

BILL ANALYSIS

Senate Research Center
84R7420 BEF-D

S.B. 765
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Finance
2/26/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 765 seeks to repeal the \$200 licensing fee imposed annually on chiropractors, physicians, dentists, optometrists, psychologists, certified public accountants, architects, engineers, real estate brokers, investment advisers, attorneys, and veterinarians. Some of these fees were enacted in 1991, when the legislature faced a revenue shortfall, and others in 2003, when the legislature again faced a revenue shortfall. Interested parties assert that many of the fees were categorized as temporary at the time of passage and assessed because the selected professions were not subject to the franchise tax in place at the time of passage. All remain in effect despite the affected professions inclusion in Texas' current franchise tax. Repeal of these fees will free up otherwise constrained capital for investment.

As proposed, S.B. 765 amends current law relating to the repeal of certain occupational license fees and taxes.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas State Board of Public Accountancy is rescinded in SECTION 11 (Section 901.407, Occupations Code), of this bill.

Rulemaking authority previously granted to the State Bar of Texas is rescinded in SECTION 11 (Subchapter H, Chapter 191, Tax Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 201.354(d) and (g), Occupations Code, as follows:

(d) Deletes existing text authorizing a person whose license has been expired for 90 days or less to renew the license by paying to the Texas Board of Chiropractic Examiners (TBCE) the increase in the renewal fee required by Section 201.153(b) (relating to increasing certain TBCE fees by \$200). Deletes existing text authorizing a person whose license has been expired for more than 90 days but less than one year to renew the license by paying to TBCE the increase the renewal fee required by Section 201.153(b). Makes nonsubstantive changes.

(g) Deletes existing text authorizing a person to renew a license that has been expired for at least one year but not more than three years if the person pays to TBCE the increase in the annual renewal fee required by Section 201.153(b). Makes nonsubstantive changes.

SECTION 2. Amends Section 351.304(b), Occupations Code, to delete existing text authorizing a person whose license has been expired for 90 days or less to renew the license by paying to the Texas Optometry Board (TOB) the additional fee required by Section 351.153 (Additional Fees). Makes nonsubstantive changes and a conforming change.

SECTION 3. Amends Section 351.306(b), Occupations Code, to require the person to pay to TOB a fee that is equal to the amount of the renewal fee set by TOB under Section 351.152 (Fees), rather than Section 351.153(a) (relating to the fee for the issuance of a license and the fee for a renewal of that license).

SECTION 4. Amends Sections 801.303(b) and (c), Occupations Code, as follows:

(b) Deletes existing text authorizing a person whose license has been expired for 90 days or less to renew the license by paying to the State Board of Veterinary Medical Examiners (TBVME) the additional fee required by Section 801.154(b) (relating to the veterinarian license renewal fee and an additional \$200 fee), if applicable. Makes a nonsubstantive change.

(c) Deletes existing text authorizing a person whose license has been expired for more than 90 days but less than one year to renew the license by paying TBVME the additional fee required by Section 801.154(b), if applicable. Makes a nonsubstantive change.

SECTION 5. Amends Section 801.305(b), Occupations Code, to delete existing text requiring a person to pay TBVME the additional fee required by Section 801.154(b).

SECTION 6. Amends Section 901.405(f), Occupations Code, to delete existing text providing that a person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date of application is not subject to additional fees under Section 901.408 (Consequence of Failure to Pay Certain Fees).

SECTION 7. Amends Section 901.408(a), Occupations Code, to delete existing text authorizing a person, other than a person described by Section 901.405(f), who fails to pay the additional fee imposed under Section 901.407 (Additional Fee), if applicable, to renew the person's license only by submitting to the Texas State Board of Public Accountancy (TSBPA) an application for renewal accompanied by payment of all accrued fees, including late fees, and the direct administrative costs incurred by TSBPA in renewing the person's license. Makes a conforming change.

SECTION 8. Amends Sections 1001.353(b) and (c), Occupations Code, as follows:

(b) Deletes existing text authorizing a person whose license has been expired for 90 days or less to renew the license by paying to the Texas Board of Professional Engineers (TBPE) any applicable increase in fees as required by Section 1001.206 (Fee Increase). Makes nonsubstantive changes.

(c) Deletes existing text authorizing a person whose license has been expired for more than 90 days but less than two years to renew the license by paying to TBPE any applicable increase in fees as required by Section 1001.206. Makes nonsubstantive changes.

SECTION 9. Amends Section 1001.355(d), Occupations Code, to delete existing text requiring a license holder on inactive status, in order to return to active status, to pay the fee increase required by Section 1001.206.

SECTION 10. Amends Section 1101.154(a), Occupations Code, to delete a reference to Section 1101.153 (Division of Responsibilities). Makes a nonsubstantive change.

SECTION 11. Repealer: Section 153.053 (Surcharge for Certain Fees), Occupations Code;

Repealer: Sections 201.153(b) and (c) (relating to a \$50 deposit for each TBCE \$200 fee increase), Occupations Code;

Repealer: Section 254.004(b) (relating to increasing the State Board of Dental Examiner's dental application fee and dentist annual renewal fee by \$200), Occupations Code;

Repealer: Section 351.153 (Additional Fee), Occupations Code;

Repealer: Section 501.153 (Fee Increase), Occupations Code;

Repealer: Sections 801.154(b), (c) (relating to an additional \$50 deposit for certain additional fees), and (d) (relating to the application of the additional fee to the veterinarian license renewal fee), Occupations Code;

Repealer: Section 901.406 (Fee Increase), Occupations Code;

Repealer: Section 901.407 (Additional Fee), Occupations Code;

Repealer: Section 901.410 (Fee Exemption for Certain License Holders), Occupations Code;

Repealer: Section 1001.206 (Fee Increase), Occupations Code;

Repealer: Section 1051.652 (Fee Increase), Occupations Code;

Repealer: Section 1101.153(Fee Increase), Occupations Code;

Repealer: Section 1105.003(e) (relating to requirements regarding depositing certain fees), Occupations Code;

Repealer: Subchapter H (Attorneys), Chapter 191 (Miscellaneous Occupation Taxes), Tax Code; and

Repealer: Section 41, The Securities Act (Article 581-41 (Increase in Fees), V.T.C.S.).

SECTION 12. Provides that the changes in law made by this Act do not affect a surcharge, additional fee, additional charge, fee increase, tax, or late fee imposed before the effective date of this Act, and the law in effect before the effective date of this Act is continued in effect for purposes of the liability for and collection of those surcharges, additional fees, additional charges, fee increases, taxes, and late fees.

SECTION 13. Effective date: September 1, 2015.