

1-1 By: Flynn, Pitts (Senate Sponsor - Deuell) H.B. No. 1179
1-2 (In the Senate - Received from the House April 26, 2011;
1-3 April 27, 2011, read first time and referred to Committee on
1-4 Finance; May 11, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 14, Nays 0;
1-6 May 11, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1179 By: Patrick

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

1-10 relating to certification requirements for certain property tax
1-11 professionals.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Section 1151.160, Occupations
1-14 Code, is amended to read as follows:

1-15 Sec. 1151.160. CERTIFICATION LEVELS AND REQUIREMENTS;
1-16 RULES.

1-17 SECTION 2. Section 1151.160, Occupations Code, is amended
1-18 by amending Subsections (a) and (c) and adding Subsections (d),
1-19 (e), (f), (g), (h), and (i) to read as follows:

1-20 (a) The commission by rule shall adopt minimum requirements
1-21 for the certification of registrants. The requirements for
1-22 certification of a registrant ~~[an employee of a taxing unit's tax~~
1-23 ~~office]~~ must emphasize the areas of responsibility of the
1-24 registrant in performing the registrant's duties for the taxing
1-25 unit.

1-26 (c) ~~A [The rules establishing minimum requirements must~~
1-27 ~~require that:~~

1-28 ~~[(1) a] person registered as an appraiser shall become~~
1-29 ~~certified as a registered professional appraiser not later than the~~
1-30 ~~fifth anniversary of the date of the person's original~~
1-31 ~~registration. The person shall obtain certification by:~~

1-32 ~~(1) successfully completing the certification~~
1-33 ~~requirements established by commission rule; or~~

1-34 ~~(2) if the person is certified or licensed under~~
1-35 ~~Chapter 1103 as an appraiser by the Texas Appraiser Licensing and~~
1-36 ~~Certification Board, passing the appropriate examination required~~
1-37 ~~under Section 1151.161.~~

1-38 ~~(d) A [(2) a] person registered as an assessor or~~
1-39 ~~assessor-collector shall become certified as a registered Texas~~
1-40 ~~assessor not later than the fifth anniversary of the date of the~~
1-41 ~~person's original registration. [and]~~

1-42 ~~(e) A [(3) a] person registered as a collector shall become~~
1-43 ~~certified as a registered Texas collector not later than the third~~
1-44 ~~anniversary of the date of the person's original registration.~~

1-45 ~~(f) In this subsection, "break in service" means time during~~
1-46 ~~which a person is not employed in the type of employment for which~~
1-47 ~~the person is registered, other than a period resulting from~~
1-48 ~~termination for cause. A registrant who has a break in service is~~
1-49 ~~entitled to an adjustment of the applicable anniversary date~~
1-50 ~~described by Subsection (c), (d), or (e) equal to the length of the~~
1-51 ~~break in service, as determined by commission rule. A person who~~
1-52 ~~has a break in service that exceeds five years must submit a new~~
1-53 ~~application and proof of completion of current course requirements,~~
1-54 ~~unless otherwise excepted under commission rule.~~

1-55 ~~(g) A registrant who has not obtained the certification~~
1-56 ~~required by Subsection (c), (d), or (e) within the time required by~~
1-57 ~~the applicable subsection is entitled to a one-year extension to~~
1-58 ~~meet the certification requirements if:~~

1-59 ~~(1) the applicant submits proof of active military~~
1-60 ~~status performed after the date of the applicant's original~~
1-61 ~~registration;~~

1-62 ~~(2) the applicant submits proof of leave under the~~
1-63 ~~federal Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601~~

2-1 et seq.) taken after the date of the applicant's original
2-2 registration;

2-3 (3) the applicant submits proof of a death or illness
2-4 in the family or an unforeseen emergency occurring after the date of
2-5 the applicant's original registration that prevented the
2-6 registrant from meeting certification requirements;

2-7 (4) a county tax assessor-collector, chief appraiser,
2-8 chief administrative officer of a political subdivision, or other
2-9 person authorized by the commission by rule requests the extension
2-10 on behalf of an employee;

2-11 (5) the applicant requesting the extension is a county
2-12 tax assessor-collector or chief appraiser; or

2-13 (6) the applicant meets another reasonable
2-14 qualification for an extension established by the commission by
2-15 rule.

2-16 (h) The commission shall establish reasonable
2-17 qualifications for reapplication for a registration by an applicant
2-18 who does not meet any of the requirements of Subsection (g) or
2-19 Section 1151.1605.

2-20 (i) The commission shall adopt rules as necessary to
2-21 implement this section.

2-22 SECTION 3. Subchapter D, Chapter 1151, Occupations Code, is
2-23 amended by adding Section 1151.1605 to read as follows:

2-24 Sec. 1151.1605. REINSTATEMENT OF REGISTRATION. (a) A
2-25 person who has not satisfied the requirements for certification
2-26 within the time required by Section 1151.160(c), (d), or (e) or
2-27 rules adopted under those subsections may apply for reinstatement
2-28 of a registration under this section if that person obtained
2-29 registration before December 31, 2010, as a Class II collector, a
2-30 Class III appraiser, or a Class III assessor-collector as defined
2-31 by a rule adopted by the commission under Section 1151.160.

2-32 (b) A qualified person may apply for reinstatement of a
2-33 registration if, before December 31, 2011, that person:

2-34 (1) pays a \$250 fee; and

2-35 (2) files a completed reinstatement application on a
2-36 form prescribed by the department.

2-37 (c) A registration reinstated under this section expires on
2-38 December 31, 2013, and may not be renewed unless the applicant
2-39 satisfies all registration and certification requirements,
2-40 including any education and examination requirements, before
2-41 December 31, 2013.

2-42 (d) If a person completes the registration and
2-43 certification requirements in order to renew a registration under
2-44 Subsection (c), the date of registration shall be the same as the
2-45 date of completion of the requirements.

2-46 (e) This section expires December 31, 2013.

2-47 SECTION 4. Subchapter D, Chapter 1151, Occupations Code, is
2-48 amended by adding Section 1151.165 to read as follows:

2-49 Sec. 1151.165. INACTIVE STATUS. The commission may adopt
2-50 rules to allow a registrant to place a registration issued by the
2-51 department on inactive status in the same manner as a license is
2-52 placed on inactive status under Section 51.4011.

2-53 SECTION 5. (a) The Texas Commission of Licensing and
2-54 Regulation shall adopt rules under Section 1151.160, Occupations
2-55 Code, as amended by this Act, and Section 1151.165, Occupations
2-56 Code, as added by this Act, not later than February 1, 2012.

2-57 (b) The Texas Commission of Licensing and Regulation shall
2-58 adopt rules under Section 1151.1605, Occupations Code, as added by
2-59 this Act, not later than October 1, 2011.

2-60 SECTION 6. This Act takes effect immediately if it receives
2-61 a vote of two-thirds of all the members elected to each house, as
2-62 provided by Section 39, Article III, Texas Constitution. If this
2-63 Act does not receive the vote necessary for immediate effect, this
2-64 Act takes effect September 1, 2011.

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