

By: Flynn, Pitts

H.B. No. 1179

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certification requirements for certain property tax
3 professionals.

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

5 SECTION 1. The heading to Section 1151.160, Occupations
6 Code, is amended to read as follows:

7 Sec. 1151.160. CERTIFICATION LEVELS AND REQUIREMENTS;
8 RULES.

9 SECTION 2. Section 1151.160, Occupations Code, is amended
10 by amending Subsections (a) and (c) and adding Subsections (d),
11 (e), (f), (g), (h), and (i) to read as follows:

12 (a) The commission by rule shall adopt minimum requirements
13 for the certification of registrants. The requirements for
14 certification of a registrant [~~an employee of a taxing unit's tax~~
15 ~~office~~] must emphasize the areas of responsibility of the
16 registrant in performing the registrant's duties for the taxing
17 unit.

18 (c) A [~~The rules establishing minimum requirements must~~
19 ~~require that:~~

20 [~~(1) a~~] person registered as an appraiser shall become
21 certified as a registered professional appraiser not later than the
22 fifth anniversary of the date of the person's original
23 registration. The person shall obtain certification by:

24 (1) successfully completing the certification

1 requirements established by commission rule; or

2 (2) if the person is certified or licensed under
3 Chapter 1103 as an appraiser by the Texas Appraiser Licensing and
4 Certification Board, passing the appropriate examination required
5 under Section 1151.161.

6 (d) A [(2)—a] person registered as an assessor or
7 assessor-collector shall become certified as a registered Texas
8 assessor not later than the fifth anniversary of the date of the
9 person's original registration. [~~;~~ and]

10 (e) A [(3)—a] person registered as a collector shall become
11 certified as a registered Texas collector not later than the third
12 anniversary of the date of the person's original registration.

13 (f) In this subsection, "break in service" means time during
14 which a person is not employed in the type of employment for which
15 the person is registered, other than a period resulting from
16 termination for cause. A registrant who has a break in service is
17 entitled to an adjustment of the applicable anniversary date
18 described by Subsection (c), (d), or (e) equal to the length of the
19 break in service, as determined by commission rule. A person who
20 has a break in service that exceeds five years must submit a new
21 application and proof of completion of current course requirements,
22 unless otherwise excepted under commission rule.

23 (g) A registrant who has not obtained the certification
24 required by Subsection (c), (d), or (e) within the time required by
25 the applicable subsection is entitled to a one-year extension to
26 meet the certification requirements if:

27 (1) the applicant submits proof of active military

1 status performed after the date of the applicant's original
2 registration;

3 (2) the applicant submits proof of leave under the
4 federal Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601
5 et seq.) taken after the date of the applicant's original
6 registration;

7 (3) the applicant submits proof of a death or illness
8 in the family or an unforeseen emergency occurring after the date of
9 the applicant's original registration that prevented the
10 registrant from meeting certification requirements;

11 (4) a county tax assessor-collector, chief appraiser,
12 chief administrative officer of a political subdivision, or other
13 person authorized by the commission by rule requests the extension
14 on behalf of an employee;

15 (5) the applicant requesting the extension is a county
16 tax assessor-collector or chief appraiser; or

17 (6) the applicant meets another reasonable
18 qualification for an extension established by the commission by
19 rule.

20 (h) The commission shall establish reasonable
21 qualifications for reapplication for a registration by an applicant
22 who does not meet any of the requirements of Subsection (g) or
23 Section 1151.1605.

24 (i) The commission shall adopt rules as necessary to
25 implement this section.

26 SECTION 3. Subchapter D, Chapter 1151, Occupations Code, is
27 amended by adding Section 1151.1605 to read as follows:

1 Sec. 1151.1605. REINSTATEMENT OF REGISTRATION. (a) A
2 person who has not satisfied the requirements for certification
3 within the time required by Section 1151.160(c) or rules adopted
4 under that section may apply for reinstatement of a registration
5 under this section if that person obtained registration before
6 December 31, 2010, as a Class II collector, a Class III appraiser,
7 or a Class III assessor-collector as defined by a rule adopted by
8 the commission under Section 1151.160.

9 (b) A qualified person may apply for reinstatement of a
10 registration if, before December 31, 2011, that person:

11 (1) pays a \$250 fee; and

12 (2) files a completed reinstatement application on a
13 form prescribed by the department.

14 (c) A registration reinstated under this section expires on
15 December 31, 2013, and may not be renewed unless the applicant
16 satisfies all registration and certification requirements,
17 including any education and examination requirements, before
18 December 31, 2013.

19 (d) If a person completes the registration and
20 certification requirements in order to renew a registration under
21 Subsection (c), the date of registration shall be the same as the
22 date of completion of the requirements.

23 (e) This section expires December 31, 2013.

24 SECTION 4. Subchapter D, Chapter 1151, Occupations Code, is
25 amended by adding Section 1151.165 to read as follows:

26 Sec. 1151.165. INACTIVE STATUS. The commission may adopt
27 rules to allow a registrant to place a registration issued by the

1 department on inactive status in the same manner as a license is
2 placed on inactive status under Section 51.4011.

3 SECTION 5. (a) The Texas Commission of Licensing and
4 Regulation shall adopt rules under Section 1151.160, Occupations
5 Code, as amended by this Act, and Section 1151.165, Occupations
6 Code, as added by this Act, not later than February 1, 2012.

7 (b) The Texas Commission of Licensing and Regulation shall
8 adopt rules under Section 1151.1605, Occupations Code, as added by
9 this Act, not later than October 1, 2011.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2011.