

BILL ANALYSIS

Senate Research Center
82R4884 SLB-F

S.B. 1335
By: Deuell
Finance
4/15/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, the Texas Legislature adopted the recommendation of the Sunset Advisory Commission (Sunset) to abolish the Board of Tax Professional Examiners and to transfer its functions to the Texas Department of Licensing and Regulation (TDLR). Since then, certain changes to Chapter 1151 (Property Tax Professionals), Occupations Code, have been identified that would help property tax professionals achieve certifications and maintain registration with TDLR.

Under current law, persons registering with TDLR as an appraiser or assessor must achieve "registered professional appraiser" or "registered Texas assessor" status, the highest possible certifications established by the Texas Commission on Licensing and Regulation (TCLR), within five years of first registering with TDLR. Collectors must obtain "registered Texas collector" status within three years of registering. Often, due to unforeseen circumstances, work schedules, and lack of predictability in course offerings, registrants have difficulty meeting these deadlines, and statute does not allow for flexibility.

As proposed, S.B. 1335 amends current law relating to certification requirements for certain property tax professionals.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 (Section 1151.160, Occupations Code), SECTION 3 (Section 1151.1605, Occupations Code), and SECTION 4 (Section 1151.165, Occupations Code), of this bill.

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 2 (Section 157.160, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 1151.160, Occupations Code, to read as follows:

Sec. 1151.160. CERTIFICATION LEVELS AND REQUIREMENTS; RULES.

SECTION 2. Amends Section 1151.160, Occupations Code, by amending Subsections (a) and (c) and adding Subsections (d), (e), (f), (g), and (h), as follows:

(a) Requires the Texas Commission of Licensing and Regulation (TCLR) by rule to adopt minimum requirements for the certification of registrants. Requires that the requirements for certification of a registrant, rather than an employee of a taxing unit's tax office, emphasize the areas of responsibility of the registrant in performing the registrant's duties for the taxing unit.

(c) Requires a person registered as an appraiser, rather than requiring that the rules establishing minimum requirements require that, to become certified as a registered professional appraiser not later than the fifth anniversary of the date of the person's original registration. Requires the person to obtain certification by:

(1) successfully completing the certification requirements established by TCLR rule; or

(2) if the person is certified or licensed under Chapter 1103 (Real Estate Appraisers) as an appraiser by the Texas Appraiser Licensing and Certification Board (TALCB), passing the appropriate examination required under Section 1151.161 (Examination for Certification; Application; Fee).

(d) Requires a person registered as an assessor or assessor-collector to become certified as a registered Texas assessor not later than the fifth anniversary of the date of the person's original registration. Makes nonsubstantive changes.

(e) Requires a person registered as a collector to become certified as a registered Texas collector not later than the third anniversary of the date of the person's original registration. Makes nonsubstantive changes.

(f) Provides that a registrant who has not obtained the certification required by Subsection (c), (d), or (e) within the time required by the applicable subsection is entitled to a one-year extension to meet the certification requirements if:

(1) the applicant submits proof of active military status performed after the date of the applicant's original registration;

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

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

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

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

(6) the applicant meets another reasonable qualification for an extension established by TCLR by rule.

(g) Requires TCLR to establish reasonable qualifications for reapplication for a registration by an applicant who does not meet any of the requirements of Subsection (f) or Section 1151.1605.

(h) Requires TCLR to adopt rules as necessary to implement this section.

SECTION 3. Amends Subchapter D, Chapter 1151, Occupations Code, by adding Section 1151.1605, as follows:

Sec. 1151.1605. REINSTATEMENT OF REGISTRATION. (a) Authorizes a person who has not satisfied the requirements for certification within the time required by Section 1151.160(c) or rules adopted under that section to apply for reinstatement of a registration under this section if that person obtained registration before December 31, 2010, as a Class II collector, a Class III appraiser, or a Class III assessor-collector as defined by a rule adopted by TCLR under Section 1151.160.

(b) Authorizes a qualified person to apply for reinstatement of a registration if, before December 31, 2011, that person:

(1) pays a fee in an amount determined by the Texas Department of Licensing and Regulation (TDLR); and

(2) files a completed reinstatement application on a form prescribed by TDLR.

(c) Provides that a registration reinstated under this section expires on December 31, 2013, and is prohibited from being renewed unless the applicant satisfies all registration and certification requirements, including any education and examination requirements, before December 31, 2013.

(d) Requires that the date of registration, if a person completes the registration and certification requirements in order to renew a registration under Subsection (c), to be the same as the date of completion of the requirements.

(e) Provides that this section expires December 31, 2013.

SECTION 4. Amends Subchapter D, Chapter 1151, Occupations Code, by adding Section 1151.165, as follows:

Sec. 1151.165. INACTIVE STATUS. Authorizes TCLR to adopt rules to allow a registrant to place a registration issued by TDLR on inactive status in the same manner as a license is placed on inactive status under Section 51.4011 (Inactive Status).

SECTION 5. (a) Requires TCLR to adopt rules under Section 1151.160, Occupations Code, as amended by this Act, and Section 1151.165, Occupations Code, as added by this Act, not later than February 1, 2012.

(b) Requires TCLR to adopt rules under Section 1151.1605, Occupations Code, as added by this Act, not later than October 1, 2011.

SECTION 6. Effective date: upon passage or September 1, 2011.