

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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H.B. No. 2447

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:

1 SUBCHAPTER B. TEXAS [~~BOARD OF~~] TAX PROFESSIONAL ADVISORY COMMITTEE  
2 [EXAMINERS]

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

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

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

14 [~~(A) are actively engaged in property tax~~  
15 ~~administration;~~

16 [~~(B) have at least five years' experience in~~  
17 ~~appraisal, assessment, or collection; and~~

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

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

23 (3) three members [~~one member~~] who represent  
24 [~~represents~~] the public.

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

1 term.

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

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

7 (e) Section 2110.008, Government Code, does not apply to the  
8 committee.

9 SECTION 5. Section 1151.0511, Occupations Code, is amended  
10 to read as follows:

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

14 (1) is registered, certified, or licensed by a  
15 regulatory agency in the field of property tax appraisal,  
16 assessment, or collection;

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

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

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

1           (5) at any time has served on an appraisal review  
2 board.

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

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

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

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

17           (c) A person may not be a member of the committee [~~board or~~  
18 ~~act as the general counsel to the board]~~ if the person or the  
19 person's spouse is required to register as a lobbyist under Chapter  
20 305, Government Code, because of the person's activities for  
21 compensation on behalf of a profession related to the operation of  
22 the committee or the department [~~board~~].

23           SECTION 7. Section 1151.052, Occupations Code, is amended  
24 to read as follows:

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

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

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

5 SECTION 9. The heading to Subchapter C, Chapter 1151,  
6 Occupations Code, is amended to read as follows:

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

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

11 Sec. 1151.101. FEES. The commission, with the advice of the  
12 committee, shall establish fees under this chapter in amounts  
13 reasonable and necessary to cover the costs of administering the  
14 programs and activities under this chapter.

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

17 Sec. 1151.1015. ASSISTANCE FROM [~~INTERAGENCY CONTRACT~~  
18 ~~WITH~~] COMPTROLLER. The comptroller shall enter into a memorandum  
19 of understanding with the department under which the comptroller  
20 shall provide [~~(a) The board and the comptroller shall provide~~  
21 ~~under an interagency contract for the comptroller to provide~~  
22 ~~administrative support to the board. The contract must include~~  
23 ~~terms for fees to be paid by the board to the comptroller for~~  
24 ~~services provided under the contract.~~

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

27 (1) information on the educational needs of and

1 opportunities for tax professionals;

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

5 (3) a copy of any report issued by the comptroller  
6 under Section 5.102, Tax Code, and if requested by the department a  
7 copy of any work papers or other documents collected or created in  
8 connection with a report issued under that section; and

9 (4) information and assistance regarding  
10 administrative proceedings conducted under the commission's rules  
11 or this chapter [~~assistance with outreach efforts to inform~~  
12 ~~taxpayers of their rights and remedies;~~

13 [~~(3) information on appraisal district enforcement~~  
14 ~~efforts; and~~

15 [~~(4) assistance with administrative services,~~  
16 ~~including:~~

17 [~~(A) payroll services;~~

18 [~~(B) budgeting services;~~

19 [~~(C) information technology support;~~

20 [~~(D) human resources services; and~~

21 [~~(E) other administrative services necessary for~~  
22 ~~the board to perform its powers and duties under this chapter].~~

23 SECTION 12. Section 1151.102, Occupations Code, is amended  
24 to read as follows:

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

1 SECTION 13. Section 1151.103, Occupations Code, is amended  
2 to read as follows:

3 Sec. 1151.103. ESTABLISHMENT OF PROFESSIONAL STANDARDS.  
4 The commission shall [~~board may~~] establish standards of  
5 professional practice, conduct, education, and ethics for  
6 appraisers, assessors, and collectors consistent with the purposes  
7 and intent of this chapter.

8 SECTION 14. Section 1151.104, Occupations Code, is amended  
9 to read as follows:

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

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

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

15 (1) adopt a classification system for registrants; and

16 (2) establish minimum requirements for each  
17 classification.

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

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

23 SECTION 17. Section 1151.108, Occupations Code, is amended  
24 to read as follows:

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

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

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

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

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

10           SECTION 18. Section 1151.151, Occupations Code, is amended  
11 to read as follows:

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

14           (1) the chief appraiser of an appraisal district, an  
15 appraisal supervisor or assistant, a property tax appraiser, an  
16 appraisal engineer, and any other person authorized to render  
17 judgment on, recommend, or certify an appraised value to the  
18 appraisal review board of an appraisal district;

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

21           (3) an assessor-collector, a collector, or another  
22 person designated by a governing body as the chief administrator of  
23 the taxing unit's assessment functions, collection functions, or  
24 both; and

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



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

5 SECTION 19. Section 1151.153, Occupations Code, is amended  
6 to read as follows:

7 Sec. 1151.153. REGISTRATION APPLICATION. (a) An  
8 application for registration must be made on the printed form  
9 provided by the department [~~board~~]. In prescribing the contents of  
10 an application form, the commission [~~board~~] shall ensure that the  
11 form requires information sufficient to properly classify the  
12 applicant.

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

15 SECTION 20. Section 1151.154, Occupations Code, is amended  
16 to read as follows:

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

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

22 SECTION 21. Sections 1151.155(a) and (b), Occupations Code,  
23 are amended to read as follows:

24 (a) The department [~~board~~] shall act on an application for  
25 registration not later than the 30th day after the date the  
26 application is received.

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

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

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

4 (A) maintenance of the registrant's current  
5 registration; and

6 (B) professional certification by the department  
7 [~~board~~].

8 SECTION 22. Section 1151.156, Occupations Code, is amended  
9 to read as follows:

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

14 SECTION 23. Section 1151.157(a), Occupations Code, is  
15 amended to read as follows:

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

20 SECTION 24. Section 1151.158, Occupations Code, is amended  
21 to read as follows:

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

1 expire on various dates during the year.

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

6 [~~(1) establish the amount of the renewal fee for the~~  
7 ~~following year; and~~

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

10 SECTION 25. Section 1151.1581, Occupations Code, is amended  
11 to read as follows:

12 Sec. 1151.1581. CONTINUING EDUCATION. (a) The  
13 commission [~~board~~] shall recognize, prepare, or administer  
14 continuing education programs for registrants under this chapter  
15 [~~its license holders~~].

16 (b) The comptroller must review and approve all continuing  
17 education programs for registrants.

18 (c) A registrant [~~license holder~~] must participate in the  
19 programs to the extent required by the department [~~board~~] to keep  
20 the person's certificate of registration [~~license~~].

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

25 (e) The comptroller may set fees for continuing education  
26 courses and providers of continuing education courses in amounts  
27 reasonable and necessary to cover the comptroller's costs in

1 administering the comptroller's duties under this section.

2 SECTION 26. 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 27. 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 shall [~~may~~] require a  
21 registrant to pass one or more examinations to be certified. The  
22 commission [~~board~~] by rule shall ensure that any examination  
23 required for certification is administered in compliance with the  
24 Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et  
25 seq.) [~~, and its subsequent amendments~~].

26 (b) An applicant for examination under this section must  
27 apply to take the examination in the manner prescribed by the

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

5 (c) The department may accept, develop, or contract for the  
6 examinations required by this section, including the  
7 administration of the examinations. The comptroller must approve  
8 the content of an examination accepted, developed, or contracted  
9 for by the department. The department may require a third-party  
10 vendor to collect a fee associated with the examination directly  
11 from examinees. [~~The application for examination must be:~~

12 [~~(1) filed with the board not later than the 14th day~~  
13 ~~before the examination date; and~~

14 [~~(2) accompanied by a nonrefundable fee in the amount~~  
15 ~~set by the board.]~~

16 SECTION 28. Section 1151.162, Occupations Code, is amended  
17 to read as follows:

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

20 (1) regarding recertification to ensure that each  
21 person certified under this chapter who is engaged in appraisal,  
22 assessment, or collection is registered and professionally  
23 competent; and

24 (2) establishing specialized classifications,  
25 designations, and requirements as necessary to accomplish the  
26 purposes of this chapter, including maintaining high standards of  
27 professional practice in all phases of property taxation.

1 SECTION 29. Section 1151.163, Occupations Code, is amended  
2 to read as follows:

3 Sec. 1151.163. REGISTRATION [~~LICENSE~~] BY ENDORSEMENT. The  
4 department [~~board~~] may waive any prerequisite to obtaining a  
5 certificate of registration [~~license~~] for an applicant after  
6 reviewing the applicant's credentials and determining that the  
7 applicant holds a license or certificate of registration issued by  
8 another jurisdiction that has [~~licensing~~] requirements  
9 substantially equivalent to those of this state.

10 SECTION 30. Sections 1151.164(a) and (b), Occupations Code,  
11 are amended to read as follows:

12 (a) The department [~~board~~] shall implement a training  
13 program for newly appointed chief appraisers and shall prescribe  
14 the curriculum for the training program as provided by this  
15 section.

16 (b) The training program must provide the appointee with  
17 information regarding:

18 (1) this chapter;  
19 (2) the programs operated by the department [~~board~~];  
20 (3) the role and functions of the department [~~board~~];  
21 (4) the rules of the commission [~~board~~], with an  
22 emphasis on the rules that relate to ethical behavior;

23 (5) the role and functions of the chief appraiser, the  
24 appraisal district board of directors, and the appraisal review  
25 board;

26 (6) the importance of maintaining the independence of  
27 an appraisal office from political pressure;

1 (7) the importance of prompt and courteous treatment  
2 of the public;

3 (8) the finance and budgeting requirements for an  
4 appraisal district, including appropriate controls to ensure that  
5 expenditures are proper; and

6 (9) the requirements of:

7 (A) the open meetings law, Chapter 551,  
8 Government Code;

9 (B) the public information law, Chapter 552,  
10 Government Code;

11 (C) the administrative procedure law, Chapter  
12 2001, Government Code;

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

15 (E) the standards of ethics imposed by the  
16 Uniform Standards of Professional Appraisal Practice.

17 SECTION 31. 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 32. 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 challenges only [~~involves a~~  
9 ~~disagreement on~~] the appraised value of a property and does not  
10 challenge the validity or application of any other law; and

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

13 SECTION 33. Sections 1151.205(a) and (b), Occupations Code,  
14 are amended to read as follows:

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

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

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

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

27 SECTION 34. Section 1151.251(a), Occupations Code, is



1 amended to read as follows:

2 (a) A person commits an offense if the person does not  
3 register with the department [~~board~~] as required by Section  
4 1151.151.

5 SECTION 35. Section 1151.252(a), Occupations Code, is  
6 amended to read as follows:

7 (a) A person commits an offense if the person performs an  
8 appraisal, assessment, or collection function while the person's  
9 registration or certification with the department [~~board~~] is not  
10 active [~~revoked or suspended~~].

11 SECTION 36. Section 1151.253, Occupations Code, is amended  
12 to read as follows:

13 Sec. 1151.253. COMPLAINT OF VIOLATION. A person may file a  
14 complaint with the department [~~board~~] concerning a violation of  
15 this chapter or a rule adopted by the commission under this chapter  
16 [~~Section 1151.251 or 1151.252~~].

17 SECTION 37. Section 1152.103, Occupations Code, is amended  
18 to read as follows:

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

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

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

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

1           SECTION 38. Section 411.122(d), Government Code, is amended  
2 to read as follows:

3           (d) The following state agencies are subject to this  
4 section:

5                   (1) Texas Appraiser Licensing and Certification  
6 Board;

7                   (2) Texas Board of Architectural Examiners;

8                   (3) Texas Board of Chiropractic Examiners;

9                   (4) State Board of Dental Examiners;

10                   (5) Texas Board of Professional Engineers;

11                   (6) Texas Funeral Service Commission;

12                   (7) Texas Board of Professional Geoscientists;

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

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

17                           (B) Texas State Board of Examiners of Marriage  
18 and Family Therapists;

19                           (C) Midwifery Board;

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

22                           (E) Texas State Board of Examiners of  
23 Professional Counselors;

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

25                           (G) State Board of Examiners for Speech-Language  
26 Pathology and Audiology;

27                           (H) Advisory Board of Athletic Trainers;

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

1           (27) [~~(28)~~] Department of Agriculture.

2           SECTION 39. Section 2054.352(a), Government Code, is  
3 amended to read as follows:

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

6           (1) Texas Board of Chiropractic Examiners;

7           (2) Court Reporters Certification Board;

8           (3) State Board of Dental Examiners;

9           (4) Texas Funeral Service Commission;

10          (5) Texas Board of Professional Land Surveying;

11          (6) Texas Medical Board;

12          (7) Texas Board of Nursing;

13          (8) Texas Optometry Board;

14          (9) Department of Agriculture, for licenses issued  
15 under Chapter 1951, Occupations Code;

16          (10) Texas State Board of Pharmacy;

17          (11) Executive Council of Physical Therapy and  
18 Occupational Therapy Examiners;

19          (12) Texas State Board of Plumbing Examiners;

20          (13) Texas State Board of Podiatric Medical Examiners;

21          (14) [~~Board of Tax Professional Examiners,~~

22          ~~(15)~~] Polygraph Examiners Board;

23          (15) [~~(16)~~] Texas State Board of Examiners of  
24 Psychologists;

25          (16) [~~(17)~~] State Board of Veterinary Medical  
26 Examiners;

27          (17) [~~(18)~~] Texas Real Estate Commission;

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

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

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

27           (b) An appraisal district shall reimburse an employee of the

1 appraisal office for all actual and necessary expenses, tuition and  
2 other fees, and costs of materials incurred in attending, with  
3 approval of the chief appraiser, a course or training program  
4 sponsored or approved by the Texas Department of Licensing and  
5 Regulation [~~Board of Tax Professional Examiners~~].

6 SECTION 41. The following statutes are repealed:

- 7 (1) Section 1151.002(4), Occupations Code;
- 8 (2) Section 1151.003, Occupations Code;
- 9 (3) Section 1151.053, Occupations Code;
- 10 (4) Section 1151.054, Occupations Code;
- 11 (5) Section 1151.055(b), Occupations Code;
- 12 (6) Section 1151.056, Occupations Code;
- 13 (7) Section 1151.057, Occupations Code;
- 14 (8) Subchapter B-1, Chapter 1151, Occupations Code;
- 15 (9) Section 1151.1021, Occupations Code;
- 16 (10) Section 1151.105, Occupations Code;
- 17 (11) Section 1151.109, Occupations Code;
- 18 (12) Section 1151.110, Occupations Code;
- 19 (13) Subchapter C-1, Chapter 1151, Occupations Code;
- 20 (14) Section 1151.155(c), Occupations Code;
- 21 (15) Section 1151.159, Occupations Code;
- 22 (16) Section 1151.1611, Occupations Code;
- 23 (17) Section 1151.164(c), Occupations Code;
- 24 (18) Section 1151.201, Occupations Code;
- 25 (19) Section 1151.2025, Occupations Code; and
- 26 (20) Section 1151.203, Occupations Code.

27 SECTION 42. (a) As soon as possible after the effective

1 date of this Act, the presiding officer of the Texas Commission of  
2 Licensing and Regulation shall appoint the members of the Texas Tax  
3 Professional Advisory Committee in accordance with Chapter 1151,  
4 Occupations Code, as amended by this Act. In making the initial  
5 appointments, the presiding officer shall designate two members for  
6 terms expiring March 1, 2011, two members for terms expiring March  
7 1, 2013, and three members for terms expiring March 1, 2015.

8 (b) Section 1151.1581, Occupations Code, as amended by this  
9 Act, applies only to continuing education that must be completed by  
10 a registrant on or after June 1, 2010. A registrant may comply with  
11 the continuing education requirements under Chapter 1151,  
12 Occupations Code, before that date by complying with the  
13 requirements in effect immediately before the effective date of  
14 this Act, and the former law is continued in effect for that  
15 purpose.

16 SECTION 43. (a) The Board of Tax Professional Examiners is  
17 abolished but continues in existence until March 1, 2010, for the  
18 sole purpose of transferring obligations, property, full-time  
19 equivalent positions, rights, powers, and duties to the Texas  
20 Department of Licensing and Regulation. The department assumes all  
21 of the obligations, property, full-time equivalent positions,  
22 rights, powers, and duties of the board, as it exists immediately  
23 before the effective date of this Act. All unexpended funds  
24 appropriated to the board are transferred to the department. The  
25 transfer of the obligations, property, full-time equivalent  
26 positions, rights, powers, and duties of the board to the  
27 department must be completed not later than March 1, 2010.

1           (b) All rules of the Board of Tax Professional Examiners are  
2 continued in effect as rules of the Texas Commission of Licensing  
3 and Regulation until superseded by a rule of the commission. A  
4 certificate issued by the board is continued in effect as provided  
5 by the law in effect immediately before the effective date of this  
6 Act. A complaint, investigation, contested case, or other  
7 proceeding pending on the effective date of this Act is continued  
8 without change in status after the effective date of this Act. An  
9 activity conducted by the board is considered to be an activity  
10 conducted by the Texas Department of Licensing and Regulation.

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

14           SECTION 44. (a) The Board of Tax Professional Examiners, in  
15 cooperation with and at the direction of the Texas Department of  
16 Licensing and Regulation, shall complete all necessary computer  
17 programming and other tasks to ensure that the agency numbers  
18 assigned by the comptroller of public accounts to the board and the  
19 department are not necessary for any fiscal year after 2009, except  
20 to complete earlier fiscal year revenue and expenditure  
21 transactions and reporting. The number assigned by the comptroller  
22 of public accounts to the Texas Department of Licensing and  
23 Regulation shall be used to record transactions related to the  
24 regulation of tax professionals beginning in fiscal year 2010.

25           (b) Not later than July 1, 2009, the Board of Tax  
26 Professional Examiners shall request that the comptroller of public  
27 accounts grant the Texas Department of Licensing and Regulation



1 inquiry-only security access to the uniform statewide accounting  
2 system, the state property accounting system, the uniform statewide  
3 payroll system, and the human resources information system for the  
4 board. The Texas Department of Licensing and Regulation and the  
5 comptroller of public accounts may coordinate implementation of  
6 this subsection.

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

11 SECTION 45. (a) Except as provided by Subsection (b) of  
12 this section, this Act takes effect September 1, 2009.

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

# ADOPTED

MAY 31 2009

*Atty. Gen. Paul*  
Secretary of the Senate

By: Estes

H.B. No. 2447

Substitute the following for H.B. No. 2447:

By: 

C.S. H.B. No. 2447

## 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:

1 SUBCHAPTER B. TEXAS [~~BOARD OF~~] TAX PROFESSIONAL ADVISORY COMMITTEE  
2 [EXAMINERS]

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

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

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

14 [~~(A) are actively engaged in property tax~~  
15 ~~administration;~~

16 [~~(B) have at least five years' experience in~~  
17 ~~appraisal, assessment, or collection; and~~

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

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

23 (3) three members [~~one member~~] who represent  
24 [~~represents~~] the public.

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

1 term.

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

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

7 (e) Section 2110.008, Government Code, does not apply to the  
8 committee.

9 SECTION 5. Section 1151.0511, Occupations Code, is amended  
10 to read as follows:

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

14 (1) is registered, certified, or licensed by a  
15 regulatory agency in the field of property tax appraisal,  
16 assessment, or collection;

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

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

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

1           (5) at any time has served on an appraisal review  
2 board.

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

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

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

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

17           (c) A person may not be a member of the committee [~~board or~~  
18 ~~act as the general counsel to the board]~~ if the person or the  
19 person's spouse is required to register as a lobbyist under Chapter  
20 305, Government Code, because of the person's activities for  
21 compensation on behalf of a profession related to the operation of  
22 the committee or the department [~~board~~].

23           SECTION 7. Section 1151.052, Occupations Code, is amended  
24 to read as follows:

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

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

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

5 SECTION 9. The heading to Subchapter C, Chapter 1151,  
6 Occupations Code, is amended to read as follows:

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

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

11 Sec. 1151.101. FEES. The commission, with the advice of the  
12 committee, shall establish fees under this chapter in amounts  
13 reasonable and necessary to cover the costs of administering the  
14 programs and activities under this chapter.

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

17 Sec. 1151.1015. ASSISTANCE FROM [~~INTERAGENCY CONTRACT~~  
18 ~~WITH~~] COMPTROLLER. The comptroller shall enter into a memorandum  
19 of understanding with the department under which the comptroller  
20 shall provide [~~(a) The board and the comptroller shall provide~~  
21 ~~under an interagency contract for the comptroller to provide~~  
22 ~~administrative support to the board. The contract must include~~  
23 ~~terms for fees to be paid by the board to the comptroller for~~  
24 ~~services provided under the contract.~~

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

27 (1) information on the educational needs of and

1 opportunities for tax professionals;

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

5 (3) a copy of any report issued by the comptroller  
6 under Section 5.102, Tax Code, and if requested by the department a  
7 copy of any work papers or other documents collected or created in  
8 connection with a report issued under that section; and

9 (4) information and assistance regarding  
10 administrative proceedings conducted under the commission's rules  
11 or this chapter [~~assistance with outreach efforts to inform~~  
12 ~~taxpayers of their rights and remedies;~~

13 [~~(3) information on appraisal district enforcement~~  
14 ~~efforts; and~~

15 [~~(4) assistance with administrative services,~~  
16 ~~including:~~

17 [~~(A) payroll services;~~

18 [~~(B) budgeting services;~~

19 [~~(C) information technology support;~~

20 [~~(D) human resources services; and~~

21 [~~(E) other administrative services necessary for~~  
22 ~~the board to perform its powers and duties under this chapter].~~

23 SECTION 12. Section 1151.102, Occupations Code, is amended  
24 to read as follows:

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

1 SECTION 13. Section 1151.103, Occupations Code, is amended  
2 to read as follows:

3 Sec. 1151.103. ESTABLISHMENT OF PROFESSIONAL STANDARDS.  
4 The commission shall [~~board may~~] establish standards of  
5 professional practice, conduct, education, and ethics for  
6 appraisers, assessors, and collectors consistent with the purposes  
7 and intent of this chapter.

8 SECTION 14. Section 1151.104, Occupations Code, is amended  
9 to read as follows:

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

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

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

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

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

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

23 SECTION 17. Section 1151.108, Occupations Code, is amended  
24 to read as follows:

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

- 26 (1) recommend to the commission rules and standards  
27 regarding technical issues relating to tax professionals;



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

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

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

10           SECTION 18. Section 1151.151, Occupations Code, is amended  
11 to read as follows:

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

14           (1) the chief appraiser of an appraisal district, an  
15 appraisal supervisor or assistant, a property tax appraiser, an  
16 appraisal engineer, and any other person authorized to render  
17 judgment on, recommend, or certify an appraised value to the  
18 appraisal review board of an appraisal district;

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

21           (3) an assessor-collector, a collector, or another  
22 person designated by a governing body as the chief administrator of  
23 the taxing unit's assessment functions, collection functions, or  
24 both; and

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

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

5 SECTION 19. Section 1151.153, Occupations Code, is amended  
6 to read as follows:

7 Sec. 1151.153. REGISTRATION APPLICATION. (a) An  
8 application for registration must be made on the printed form  
9 provided by the department [~~board~~]. In prescribing the contents of  
10 an application form, the commission [~~board~~] shall ensure that the  
11 form requires information sufficient to properly classify the  
12 applicant.

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

15 SECTION 20. Section 1151.154, Occupations Code, is amended  
16 to read as follows:

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

- 19 (1) a nonrefundable [~~\$50~~] processing fee; and  
20 (2) a nonrefundable registration [~~the~~] fee [~~required~~  
21 ~~by Section 1151.153~~].

22 SECTION 21. Sections 1151.155(a) and (b), Occupations Code,  
23 are amended to read as follows:

24 (a) The department [~~board~~] shall act on an application for  
25 registration not later than the 30th day after the date the  
26 application is received.

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

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

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

4 (A) maintenance of the registrant's current  
5 registration; and

6 (B) professional certification by the department  
7 [~~board~~].

8 SECTION 22. Section 1151.156, Occupations Code, is amended  
9 to read as follows:

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

14 SECTION 23. Section 1151.157(a), Occupations Code, is  
15 amended to read as follows:

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

20 SECTION 24. Section 1151.158, Occupations Code, is amended  
21 to read as follows:

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

1 expire on various dates during the year.

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

6 [~~(1) establish the amount of the renewal fee for the~~  
7 ~~following year, and~~

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

10 SECTION 25. Section 1151.1581, Occupations Code, is amended  
11 to read as follows:

12 Sec. 1151.1581. CONTINUING EDUCATION. (a) The  
13 commission [~~board~~] shall recognize, prepare, or administer  
14 continuing education programs for registrants under this chapter  
15 [~~its license holders~~].

16 (b) The comptroller must review and approve all continuing  
17 education programs for registrants.

18 (c) A registrant [~~license holder~~] must participate in the  
19 programs to the extent required by the department [~~board~~] to keep  
20 the person's certificate of registration [~~license~~].

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

25 (e) The comptroller may set fees for continuing education  
26 courses and providers of continuing education courses in amounts  
27 reasonable and necessary to cover the comptroller's costs in

1 administering the comptroller's duties under this section.

2 SECTION 26. 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 27. 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 shall [~~may~~] require a  
21 registrant to pass one or more examinations to be certified. The  
22 commission [~~board~~] by rule shall ensure that any examination  
23 required for certification is administered in compliance with the  
24 Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et  
25 seq.) [~~, and its subsequent amendments~~].

26 (b) An applicant for examination under this section must  
27 apply to take the examination in the manner prescribed by the

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

5 (c) The department may accept, develop, or contract for the  
6 examinations required by this section, including the  
7 administration of the examinations. The comptroller must approve  
8 the content of an examination accepted, developed, or contracted  
9 for by the department. The department may require a third-party  
10 vendor to collect a fee associated with the examination directly  
11 from examinees. [~~The application for examination must be:~~

12 [~~(1) filed with the board not later than the 14th day~~  
13 ~~before the examination date, and~~

14 [~~(2) accompanied by a nonrefundable fee in the amount~~  
15 ~~set by the board.]~~

16 SECTION 28. Section 1151.162, Occupations Code, is amended  
17 to read as follows:

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

20 (1) regarding recertification to ensure that each  
21 person certified under this chapter who is engaged in appraisal,  
22 assessment, or collection is registered and professionally  
23 competent; and

24 (2) establishing specialized classifications,  
25 designations, and requirements as necessary to accomplish the  
26 purposes of this chapter, including maintaining high standards of  
27 professional practice in all phases of property taxation.

1 SECTION 29. Section 1151.163, Occupations Code, is amended  
2 to read as follows:

3 Sec. 1151.163. REGISTRATION [~~LICENSE~~] BY ENDORSEMENT. The  
4 department [~~board~~] may waive any prerequisite to obtaining a  
5 certificate of registration [~~license~~] for an applicant after  
6 reviewing the applicant's credentials and determining that the  
7 applicant holds a license or certificate of registration issued by  
8 another jurisdiction that has [~~licensing~~] requirements  
9 substantially equivalent to those of this state.

10 SECTION 30. Sections 1151.164(a) and (b), Occupations Code,  
11 are amended to read as follows:

12 (a) The department [~~board~~] shall implement a training  
13 program for newly appointed chief appraisers and shall prescribe  
14 the curriculum for the training program as provided by this  
15 section.

16 (b) The training program must provide the appointee with  
17 information regarding:

- 18 (1) this chapter;
- 19 (2) the programs operated by the department [~~board~~];
- 20 (3) the role and functions of the department [~~board~~];
- 21 (4) the rules of the commission [~~board~~], with an  
22 emphasis on the rules that relate to ethical behavior;
- 23 (5) the role and functions of the chief appraiser, the  
24 appraisal district board of directors, and the appraisal review  
25 board;
- 26 (6) the importance of maintaining the independence of  
27 an appraisal office from political pressure;

1 (7) the importance of prompt and courteous treatment  
2 of the public;

3 (8) the finance and budgeting requirements for an  
4 appraisal district, including appropriate controls to ensure that  
5 expenditures are proper; and

6 (9) the requirements of:

7 (A) the open meetings law, Chapter 551,  
8 Government Code;

9 (B) the public information law, Chapter 552,  
10 Government Code;

11 (C) the administrative procedure law, Chapter  
12 2001, Government Code;

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

15 (E) the standards of ethics imposed by the  
16 Uniform Standards of Professional Appraisal Practice.

17 SECTION 31. 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,  
21 suspend, or revoke the registration of a person who violates this  
22 chapter or a commission [~~board~~] rule, place on probation a person  
23 whose registration has been suspended, or reprimand a person for a  
24 violation by the person of this chapter or a commission [~~board~~]  
25 rule.

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



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

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

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

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

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

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

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

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

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

25 (b) If a person does not comply with the subpoena, the  
26 department [~~board~~], acting through the attorney general, may file  
27 suit to enforce the subpoena in a district court in Travis County or

1 in the county in which a hearing conducted by the department [~~board~~]  
2 may be held.

3 SECTION 34. Section 1151.251(a), Occupations Code, is  
4 amended to read as follows:

5 (a) A person commits an offense if the person does not  
6 register with the department [~~board~~] as required by Section  
7 1151.151.

8 SECTION 35. Section 1151.252(a), Occupations Code, is  
9 amended to read as follows:

10 (a) A person commits an offense if the person performs an  
11 appraisal, assessment, or collection function while the person's  
12 registration or certification with the department [~~board~~] is not  
13 active [~~revoked or suspended~~].

14 SECTION 36. Section 1151.253, Occupations Code, is amended  
15 to read as follows:

16 Sec. 1151.253. COMPLAINT OF VIOLATION. A person may file a  
17 complaint with the department [~~board~~] concerning a violation of  
18 this chapter or a rule adopted by the commission under this chapter  
19 [~~Section 1151.251 or 1151.252~~].

20 SECTION 37. Section 1152.103, Occupations Code, is amended  
21 to read as follows:

22 Sec. 1152.103. MEMBERSHIP RESTRICTIONS. A person is not  
23 eligible for appointment as a member of the council if the person  
24 is:

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

27 (2) required to register with the department [~~Board of~~]

1 ~~Tax Professional Examiners]~~ under Chapter 1151; or

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

4 SECTION 38. Section 411.122(d), Government Code, is amended  
5 to read as follows:

6 (d) The following state agencies are subject to this  
7 section:

8 (1) Texas Appraiser Licensing and Certification  
9 Board;

10 (2) Texas Board of Architectural Examiners;

11 (3) Texas Board of Chiropractic Examiners;

12 (4) State Board of Dental Examiners;

13 (5) Texas Board of Professional Engineers;

14 (6) Texas Funeral Service Commission;

15 (7) Texas Board of Professional Geoscientists;

16 (8) Department of State Health Services, except as  
17 provided by Section 411.110, and agencies attached to the  
18 department, including:

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

20 (B) Texas State Board of Examiners of Marriage  
21 and Family Therapists;

22 (C) Midwifery Board;

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

25 (E) Texas State Board of Examiners of  
26 Professional Counselors;

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

1 (G) State Board of Examiners for Speech-Language  
2 Pathology and Audiology;  
3 (H) Advisory Board of Athletic Trainers;  
4 (I) State Committee of Examiners in the Fitting  
5 and Dispensing of Hearing Instruments;  
6 (J) Texas Board of Licensure for Professional  
7 Medical Physicists; and  
8 (K) Texas Board of Orthotics and Prosthetics;  
9 (9) Texas Board of Professional Land Surveying;  
10 (10) Texas Department of Licensing and Regulation,  
11 except as provided by Section 411.093;  
12 (11) Texas Commission on Environmental Quality;  
13 (12) Texas Board of Occupational Therapy Examiners;  
14 (13) Texas Optometry Board;  
15 (14) Texas State Board of Pharmacy;  
16 (15) Texas Board of Physical Therapy Examiners;  
17 (16) Texas State Board of Plumbing Examiners;  
18 (17) Texas State Board of Podiatric Medical Examiners;  
19 (18) Polygraph Examiners Board;  
20 (19) Texas State Board of Examiners of Psychologists;  
21 (20) Texas Real Estate Commission;  
22 (21) [~~Board of Tax Professional Examiners,~~  
23 [~~22~~] Texas Department of Transportation;  
24 (22) [~~23~~] State Board of Veterinary Medical  
25 Examiners;  
26 (23) [~~24~~] Texas Department of Housing and Community  
27 Affairs;

- 1           (24) [~~(25)~~] secretary of state;  
2           (25) [~~(26)~~] state fire marshal;  
3           (26) [~~(27)~~] Texas Education Agency; and  
4           (27) [~~(28)~~] Department of Agriculture.

5           SECTION 39. Section 2054.352(a), Government Code, is  
6 amended to read as follows:

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

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

- 1           (16) [~~(17)~~] State Board of Veterinary Medical  
2 Examiners;  
3           (17) [~~(18)~~] Texas Real Estate Commission;  
4           (18) [~~(19)~~] Texas Appraiser Licensing and  
5 Certification Board;  
6           (19) [~~(20)~~] Texas Department of Licensing and  
7 Regulation;  
8           (20) [~~(21)~~] Texas State Board of Public Accountancy;  
9           (21) [~~(22)~~] State Board for Educator Certification;  
10          (22) [~~(23)~~] Texas Board of Professional Engineers;  
11          (23) [~~(24)~~] Department of State Health Services;  
12          (24) [~~(25)~~] Texas Board of Architectural Examiners;  
13          (25) [~~(26)~~] Texas Racing Commission;  
14          (26) [~~(27)~~] Commission on Law Enforcement Officer  
15 Standards and Education; and  
16          (27) [~~(28)~~] Texas Private Security Board.

17           SECTION 40. Section 5.04, Tax Code, is amended to read as  
18 follows:

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

1 agencies, educational institutions, or private organizations in  
2 sponsoring courses of instruction and training programs.

3 (b) An appraisal district shall reimburse an employee of the  
4 appraisal office for all actual and necessary expenses, tuition and  
5 other fees, and costs of materials incurred in attending, with  
6 approval of the chief appraiser, a course or training program  
7 sponsored or approved by the Texas Department of Licensing and  
8 Regulation [~~Board of Tax Professional Examiners~~].

9 SECTION 41. The following statutes are repealed:

- 10 (1) Section 1151.002(4), Occupations Code;
- 11 (2) Section 1151.003, Occupations Code;
- 12 (3) Section 1151.053, Occupations Code;
- 13 (4) Section 1151.054, Occupations Code;
- 14 (5) Section 1151.055(b), Occupations Code;
- 15 (6) Section 1151.056, Occupations Code;
- 16 (7) Section 1151.057, Occupations Code;
- 17 (8) Subchapter B-1, Chapter 1151, Occupations Code;
- 18 (9) Section 1151.1021, Occupations Code;
- 19 (10) Section 1151.105, Occupations Code;
- 20 (11) Section 1151.109, Occupations Code;
- 21 (12) Section 1151.110, Occupations Code;
- 22 (13) Subchapter C-1, Chapter 1151, Occupations Code;
- 23 (14) Section 1151.155(c), Occupations Code;
- 24 (15) Section 1151.159, Occupations Code;
- 25 (16) Section 1151.1611, Occupations Code;
- 26 (17) Section 1151.164(c), Occupations Code;
- 27 (18) Section 1151.201, Occupations Code;

1 (19) Section 1151.2025, Occupations Code; and

2 (20) Section 1151.203, Occupations Code.

3 SECTION 42. (a) As soon as possible after the effective  
4 date of this Act, the presiding officer of the Texas Commission of  
5 Licensing and Regulation shall appoint the members of the Texas Tax  
6 Professional Advisory Committee in accordance with Chapter 1151,  
7 Occupations Code, as amended by this Act. In making the initial  
8 appointments, the presiding officer shall designate two members for  
9 terms expiring March 1, 2011, two members for terms expiring March  
10 1, 2013, and three members for terms expiring March 1, 2015.

11 (b) Section 1151.1581, Occupations Code, as amended by this  
12 Act, applies only to continuing education that must be completed by  
13 a registrant on or after June 1, 2010. A registrant may comply with  
14 the continuing education requirements under Chapter 1151,  
15 Occupations Code, before that date by complying with the  
16 requirements in effect immediately before the effective date of  
17 this Act, and the former law is continued in effect for that  
18 purpose.

19 SECTION 43. (a) The Board of Tax Professional Examiners is  
20 abolished but continues in existence until March 1, 2010, for the  
21 sole purpose of transferring obligations, property, full-time  
22 equivalent positions, rights, powers, and duties to the Texas  
23 Department of Licensing and Regulation. The department assumes all  
24 of the obligations, property, full-time equivalent positions,  
25 rights, powers, and duties of the board, as it exists immediately  
26 before the effective date of this Act. All unexpended funds  
27 appropriated to the board are transferred to the department. The



1 transfer of the obligations, property, full-time equivalent  
2 positions, rights, powers, and duties of the board to the  
3 department must be completed not later than March 1, 2010.

4 (b) All rules of the Board of Tax Professional Examiners are  
5 continued in effect as rules of the Texas Commission of Licensing  
6 and Regulation until superseded by a rule of the commission. A  
7 certificate issued by the board is continued in effect as provided  
8 by the law in effect immediately before the effective date of this  
9 Act. A complaint, investigation, contested case, or other  
10 proceeding pending on the effective date of this Act is continued  
11 without change in status after the effective date of this Act. An  
12 activity conducted by the board is considered to be an activity  
13 conducted by the Texas Department of Licensing and Regulation.

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

17 SECTION 44. (a) The Board of Tax Professional Examiners, in  
18 cooperation with and at the direction of the Texas Department of  
19 Licensing and Regulation, shall complete all necessary computer  
20 programming and other tasks to ensure that the agency numbers  
21 assigned by the comptroller of public accounts to the board and the  
22 department are not necessary for any fiscal year after 2009, except  
23 to complete earlier fiscal year revenue and expenditure  
24 transactions and reporting. The number assigned by the comptroller  
25 of public accounts to the Texas Department of Licensing and  
26 Regulation shall be used to record transactions related to the  
27 regulation of tax professionals beginning in fiscal year 2010.

1 (b) Not later than July 1, 2009, the Board of Tax  
2 Professional Examiners shall request that the comptroller of public  
3 accounts grant the Texas Department of Licensing and Regulation  
4 inquiry-only security access to the uniform statewide accounting  
5 system, the state property accounting system, the uniform statewide  
6 payroll system, and the human resources information system for the  
7 board. The Texas Department of Licensing and Regulation and the  
8 comptroller of public accounts may coordinate implementation of  
9 this subsection.

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

14 SECTION 45. (a) Except as provided by Subsection (b) of  
15 this section, this Act takes effect September 1, 2009.

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

# ADOPTED

MAY 21 2009

*Atty. Gen.*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Steve Hegar*

1 Amend C.S.H.B. No. 2447 (senate committee printing), in  
2 SECTION 31 of the bill, by striking amended Section 1151.202,  
3 Occupations Code (page 6, line 61, through page 7, line 2), and  
4 substituting the following:

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

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

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

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

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

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

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

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2447** by Flynn (Relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would abolish the Board of Tax Professional Examiners and transfer obligations, property, full-time equivalent positions, rights, powers, and duties of the Board to the Texas Department of Licensing and Regulation (TDLR). The bill would create the Texas Tax Professional Advisory Committee, with seven members appointed by the Commission of Licensing and Regulation, to advise TDLR on tax professional regulatory issues.

The bill would eliminate licensing and administrative fee caps and would authorize TDLR to set fees in amounts necessary to cover the costs of the Department's tax professional regulatory program. The bill would eliminate the 30-day grace period for registration renewal and would require TDLR to create late renewal fees based on standard renewal fees.

The bill would require the Comptroller of Public Accounts to enter into a memorandum of understanding with TDLR to provide information on tax professional educational needs, to review and approve all required educational courses, examinations, and continuing education courses, and to provide assistance regarding administrative proceedings and in prosecuting violations.

This analysis assumes that appropriations for the Board of Tax Professional Examiners and the 3.7 FTEs will be transferred to TDLR. This analysis also assumes the continuation of existing fee rates. The Sunset Advisory Committee estimates that TDLR would be able to provide more efficient and comprehensive services to registrants and the public with the same amount of resources as the Board.

Since TDLR is statutorily required to generate revenues sufficient to cover its costs of operation, this analysis assumes that the agency would adjust fees as necessary to cover any additional costs associated with the implementation of the bill. The Comptroller of Public Accounts, the Sunset Advisory Committee, TDLR and the Board of Tax Professional Examiners anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 116 Sunset Advisory Commission, 337 Board of Tax Professional Examiners, 452 Department of Licensing and Regulation

**LBB Staff:** JOB, SD, KK, JRO, MW, ES

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 13, 2009**

**TO:** Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2447** by Flynn (relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation.),  
**Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would abolish the Board of Tax Professional Examiners and transfer obligations, property, full-time equivalent positions, rights, powers, and duties of the Board to the Texas Department of Licensing and Regulation (TDLR). The bill would create the Texas Tax Professional Advisory Committee, with seven members appointed by the Commission of Licensing and Regulation, to advise TDLR on tax professional regulatory issues.

The bill would eliminate licensing and administrative fee caps and would authorize TDLR to set fees in amounts necessary to cover the costs of the Department's tax professional regulatory program. The bill would eliminate the 30-day grace period for registration renewal and would require TDLR to create late renewal fees based on standard renewal fees.

The bill would require the Comptroller of Public Accounts to enter into a memorandum of understanding with TDLR to provide information on tax professional educational needs, to review and approve all required educational courses, examinations, and continuing education courses, and to provide assistance regarding administrative proceedings and in prosecuting violations.

This analysis assumes that appropriations for the Board of Tax Professional Examiners and the 3.7 FTEs will be transferred to TDLR. This analysis also assumes the continuation of existing fee rates. The Sunset Advisory Committee estimates that TDLR would be able to provide more efficient and comprehensive services to registrants and the public with the same amount of resources as the Board.

Since TDLR is statutorily required to generate revenues sufficient to cover its costs of operation, this analysis assumes that the agency would adjust fees as necessary to cover any additional costs associated with the implementation of the bill. The Comptroller of Public Accounts, the Sunset Advisory Committee, TDLR and the Board of Tax Professional Examiners anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 116 Sunset Advisory Commission, 337 Board of Tax Professional Examiners, 452 Department of Licensing and Regulation

**LBB Staff:** JOB, KK, JRO, MW, ES

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 6, 2009**

**TO:** Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2447** by Flynn (Relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would abolish the Board of Tax Professional Examiners and transfer obligations, property, full-time equivalent positions, rights, powers, and duties of the Board to the Texas Department of Licensing and Regulation (TDLR). The bill would create the Texas Tax Professional Advisory Committee, with seven members appointed by the Commission of Licensing and Regulation, to advise TDLR on tax professional regulatory issues.

The bill would eliminate licensing and administrative fee caps and would authorize TDLR to set fees in amounts necessary to cover the costs of the Department's tax professional regulatory program. The bill would eliminate the 30-day grace period for registration renewal and would require TDLR to create late renewal fees based on standard renewal fees.

The bill would require the Comptroller of Public Accounts to enter into a memorandum of understanding with TDLR to provide information on tax professional educational needs, to review and approve all required educational courses, examinations, and continuing education courses, and to provide assistance regarding administrative proceedings and in prosecuting violations.

This analysis assumes that appropriations for the Board of Tax Professional Examiners and the 3.7 FTEs will be transferred to TDLR. This analysis also assumes the continuation of existing fee rates. The Sunset Advisory Committee estimates that TDLR would be able to provide more efficient and comprehensive services to registrants and the public with the same amount of resources as the Board.

Since TDLR is statutorily required to generate revenues sufficient to cover its costs of operation, this analysis assumes that the agency would adjust fees as necessary to cover any additional costs associated with the implementation of the bill. The Comptroller of Public Accounts, the Sunset Advisory Committee, TDLR and the Board of Tax Professional Examiners anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 116 Sunset Advisory Commission, 337 Board of Tax Professional Examiners, 452 Department of Licensing and Regulation

**LBB Staff:** JOB, KK, JRO, MW, ES

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 14, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2447** by Flynn (Relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation. ),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would abolish the Board of Tax Professional Examiners and transfer obligations, property, full-time equivalent positions, rights, powers, and duties of the Board to the Texas Department of Licensing and Regulation (TDLR). The bill would create the Texas Tax Professional Advisory Committee, with five members appointed by the Commission of Licensing and Regulation, to advise TDLR on tax professional regulatory issues.

The bill would eliminate licensing and administrative fee caps and would authorize TDLR to set fees in amounts necessary to cover the costs of the Department's tax professional regulatory program. The bill would eliminate the 30-day grace period for registration renewal and would require TDLR to create late renewal fees based on standard renewal fees.

The bill would require the Comptroller of Public Accounts to enter into a memorandum of understanding with TDLR to provide information on tax professional educational needs, to review and approve all required educational courses, examinations, and continuing education courses, and to provide assistance regarding administrative proceedings and in prosecuting violations.

This analysis assumes that appropriations for the Board of Tax Professional Examiners and the 3.7 FTEs will be transferred to TDLR. This analysis also assumes the continuation of existing fee rates. The Sunset Advisory Committee estimates that TDLR would be able to provide more efficient and comprehensive services to registrants and the public with the same amount of resources as the Board.

Since TDLR is statutorily required to generate revenues sufficient to cover its costs of operation, this analysis assumes that the agency would adjust fees as necessary to cover any additional costs associated with the implementation of the bill. The Comptroller of Public Accounts, the Sunset Advisory Committee, TDLR and the Board of Tax Professional Examiners anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 116 Sunset Advisory Commission, 337 Board of Tax Professional Examiners, 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, MW, ES, KK



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 31, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2447** by Flynn (Relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would abolish the Board of Tax Professional Examiners and transfer obligations, property, full-time equivalent positions, rights, powers, and duties of the Board to the Texas Department of Licensing and Regulation (TDLR). The bill would create the Texas Tax Professional Advisory Committee, with five members appointed by the Commission of Licensing and Regulation, to advise TDLR on tax professional regulatory issues.

The bill would eliminate licensing and administrative fee caps and would authorize TDLR to set fees in amounts necessary to cover the costs of the Department's tax professional regulatory program. The bill would eliminate the 30-day grace period for registration renewal and would require TDLR to create late renewal fees based on standard renewal fees.

The bill would authorize the Comptroller of Public Accounts to provide TDLR information on tax professional educational needs and assistance in prosecuting violations.

This analysis assumes that appropriations for the Board of Tax Professional Examiners and the 3.7 FTEs will be transferred to TDLR. This analysis also assumes the continuation of existing fee rates. The Sunset Advisory Committee estimates that TDLR would be able to provide more efficient and comprehensive services to registrants and the public with the same amount of resources as the Board.

Since TDLR is statutorily required to generate revenues sufficient to cover its costs of operation, this analysis assumes that the agency would adjust fees as necessary to cover any additional costs associated with the implementation of the bill. The Comptroller of Public Accounts, the Sunset Advisory Committee, TDLR and the Board of Tax Professional Examiners anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 337 Board of Tax Professional Examiners, 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, MW, ES, KK