval of the commission ~~[governor with the advice and~~
9 ~~consent of the senate]~~ as follows:

10 (1) two members who are certified under this chapter
11 as registered professional appraisers ~~[four members who:~~

12 ~~[(A) are actively engaged in property tax~~
13 ~~administration,~~

14 ~~[(B) have at least five years' experience in~~
15 ~~appraisal, assessment, or collection, and~~

16 ~~[(C) are certified under this chapter as a~~
17 ~~registered professional appraiser, registered Texas collector, or~~
18 ~~registered Texas assessor]; [and]~~

19 (2) two members who are certified under this chapter
20 as registered Texas collectors or registered Texas assessors; and

21 (3) one member who represents the public.

22 (b) A vacancy on the committee ~~[board]~~ is filled in the same
23 manner as the original appointment ~~[by appointment by the governor~~
24 ~~of a qualified person to serve]~~ for the unexpired portion of the
25 term.

26 (c) The presiding officer of the commission shall designate
27 one member of the committee as the presiding officer.

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

4 (e) Section 2110.008, Government Code, does not apply to the
5 committee.

6 SECTION 5. Section 1151.0511, Occupations Code, is amended
7 to read as follows:

8 Sec. 1151.0511. PUBLIC MEMBER ELIGIBILITY. A person may
9 not be a public member of the committee [~~board~~] if the person or the
10 person's spouse:

11 (1) is registered, certified, or licensed by a
12 regulatory agency in the field of property tax appraisal,
13 assessment, or collection;

14 (2) is employed by or participates in the management
15 of a business entity or other organization regulated by or
16 receiving money from the department [~~board~~];

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

21 (4) uses or receives a substantial amount of tangible
22 goods, services, or money from the department [~~board~~] other than
23 compensation or reimbursement authorized by law for committee
24 [~~board~~] membership, attendance, or expenses.

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

27 (b) A person may not be a member of the committee [~~board and~~

1 ~~may not be a board employee employed in a "bona fide executive,~~
2 ~~administrative, or professional capacity," as that phrase is used~~
3 ~~for purposes of establishing an exemption to the overtime~~
4 ~~provisions of the federal Fair Labor Standards Act of 1938 (29~~
5 ~~U.S.C. Section 201 et seq.), and its subsequent amendments,] if:~~

6 (1) the person is an officer, employee, or paid
7 consultant of a Texas trade association in the field of property tax
8 appraisal, assessment, or collection; or

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

12 (c) A person may not be a member of the committee [~~board or~~
13 ~~act as the general counsel to the board~~] if the person is required
14 to register as a lobbyist under Chapter 305, Government Code,
15 because of the person's activities for compensation on behalf of a
16 profession related to the operation of the committee or the
17 department [~~board~~].

18 SECTION 7. Section 1151.052, Occupations Code, is amended
19 to read as follows:

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

23 SECTION 8. Section 1151.055(a), Occupations Code, is
24 amended to read as follows:

25 (a) A committee [~~board~~] member may not receive compensation
26 for the member's services.

27 SECTION 9. The heading to Subchapter C, Chapter 1151,

1 Occupations Code, is amended to read as follows:

2 SUBCHAPTER C. [~~BOARD POWERS AND~~] DUTIES OF COMMISSION, EXECUTIVE
3 DIRECTOR, DEPARTMENT, AND ADVISORY COMMITTEE

4 SECTION 10. Subchapter C, Chapter 1151, Occupations Code,
5 is amended by adding Section 1151.101 to read as follows:

6 Sec. 1151.101. FEES. The commission, with the advice of the
7 committee, shall establish fees under this chapter in amounts
8 reasonable and necessary to cover the costs of administering the
9 programs and activities under this chapter.

10 SECTION 11. Section 1151.1015, Occupations Code, is amended
11 to read as follows:

12 Sec. 1151.1015. ASSISTANCE FROM [~~INTERAGENCY CONTRACT~~
13 ~~WITH~~] COMPTROLLER. The comptroller on request shall provide to the
14 commission, department, and committee [(a) ~~The board and the~~
15 ~~comptroller shall provide under an interagency contract for the~~
16 ~~comptroller to provide administrative support to the board. The~~
17 ~~contract must include terms for fees to be paid by the board to the~~
18 ~~comptroller for services provided under the contract.~~

19 [(b) ~~Under the interagency contract, the comptroller shall~~
20 ~~provide to the board~~]:

21 (1) information on the educational needs of and
22 opportunities for tax professionals; and

23 (2) information and [~~assistance with outreach efforts~~
24 ~~to inform taxpayers of their rights and remedies,~~

25 [(3) ~~information on appraisal district enforcement~~
26 ~~efforts, and~~

27 [(4)] assistance in prosecuting violations of the

1 commission's rules or this chapter [~~with administrative services,~~
2 ~~including:~~
3 [~~(A) payroll services,~~
4 [~~(B) budgeting services,~~
5 [~~(C) information technology support,~~
6 [~~(D) human resources services, and~~
7 [~~(E) other administrative services necessary for~~
8 ~~the board to perform its powers and duties under this chapter]~~].

9 SECTION 12. Section 1151.102, Occupations Code, is amended
10 to read as follows:

11 Sec. 1151.102. GENERAL RULEMAKING AUTHORITY. The
12 commission [~~board~~] may adopt and enforce rules necessary for the
13 performance of the department's [~~board's~~] duties.

14 SECTION 13. Section 1151.103, Occupations Code, is amended
15 to read as follows:

16 Sec. 1151.103. ESTABLISHMENT OF PROFESSIONAL STANDARDS.
17 The commission [~~board~~] may establish standards of professional
18 practice, conduct, education, and ethics for appraisers,
19 assessors, and collectors consistent with the purposes and intent
20 of this chapter.

21 SECTION 14. Section 1151.104, Occupations Code, is amended
22 to read as follows:

23 Sec. 1151.104. ENFORCEMENT OF CHAPTER. The department
24 [~~board~~] may ensure strict compliance with and enforce this chapter.

25 SECTION 15. Section 1151.106(a), Occupations Code, is
26 amended to read as follows:

27 (a) The commission [~~board~~] by rule shall:

- 1 (1) adopt a classification system for registrants; and
2 (2) establish minimum requirements for each
3 classification.

4 SECTION 16. Section 1151.107(a), Occupations Code, is
5 amended to read as follows:

6 (a) The department [~~board~~] shall maintain a roster of
7 registrants that includes each registrant's name, place of
8 employment, and classification.

9 SECTION 17. Section 1151.108, Occupations Code, is amended
10 to read as follows:

11 Sec. 1151.108. COMMITTEE DUTIES. The committee shall:

12 (1) recommend to the commission rules and standards
13 regarding technical issues relating to tax professionals;

14 (2) provide advice to the commission regarding
15 continuing education courses and curricula for registrants;

16 (3) provide advice to the commission regarding the
17 contents of any examination required by the commission under this
18 chapter; and

19 (4) educate, and respond to questions from, the
20 commission and the department regarding issues affecting tax
21 professionals. [~~MONEY RECEIVED BY BOARD. The board shall receive~~
22 and account for all money derived under this chapter.]

23 SECTION 18. Section 1151.109, Occupations Code, is amended
24 to read as follows:

25 Sec. 1151.109. WAIVER OF FEE OR PENALTY PROHIBITED. The
26 department [~~board~~] may not waive the collection of a fee or penalty
27 described by this chapter or Chapter 51.

1 SECTION 19. Section 1151.151, Occupations Code, is amended
2 to read as follows:

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

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

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

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

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

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

23 SECTION 20. Section 1151.153, Occupations Code, is amended
24 to read as follows:

25 Sec. 1151.153. REGISTRATION APPLICATION. (a) An
26 application for registration must be made on the printed form
27 provided by the department [~~board~~]. In prescribing the contents of

1 an application form, the commission [~~board~~] shall ensure that the
2 form requires information sufficient to properly classify the
3 applicant.

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

6 SECTION 21. Section 1151.154, Occupations Code, is amended
7 to read as follows:

8 Sec. 1151.154. SUBMISSION OF APPLICATION. [~~(a)~~] An
9 initial application for registration must be accompanied by:

- 10 (1) a nonrefundable [~~\$50~~] processing fee; and
11 (2) a registration [~~the~~] fee [~~required by Section~~
12 ~~1151.158~~].

13 SECTION 22. Section 1151.155, Occupations Code, is amended
14 to read as follows:

15 Sec. 1151.155. ACTION ON APPLICATION. (a) The department
16 [~~board~~] shall act on an application for registration not later than
17 the 30th day after the date the application is received.

18 (b) The department [~~board~~] shall:

19 (1) classify and register each applicant the
20 department [~~board~~] approves; and

21 (2) notify the registrant of the requirements for:

22 (A) maintenance of the registrant's current
23 registration; and

24 (B) professional certification by the department
25 [~~board~~].

26 (c) If the department [~~board~~] disapproves an application,
27 the department [~~board~~] shall refund the fee paid under Section

1 1151.154(2) [~~1151.154(a)(2)~~].

2 SECTION 23. Section 1151.156, Occupations Code, is amended
3 to read as follows:

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

8 SECTION 24. Section 1151.157(a), Occupations Code, is
9 amended to read as follows:

10 (a) The department [~~board~~] shall issue an identification
11 card to each person registered under this chapter. While on
12 official duty, the registrant shall have the identification card in
13 the registrant's possession.

14 SECTION 25. Section 1151.158, Occupations Code, is amended
15 to read as follows:

16 Sec. 1151.158. ANNUAL FEE; EXPIRATION AND RENEWAL OF
17 REGISTRATION. (a) Except as otherwise provided by the commission,
18 a [A] registration under this chapter is valid for one year [~~expires~~
19 ~~on December 31~~] and must be renewed annually. A registrant must pay
20 an annual fee [~~of not less than \$45 or more than \$75~~]. The
21 commission by rule may adopt a system under which registrations
22 expire on various dates during the year.

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

27 [~~(1) establish the amount of the renewal fee for the~~

1 following year; and

2 ~~[(2) mail a renewal notice to each person registered~~
3 ~~under this chapter.]~~

4 SECTION 26. Section 1151.1581, Occupations Code, is amended
5 to read as follows:

6 Sec. 1151.1581. CONTINUING EDUCATION. The department
7 ~~[board]~~ shall recognize, prepare, or administer continuing
8 education programs for registrants under this chapter ~~[its license~~
9 ~~holders]~~. A registrant ~~[license holder]~~ must participate in the
10 programs to the extent required by the department ~~[board]~~ to keep
11 the person's certificate of registration ~~[license]~~.

12 SECTION 27. Subchapter D, Chapter 1151, Occupations Code,
13 is amended by adding Section 1151.1582 to read as follows:

14 Sec. 1151.1582. LATE RENEWAL OF REGISTRATION. (a) If a
15 person files a renewal application with the department not later
16 than the 30th day after the date the person's registration expires,
17 the person must pay a renewal fee that is equal to 1-1/2 times the
18 normally required renewal fee.

19 (b) If the person files a renewal application with the
20 department later than the 30th day but not later than the 60th day
21 after the date the person's registration expires, the person must
22 pay a renewal fee that is equal to two times the normally required
23 renewal fee.

24 (c) A person who applies for a renewal certificate of
25 registration after the 60th day after the date the person's
26 registration expires may obtain a new certificate of registration
27 by complying with the requirements and procedures for obtaining an

1 original certificate of registration.

2 SECTION 28. Sections 1151.160(a) and (b), Occupations Code,
3 are amended to read as follows:

4 (a) The commission [~~board~~] by rule shall adopt minimum
5 requirements for the certification of registrants. The
6 requirements for certification of an employee of a taxing unit's
7 tax office must emphasize [~~, but are not limited to,~~] the areas of
8 responsibility of the registrant in performing the registrant's
9 duties for the taxing unit.

10 (b) "Registered professional appraiser" is the highest
11 level of certification established by the commission [~~board~~] for a
12 person engaged in appraisal. "Registered Texas assessor" is the
13 highest level of certification established by the commission
14 [~~board~~] for a person engaged in assessment. "Registered Texas
15 collector" is the highest level of certification established by the
16 commission [~~board~~] for a person engaged in collection.

17 SECTION 29. Section 1151.161, Occupations Code, is amended
18 to read as follows:

19 Sec. 1151.161. EXAMINATION FOR CERTIFICATION; APPLICATION;
20 FEE. (a) The commission [~~board~~] by rule may require a registrant
21 to pass one or more examinations to be certified. The commission
22 [~~board~~] by rule shall ensure that any examination required for
23 certification is administered in compliance with the Americans with
24 Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) [~~, and its~~
25 ~~subsequent amendments~~].

26 (b) An applicant for examination under this section must
27 file an application with the department [~~board~~] on a printed form

1 provided by the department [~~board~~]. In prescribing the contents of
2 the form, the commission [~~board~~] shall ensure that the form
3 requires information sufficient to determine the applicant's
4 current classification.

5 (c) The application for examination must be:

6 (1) filed with the department [~~board~~] not later than
7 the 14th day before the examination date; and

8 (2) accompanied by a nonrefundable fee in the amount
9 set by the commission [~~board~~].

10 SECTION 30. Section 1151.162, Occupations Code, is amended
11 to read as follows:

12 Sec. 1151.162. RULES RELATING TO RECERTIFICATION AND
13 SPECIALIZATION. The commission [~~board~~] may adopt rules:

14 (1) regarding recertification to ensure that each
15 person certified under this chapter who is engaged in appraisal,
16 assessment, or collection is registered and professionally
17 competent; and

18 (2) establishing specialized classifications,
19 designations, and requirements as necessary to accomplish the
20 purposes of this chapter, including maintaining high standards of
21 professional practice in all phases of property taxation.

22 SECTION 31. Section 1151.163, Occupations Code, is amended
23 to read as follows:

24 Sec. 1151.163. REGISTRATION [~~LICENSE~~] BY ENDORSEMENT. The
25 department [~~board~~] may waive any prerequisite to obtaining a
26 certificate of registration [~~license~~] for an applicant after
27 reviewing the applicant's credentials and determining that the

1 applicant holds a license or certificate of registration issued by
2 another jurisdiction that has [~~licensing~~] requirements
3 substantially equivalent to those of this state.

4 SECTION 32. Section 1151.164, Occupations Code, is amended
5 to read as follows:

6 Sec. 1151.164. CHIEF APPRAISER TRAINING PROGRAM. (a) The
7 department [~~board~~] shall implement a training program for newly
8 appointed chief appraisers and shall prescribe the curriculum for
9 the training program as provided by this section.

10 (b) The training program must provide the appointee with
11 information regarding:

12 (1) this chapter;

13 (2) the programs operated by the department [~~board~~];

14 (3) the role and functions of the department [~~board~~];

15 (4) the rules of the commission [~~board~~], with an
16 emphasis on the rules that relate to ethical behavior;

17 (5) the role and functions of the chief appraiser, the
18 appraisal district board of directors, and the appraisal review
19 board;

20 (6) the importance of maintaining the independence of
21 an appraisal office from political pressure;

22 (7) the importance of prompt and courteous treatment
23 of the public;

24 (8) the finance and budgeting requirements for an
25 appraisal district, including appropriate controls to ensure that
26 expenditures are proper; and

27 (9) the requirements of:

1 (A) the open meetings law, Chapter 551,
2 Government Code;

3 (B) the public information law, Chapter 552,
4 Government Code;

5 (C) the administrative procedure law, Chapter
6 2001, Government Code;

7 (D) other laws relating to public officials,
8 including conflict-of-interest laws; and

9 (E) the standards of ethics imposed by the
10 Uniform Standards of Professional Appraisal Practice.

11 (c) The training program implemented by the department
12 [~~board~~] under this section must be provided by the department
13 [~~board~~] or by a provider approved by the commission [~~board~~]. The
14 commission [~~board~~] shall identify no less than two providers before
15 the commission [~~board~~] may finally approve a provider under this
16 section.

17 SECTION 33. Section 1151.202, Occupations Code, is amended
18 to read as follows:

19 Sec. 1151.202. DENIAL OF REGISTRATION; DISCIPLINARY
20 ACTION. (a) The department [~~board~~] may deny an application for [~~7~~
21 ~~suspend, or revoke the~~] registration of or take other disciplinary
22 action as described by Chapter 51 against a person who violates this
23 chapter or a commission [~~board~~] rule [~~7, place on probation a person~~
24 ~~whose registration has been suspended, or reprimand a person for a~~
25 ~~violation by the person of this chapter or a board rule~~].

26 (b) The commission [~~board~~] by rule shall adopt written
27 guidelines to ensure that denials of registration under this

1 section and other disciplinary actions under Chapter 51 [~~probation~~
2 ~~and the issuance of reprimands~~] are administered consistently.

3 SECTION 34. Section 1151.204, Occupations Code, is amended
4 to read as follows:

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

8 (1) the complaint involves a disagreement on the
9 appraised value of a property; and

10 (2) the disagreement has not been resolved in the
11 complainant's favor by an appraisal review board or court.

12 SECTION 35. Sections 1151.205(a) and (b), Occupations Code,
13 are amended to read as follows:

14 (a) The department [~~board~~] may request and, if necessary,
15 compel by subpoena:

16 (1) the attendance of witnesses for examination under
17 oath; and

18 (2) the production of records, documents, and other
19 evidence relevant to the investigation of an alleged violation of
20 this chapter or a commission rule for inspection and copying.

21 (b) If a person does not comply with the subpoena, the
22 department [~~board~~], acting through the attorney general, may file
23 suit to enforce the subpoena in a district court in Travis County or
24 in the county in which a hearing conducted by the department [~~board~~]
25 may be held.

26 SECTION 36. Section 1151.251(a), Occupations Code, is
27 amended to read as follows:

1 (a) A person commits an offense if the person does not
2 register with the department [~~board~~] as required by Section
3 1151.151.

4 SECTION 37. Section 1151.252(a), Occupations Code, is
5 amended to read as follows:

6 (a) A person commits an offense if the person performs an
7 appraisal, assessment, or collection function while the person's
8 registration or certification with the department [~~board~~] is
9 revoked or suspended.

10 SECTION 38. Section 1151.253, Occupations Code, is amended
11 to read as follows:

12 Sec. 1151.253. COMPLAINT OF VIOLATION. A person may file a
13 complaint with the department [~~board~~] concerning a violation of
14 Section 1151.251 or 1151.252.

15 SECTION 39. Section 1152.103, Occupations Code, is amended
16 to read as follows:

17 Sec. 1152.103. MEMBERSHIP RESTRICTIONS. A person is not
18 eligible for appointment as a member of the council if the person
19 is:

20 (1) required to register with the secretary of state
21 under Chapter 305, Government Code;

22 (2) required to register with the department [~~Board of~~
23 ~~Tax Professional Examiners~~] under Chapter 1151; or

24 (3) exempt from the registration requirements imposed
25 by this chapter, except as provided by Section 1152.102.

26 SECTION 40. Section 411.122(d), Government Code, is amended
27 to read as follows:

1 (d) The following state agencies are subject to this
2 section:

3 (1) Texas Appraiser Licensing and Certification
4 Board;

5 (2) Texas Board of Architectural Examiners;

6 (3) Texas Board of Chiropractic Examiners;

7 (4) State Board of Dental Examiners;

8 (5) Texas Board of Professional Engineers;

9 (6) Texas Funeral Service Commission;

10 (7) Texas Board of Professional Geoscientists;

11 (8) Department of State Health Services, except as
12 provided by Section 411.110, and agencies attached to the
13 department, including:

14 (A) Texas State Board of Examiners of Dietitians;

15 (B) Texas State Board of Examiners of Marriage
16 and Family Therapists;

17 (C) Midwifery Board;

18 (D) Texas State Perfusionist Advisory Committee
19 [~~Board of Examiners of Perfusionists~~];

20 (E) Texas State Board of Examiners of
21 Professional Counselors;

22 (F) Texas State Board of Social Worker Examiners;

23 (G) State Board of Examiners for Speech-Language
24 Pathology and Audiology;

25 (H) Advisory Board of Athletic Trainers;

26 (I) State Committee of Examiners in the Fitting
27 and Dispensing of Hearing Instruments;

- 1 (J) Texas Board of Licensure for Professional
2 Medical Physicists; and
- 3 (K) Texas Board of Orthotics and Prosthetics;
- 4 (9) Texas Board of Professional Land Surveying;
- 5 (10) Texas Department of Licensing and Regulation,
6 except as provided by Section 411.093;
- 7 (11) Texas Commission on Environmental Quality;
- 8 (12) Texas Board of Occupational Therapy Examiners;
- 9 (13) Texas Optometry Board;
- 10 (14) Texas State Board of Pharmacy;
- 11 (15) Texas Board of Physical Therapy Examiners;
- 12 (16) Texas State Board of Plumbing Examiners;
- 13 (17) Texas State Board of Podiatric Medical Examiners;
- 14 (18) Polygraph Examiners Board;
- 15 (19) Texas State Board of Examiners of Psychologists;
- 16 (20) Texas Real Estate Commission;
- 17 (21) ~~Board of Tax Professional Examiners;~~
- 18 ~~[(22)]~~ Texas Department of Transportation;
- 19 (22) ~~[(23)]~~ State Board of Veterinary Medical
20 Examiners;
- 21 (23) ~~[(24)]~~ Texas Department of Housing and Community
22 Affairs;
- 23 (24) ~~[(25)]~~ secretary of state;
- 24 (25) ~~[(26)]~~ state fire marshal;
- 25 (26) ~~[(27)]~~ Texas Education Agency; and
- 26 (27) ~~[(28)]~~ Department of Agriculture.

27 SECTION 41. Section 2054.352(a), Government Code, is

1 amended to read as follows:

2 (a) The following licensing entities shall participate in
3 the system established under Section 2054.353:

- 4 (1) Texas Board of Chiropractic Examiners;
- 5 (2) Court Reporters Certification Board;
- 6 (3) State Board of Dental Examiners;
- 7 (4) Texas Funeral Service Commission;
- 8 (5) Texas Board of Professional Land Surveying;
- 9 (6) Texas Medical Board;
- 10 (7) Texas Board of Nursing;
- 11 (8) Texas Optometry Board;
- 12 (9) Department of Agriculture, for licenses issued
13 under Chapter 1951, Occupations Code;
- 14 (10) Texas State Board of Pharmacy;
- 15 (11) Executive Council of Physical Therapy and
16 Occupational Therapy Examiners;
- 17 (12) Texas State Board of Plumbing Examiners;
- 18 (13) Texas State Board of Podiatric Medical Examiners;
- 19 ~~(14) [Board of Tax Professional Examiners];~~
- 20 ~~[(15)]~~ Polygraph Examiners Board;
- 21 (15) ~~[(16)]~~ Texas State Board of Examiners of
22 Psychologists;
- 23 (16) ~~[(17)]~~ State Board of Veterinary Medical
24 Examiners;
- 25 (17) ~~[(18)]~~ Texas Real Estate Commission;
- 26 (18) ~~[(19)]~~ Texas Appraiser Licensing and
27 Certification Board;

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

12 SECTION 42. Section 5.04, Tax Code, is amended to read as
13 follows:

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

24 (b) An appraisal district shall reimburse an employee of the
25 appraisal office for all actual and necessary expenses, tuition and
26 other fees, and costs of materials incurred in attending, with
27 approval of the chief appraiser, a course or training program

1 sponsored or approved by the Texas Department of Licensing and
2 Regulation [~~Board of Tax Professional Examiners~~].

3 SECTION 43. The following statutes are repealed:

- 4 (1) Section 1151.002(4), Occupations Code;
- 5 (2) Section 1151.003, Occupations Code;
- 6 (3) Section 1151.053, Occupations Code;
- 7 (4) Section 1151.054, Occupations Code;
- 8 (5) Section 1151.055(b), Occupations Code;
- 9 (6) Section 1151.056, Occupations Code;
- 10 (7) Section 1151.057, Occupations Code;
- 11 (8) Subchapter B-1, Chapter 1151, Occupations Code;
- 12 (9) Section 1151.1021, Occupations Code;
- 13 (10) Section 1151.105, Occupations Code;
- 14 (11) Section 1151.110, Occupations Code;
- 15 (12) Subchapter C-1, Chapter 1151, Occupations Code;
- 16 (13) Section 1151.159, Occupations Code;
- 17 (14) Section 1151.1611, Occupations Code;
- 18 (15) Section 1151.201, Occupations Code;
- 19 (16) Section 1151.2025, Occupations Code; and
- 20 (17) Section 1151.203, Occupations Code.

21 SECTION 44. As soon as possible after the effective date of
22 this Act, the presiding officer of the Texas Commission of
23 Licensing and Regulation shall appoint the members of the Texas Tax
24 Professional Advisory Committee in accordance with Chapter 1151,
25 Occupations Code, as amended by this Act. In making the initial
26 appointments, the presiding officer shall designate two members for
27 terms expiring March 1, 2011, two members for terms expiring March

1 1, 2013, and one member for a term expiring March 1, 2015.

2 SECTION 45. (a) The Board of Tax Professional Examiners is
3 abolished but continues in existence until March 1, 2010, for the
4 sole purpose of transferring obligations, property, full-time
5 equivalent positions, rights, powers, and duties to the Texas
6 Department of Licensing and Regulation. The department assumes all
7 of the obligations, property, full-time equivalent positions,
8 rights, powers, and duties of the board, as it exists immediately
9 before the effective date of this Act. All unexpended funds
10 appropriated to the board are transferred to the department. The
11 transfer of the obligations, property, full-time equivalent
12 positions, rights, powers, and duties of the board to the
13 department must be completed not later than March 1, 2010.

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

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

27 SECTION 46. (a) The Board of Tax Professional Examiners, in

1 cooperation with and at the direction of the Texas Department of
2 Licensing and Regulation, shall complete all necessary computer
3 programming and other tasks to ensure that the agency numbers
4 assigned by the comptroller of public accounts to the board and the
5 department are not necessary for any fiscal year after 2009, except
6 to complete earlier fiscal year revenue and expenditure
7 transactions and reporting. The number assigned by the comptroller
8 of public accounts to the Texas Department of Licensing and
9 Regulation shall be used to record transactions related to the
10 regulation of tax professionals beginning in fiscal year 2010.

11 (b) Not later than July 1, 2009, the Board of Tax
12 Professional Examiners shall request that the comptroller of public
13 accounts grant the Texas Department of Licensing and Regulation
14 inquiry-only security access to the uniform statewide accounting
15 system, the state property accounting system, the uniform statewide
16 payroll system, and the human resources information system for the
17 board. The Texas Department of Licensing and Regulation and the
18 comptroller of public accounts may coordinate implementation of
19 this subsection.

20 (c) Not later than July 15, 2009, the Texas Department of
21 Licensing and Regulation shall provide to the Board of Tax
22 Professional Examiners detailed information regarding the board's
23 responsibilities under Subsection (a) of this section.

24 SECTION 47. (a) Except as provided by Subsection (b) of
25 this section, this Act takes effect September 1, 2009.

26 (b) Section 46 of this Act takes effect immediately if this
27 Act receives a vote of two-thirds of all the members elected to each

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1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, Section 46 of this Act takes effect September 1, 2009.