By:  Thompson of Harris, et al. H.B. No. 2305

     (Senate Sponsor - Creighton)

(In the Senate - Received from the House April 12, 2021; April 13, 2021, read first time and referred to Committee on Business & Commerce; May 19, 2021, reported favorably by the following vote: Yeas 8, Nays 0; May 19, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Johnson              X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire                      X

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Real Estate Research Center, the Real Estate Research Advisory Committee, and the Texas Real Estate Commission; increasing a fee.

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

SECTION 1.  The heading to Subchapter C, Chapter 86, Education Code, is amended to read as follows:

SUBCHAPTER C. TEXAS REAL ESTATE RESEARCH CENTER

SECTION 2.  Section 86.51, Education Code, is amended to read as follows:

Sec. 86.51.  TEXAS REAL ESTATE RESEARCH CENTER. The Texas Real Estate Research Center [~~There~~] is established at Texas A&M University [~~a Real Estate Research Center, hereinafter referred to as the center~~]. The operating budget, staffing, and activities of the center shall be approved by the board of regents of The Texas A&M University System.

SECTION 3.  Section 86.52, Education Code, is amended by amending Subsections (c), (d), (e), (f), (h), (i), (j), (k), and (l) and adding Subsection (m) to read as follows:

(c)  Members [~~Except for the initial appointees, members~~] of the advisory committee hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. [~~In making the initial appointments, the governor shall designate three members, including two representatives of the real estate industry and one representative of the general public, for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977.~~] Any vacancy shall be filled by appointment for the unexpired portion of the term. Each member shall serve until the member's [~~his~~] successor is qualified.

(d)  The presiding officer [~~chairman~~] of the Texas Real Estate Commission, or a member of the commission designated by the presiding officer [~~him~~], shall serve as an ex officio, nonvoting member of the advisory committee.

(e)  The advisory committee shall elect a presiding officer and an assistant presiding officer from the committee's [~~its~~] membership, and each officer shall serve for a term of one year.

(f)  [~~The first meeting of the advisory committee shall be called by the president of Texas A & M University or his designated representative.~~] The advisory committee shall meet not less than semiannually, and in addition on call of the committee's presiding officer [~~its chairman~~], or on petition of any six of the committee's [~~its~~] members, or on call of the president of Texas A&M [~~A & M~~] University or the president's [~~his~~] designated representative.

(h)  The president of Texas A&M [~~A & M~~] University or the president's [~~his~~] designated representative shall submit to the advisory committee in advance of each fiscal year a proposed budget for expenditures of all funds provided for the center in a form that is related to the proposed schedule of activities for the review and approval of the advisory committee. The proposed budget approved by the advisory committee shall be forwarded with the comments of the committee to the board of directors of The Texas A&M [~~A & M~~] University System prior to its action on the proposed budget, and the board of directors of The Texas A&M [~~A & M~~] University System shall not authorize any expenditure that has not had the prior approval of the advisory committee.

(i)  The president of Texas A&M [~~A & M~~] University or the president's [~~his~~] designated representative shall submit to the advisory committee for its review and approval a research agenda at the beginning of each fiscal year and shall continuously inform the advisory committee of changes in its substance and scheduling.

(j)  Each member of the advisory committee [~~board~~] is entitled to a per diem as provided in the center's budget [~~set by legislative appropriation~~] for each day that the member engages in the business of the committee [~~board~~]. A member may not receive any compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to compensation for transportation expenses as provided in [~~prescribed by~~] the center's budget [~~General Appropriations Act~~].

(k)  Except as provided by Subsection (l), the [~~The~~] advisory committee is subject to Chapter 551, Government Code, Chapter 2001, Government Code, and the provisions of Chapter 572, Government Code.

(l)  The advisory committee may conduct a meeting by conference call or virtually through a third-party Internet application as long as members of the general public are able to participate in the meeting, and any discussions during the meeting, if the meeting is not permitted to be conducted as a closed meeting under Chapter 551, Government Code.

(m)  The financial transactions of the center are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

SECTION 4.  Section 1101.054, Occupations Code, is amended to read as follows:

Sec. 1101.054.  OFFICIAL OATH. Not later than the 15th calendar day after the date of appointment, each appointee must take the constitutional oath of office.

SECTION 5.  Section 1101.154(a), Occupations Code, is amended to read as follows:

(a)  The fee for the issuance or renewal of a:

(1)  broker license is the amount of the fee set under Section 1101.152 and an additional $70 fee for each year of the term for which the license is issued or renewed;

(2)  sales agent license is the amount of the fee set under Section 1101.152 and an additional $20 fee for each year of the term for which the license is issued or renewed; and

(3)  certificate of registration is the amount of the fee set under Section 1101.152 and an additional $20 fee for each year of the term for which the certificate is issued or renewed.

SECTION 6.  Section 1101.154(a), Occupations Code, as amended by this Act, applies only to the issuance or renewal of a license or certificate of registration under Chapter 1101, Occupations Code, on or after the effective date of this Act.

SECTION 7.  This Act takes effect September 1, 2021.

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