

BILL ANALYSIS

Senate Research Center

S.B. 624
By: Nichols; Birdwell
Business & Commerce
5/24/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Real Estate Commission and its independent subdivision, the Texas Appraiser Licensing Certification Board, protect consumers by licensing real estate professionals, regulating licensee education, and resolving complaints against licensees. The agency is a self-directed semi-independent (SDSI) agency, meaning it operates outside of the legislative appropriations process. The Real Estate Commission and Appraiser Board are subject to abolishment under the Sunset Act on September 1, 2019, unless continued by the legislature.

Overall, the Sunset Advisory Commission found the agency did not use its SDSI status effectively and recommends continuing the agency for only six years, rather than the standard 12 years. Further, the Sunset Advisory Commission recommends the agency implement best practices to strengthen oversight and improve performance in its key licensing and enforcement functions.

Major provisions in Sunset legislation:

- continues the Real Estate Commission and Appraiser Board for six years;
- revises the Real Estate Commission's SDSI provisions:
- adds reporting requirements, including trend performance data, from the SDSI Act to the Real Estate Commission's SDSI statute to allow better comparison with other SDSI agencies;
- eliminates the Real Estate Commission's authority to purchase, construct, or sell property;
- requires that the Appraiser Board's administrative penalties go to general revenue;
- requires the Real Estate Commission and Appraiser Board to reimburse the Texas State Auditor's Office, the Office of the Attorney General, and the State Office of Administrative Hearings for services rendered, rather than pay annual retainers to those agencies;
- updates licensing and enforcement processes to meet best practices:
 - removes subjective and arbitrary qualifications for licensure that could unreasonably restrict entry into practice;
 - authorizes the Real Estate Commission and Appraiser Board to deny license renewal applications for licensees who fail to comply with current administrative orders;
- authorizes the Appraiser Board to establish advisory committees in rule as needed; and
- applies standard good government provisions to the Real Estate Commission and Appraiser Board, such as ensuring board members are adequately trained on their responsibilities and do not have conflicts of interest. (Original Author's/Sponsor's Statement of Intent)

S.B. 624 amends current law relating to the continuation and functions of the Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board and changes fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Real Estate Commission (TREC) in SECTIONS 8, 25, 27, and 46 (Sections 1101.303, 1103.153, and 1103.160, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the Texas Appraiser Licensing and Certification Board in SECTION 46 of this bill.

Rulemaking authority previously granted to TREC is modified in SECTIONS 3, 7, 10, and 25 (Sections 1101.152, 1101.301, 1101.353, and 1103.153, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1101.006, Occupations Code, as follows:

Sec. 1101.006. APPLICATION OF SUNSET ACT. Provides that the Texas Real Estate Commission (TREC) is subject to Chapter 325, Government Code (Texas Sunset Act). Provides that, unless continued in existence as provided by that chapter, TREC is abolished and this chapter (Real Estate Brokers and Sales Agents), Chapter 1102 (Real Estate Inspectors), and Chapter 1303 (Residential Service Companies) of this code and Chapter 221 (Texas Timeshare Act), Property Code, expire September 1, 2025, rather than September 1, 2019.

SECTION 2. Amends Section 1101.059, Occupations Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

- (b) Requires the training program to provide the person with information regarding:
- (1) the law governing TREC operations, rather than this chapter and other laws regulated by TREC;
 - (2) makes no changes to this subdivision;
 - (3) the scope of and limitations on the rulemaking authority of TREC;
 - (4) the types of TREC rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business TREC regulates, including any rule, interpretation, or enforcement actions that:
 - (A) regulates the scope of practice of persons in a profession or business TREC regulates;
 - (B) restricts advertising by persons in a profession or business TREC regulates;
 - (C) affects the price of goods or services provided by persons in a profession or business TREC regulates; or
 - (D) restricts participation in a profession or business TREC regulates;
 - (5) creates this subdivision from existing text and redesignates existing Subdivisions (4)–(5) as Subdivisions (6)–(7);
 - (6) the requirements of laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest and other laws

applicable to members of a state policymaking body in performing their duties;
and

(7) makes no further changes to this subdivision.

(c) Entitles a person appointed to TREC to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) Requires the executive director of TREC to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a copy of the training manual annually to each member of TREC. Requires each member of TREC to sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 3. Amends Section 1101.152, Occupations Code, as follows:

Sec. 1101.152. FEES. (a) Requires TREC to adopt rules to charge and collect fees in amounts reasonable and necessary to cover the costs of administering this chapter, including a fee for:

(1)–(6) makes no changes to these subdivisions;

(7) deletes existing text relating to filing a request for a branch office license, redesignates existing Subdivision (8) as this subdivision, and renumbers the following subdivisions accordingly;

(8)–(10) makes no further changes to these subdivisions;

(11) deletes existing text relating to filing an application for approval of an instructor of qualifying real estate courses, redesignates existing Subdivision (13) as this subdivision, and renumbers the following subdivisions accordingly;

(12) makes no further changes to this subdivision;

(13) filing a request for a determination of fitness to engage in a profession TREC regulates, rather than a request for a determination of moral character; and

(14) makes no further changes to this subdivision.

(b) Requires TREC to adopt rules to set and collect fees amounts reasonable and necessary to cover the costs of implementing the continuing education requirements for license holders, including a fee for:

(1)–(2) makes nonsubstantive changes and deletes existing Subdivisions (3) and (4) relating to an application for approval of an instructor of continuing education courses and attendance at a program to train instructors of a continuing education course.

SECTION 4. Amends Section 1101.204, Occupations Code, by adding Subsection (i), as follows:

(i) Requires TREC, if TREC determines at any time that an allegation made or formal complaint submitted by a person is inappropriate or without merit, to dismiss the complaint and prohibits further action from being taken. Authorizes TREC to delegate to TREC staff the duty to dismiss complaints described by this subsection.

SECTION 5. Amends Section 1101.2051, Occupations Code, by adding Subsection (d-1) to require TREC to protect the identity of a complainant to the extent possible by excluding the complainant's identifying information from a complaint notice sent to a respondent.

SECTION 6. Amends Section 1101.206(a), Occupations Code, to require TREC to develop and implement policies that provide the public with a reasonable opportunity to appear before TREC and to speak on any agenda item at a regular TREC meeting, rather than speak on any issue under TREC's jurisdiction.

SECTION 7. Amends Section 1101.301, Occupations Code, by amending Subsection (a) and adding Subsections (b-1) and (f), as follows:

(a) Authorizes TREC, as necessary for the administration of this chapter and Chapter 1102, by rule, to:

(1) creates this subdivision from existing text and makes a nonsubstantive change; and

(2) develop minimum education and experience requirements for an instructor of a course of study described by Subdivision (1).

(b-1) Requires the applicant, for TREC approval of an application to offer a course of study under this section, to ensure that the educational program's instructors meet the minimum education and experience requirements developed by TREC under Subsection (a)(2).

(f) Authorizes TREC to deny approval of an application to renew a program's approval to offer a program or course of study if the applicant is in violation of a TREC order. Provides that the denial of an approval under this subsection is subject to the same provisions as are applicable under Section 1101.364 (Denial of License) to the denial of a license.

SECTION 8. Amends Section 1101.303, Occupations Code, by adding Subsections (c) and (d), as follows:

(c) Authorizes TREC to by rule develop minimum education and experience requirements for an instructor of a continuing education course of study. Requires the applicant, for TREC approval of an application to offer the course, to ensure that the course's instructors meet the minimum education and experience requirements developed by TREC under this subsection.

(d) Authorizes TREC to deny an application to renew an approval under this section if the applicant is in violation of a TREC order. Provides that the denial of an approval under this subsection is subject to the same provisions as are applicable under Section 1101.364 to the denial of a license.

SECTION 9. Amends the heading to Section 1101.353, Occupations Code, to read as follows:

Sec. 1101.353. DETERMINATION OF FITNESS.

SECTION 10. Amends Sections 1101.353(a), (c), and (d), Occupations Code, as follows:

(a) Requires TREC, if before applying for a license under this chapter a person requests that TREC determine whether the person possesses the fitness to engage in the profession for which the license is required, rather than to determine that the person's moral character complies with TREC's moral character requirements for licensing under this chapter and pays the required fee, to make its determination of the person's fitness to engage in the profession, rather than its determination of the person's moral character.

(c)-(d) Makes conforming changes to these subsections.

SECTION 11. Amends Section 1101.354, Occupations Code, to delete existing text including a requirement that a person be a resident of this state in a list of criteria that a person is required to meet to be eligible to receive a license under this chapter.

SECTION 12. Amends Subchapter J, Chapter 1101, Occupations Code, by adding Section 1101.459, as follows:

Sec. 1101.459. DENIAL OF LICENSE RENEWAL. (a) Authorizes TREC to deny the renewal of a license under this chapter if the applicant is in violation of a TREC order.

(b) Provides that the denial of a license renewal is subject to the same provisions as are applicable under Section 1101.364 to the denial of a license.

SECTION 13. Amends Section 1101.505, Occupations Code, as follows:

Sec. 1101.505. New heading: DENIAL OF CERTIFICATE ISSUANCE OR RENEWAL. (a) Creates this subsection from existing text, makes a nonsubstantive change, and provides that the denial of an original certificate of registration or renewal of a certificate of registration is subject to the same provisions as are applicable under Section 1101.364 to the denial of a license.

(b) Authorizes TREC to deny the renewal of a certificate of registration if the applicant is in violation of a TREC order.

SECTION 14. Amends the heading to Section 1101.552, Occupations Code, to read as follows:

Sec. 1101.552. FIXED OFFICE REQUIRED; CHANGE OF ADDRESS.

SECTION 15. Amends Section 1101.652(a), Occupations Code, to include failure to consider market conditions for the specific geographic area in which the license holder is providing a service in a list of actions by a license holder for which TREC is authorized to suspend or revoke a license issued under Chapter 1102 or take other disciplinary action authorized by this chapter or Chapter 1102, and renumbers the list accordingly.

SECTION 16. Amends Section 1102.106, Occupations Code, as follows:

Sec. 1102.106. New heading: DETERMINATION OF FITNESS. Requires TREC, as prescribed by Section 1101.353, to determine, on request, whether a person possesses the fitness to engage in a profession licensed under this chapter, rather than whether a person's moral character complies with TREC's moral character requirements for licensing under this chapter, and authorizes TREC to conduct a supplemental determination of the person's fitness, rather than a supplemental moral character determination of the person.

SECTION 17. Amends Section 1102.107, Occupations Code, to make a conforming change.

SECTION 18. Amends Subchapter E, Chapter 1102, Occupations Code, by adding Section 1102.206, as follows:

Sec. 1102.206. DENIAL OF LICENSE RENEWAL. (a) Authorizes TREC to deny the renewal of a license if the applicant is in violation of a TREC order.

(b) Provides that the provisions of Section 1101.459 governing TREC's denial of a license renewal under that chapter apply to TREC's denial of a license renewal under this chapter.

SECTION 19. Amends Section 1103.006, Occupations Code, as follows:

Sec. 1103.006. APPLICATION OF SUNSET ACT. Provides that the Texas Appraiser Licensing and Certification Board (TALCB) is subject to Chapter 325, Government Code. Provides that, unless continued in existence as provided by that chapter, TALCB is abolished and this chapter (Real Estate Appraisers) and Chapter 1104 (Appraisal Management Companies) expire September 1, 2025, rather than September 1, 2019.

SECTION 20. Amends Subchapter B, Chapter 1103, Occupations Code, by adding Section 1103.0521, as follows:

Section. 1103.0521. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) Defines "Texas trade association."

(b) Prohibits a person from being a member of TALCB and from being a TALCB employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of real estate brokerage or appraisal; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of real estate brokerage or appraisal.

(c) Prohibits a person from serving as a TALCB member or acting as the general counsel to TALCB if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of TALCB.

SECTION 21. Amends Section 1103.054, Occupations Code, to include use or receipt of a substantial amount of tangible goods, services, or money from TALCB other than compensation or reimbursement authorized by law for TALCB membership, attendance, or expenses by a person or the person's spouse among the reasons for which a person is ineligible for appointment as a public member of TALCB and to make nonsubstantive changes.

SECTION 22. Amends Section 1103.0545, Occupations Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b)-(c) Makes conforming changes to these subsections.

(d) Requires the commissioner of TALCB (commissioner) to create a training manual that includes the information required by Subsection (b). Requires the commissioner to distribute a copy of the training manual annually to each member of TALCB. Requires each member of TALCB to sign and submit to the commissioner a statement acknowledging that the member received and has reviewed the training manual.

SECTION 23. Amends Section 1103.057(a), Occupations Code, to include ineligibility for membership under Section 1103.0521 or 1103.054 (Eligibility of Public Members) in a list of grounds for removing an appointed member from TALCB and to renumber the list accordingly.

SECTION 24. Amends Subchapter C, Chapter 1103, Occupations Code, by adding Section 1103.105, as follows:

Sec. 1103.105. DIVISION OF RESPONSIBILITIES. Requires TALCB to develop and implement policies that clearly separate the policymaking responsibilities of TALCB and the management responsibilities of the commissioner and the staff of TALCB.

SECTION 25. Amends Section 1103.153, Occupations Code, as follows:

Sec. 1103.153. RULES RELATING TO QUALIFYING OR CONTINUING EDUCATION. (a) Creates this subsection from existing text. Makes a nonsubstantive change and authorizes TALCB to adopt rules relating to:

(1) makes no changes to this subdivision; and

(2) the requirements for approval of a provider or course, rather than a provider, course, or instructor, for qualifying or continuing education.

(b) Authorizes TALCB by rule, in addition to the rules adopted under Subsection (a), to develop minimum education and experience requirements for an instructor of a course for qualifying or continuing education. Requires the applicant to ensure that the instructors meet the minimum education and experience requirements for TALCB approval of a course provider application.

SECTION 26. Amends the heading to Section 1103.159, Occupations Code, to read as follows:

Sec. 1103.159. ADVISORY COMMITTEE ON APPRAISAL MANAGEMENT COMPANIES.

SECTION 27. Amends Subchapter D, Chapter 1103, Occupations Code, by adding Sections 1103.160, 1103.161, 1103.162, and 1103.163, as follows:

Sec. 1103.160. ADVISORY COMMITTEES. (a) Authorizes TALCB to appoint advisory committees to perform the advisory functions assigned to the committees by TALCB. Provides that an advisory committee under this section is subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

(b) Prohibits a member of an advisory committee who is not a member of TALCB from receiving compensation for service on the committee. Authorizes the member to receive reimbursement for actual and necessary expenses incurred in performing committee functions as provided by Section 2110.004 (Reimbursement of Members' Expenses; Appropriations Process), Government Code.

(c) Provides that a member of an advisory committee serves at the will of TALCB.

(d) Authorizes an advisory committee to hold a meeting by telephone conference call or other video or broadcast technology.

(e) Requires TALCB, if TALCB appoints an advisory committee under this section, to adopt certain rules.

(f) Requires TALCB by rule, in addition to the rules adopted under Subsection (e), to adopt a process to regularly evaluate the need for an advisory committee appointed under this section.

Sec. 1103.161. PUBLIC PARTICIPATION. Requires TALCB to develop and implement policies that provide the public with a reasonable opportunity to appear before TALCB and to speak on any agenda item at a regular TALCB meeting.

Sec. 1103.162. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) Requires TALCB to develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 (Negotiated Rulemaking), Government Code, for the adoption of TALCB rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 (Alternative Dispute Resolution For Use by Governmental Bodies), Government Code, to assist in the resolution of internal and external disputes under TALCB's jurisdiction.

(b) Requires TALCB's procedures relating to alternative dispute resolution to conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings (SOAH) for the use of alternative dispute resolution by state agencies.

(c) Requires TALCB to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Sec. 1103.163. COMPLAINT INFORMATION. (a) Requires TALCB to maintain a system to promptly and efficiently act on complaints filed with TALCB. Requires TALCB to maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) Requires TALCB to make information available describing its procedures for complaint investigation and resolution.

(c) Requires TALCB to periodically notify the complaint parties of the status of the complaint until final disposition.

SECTION 28. Amends Subchapter E, Chapter 1103, Occupations Code, by adding Section 1103.214, as follows:

Sec. 1103.214. DENIAL OF CERTIFICATE OR LICENSE RENEWAL. (a) Authorizes TALCB to deny the renewal of a certificate or license issued under this chapter if the applicant is in violation of a TALCB order.

(b) Provides that the denial of a certificate or license renewal under this section is subject to the same provisions as are applicable under Section 1103.210 (Denial of Certificate or License) to the denial of a certificate or license.

SECTION 29. Amends Section 1103.353, Occupations Code, to delete existing text including residency for 60 days preceding the date the application is filed from a list of requirements for a license as an appraiser trainee and to renumber the list accordingly.

SECTION 30. Amends Section 1103.460, Occupations Code, by adding Subsection (d-1) to require TALCB to protect the identity of a complainant to the extent possible by excluding the complainant's identifying information from a complaint notice sent to a respondent.

SECTION 31. Amends Section 1103.552(c), Occupations Code, to require TALCB, notwithstanding any other law, to remit an administrative penalty collected under this section to the comptroller of public accounts of the State of Texas for deposit in the general revenue fund, rather than requiring an administrative penalty collected under this section to be deposited in a restricted fund maintained and operated by TALCB to develop educational programs for appraisers or conduct studies that enhance consumer protection.

SECTION 32. Amends Subchapter L, Chapter 1103, Occupations Code, by adding Section 1103.5526, as follows:

Sec. 1103.5526. REFUND. (a) Authorizes TALCB, subject to Subsection (b), to order a person regulated by TALCB under this chapter or Chapter 1104 to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference or an enforcement order instead of or in addition to imposing an administrative penalty or other sanctions.

(b) Prohibits the amount of a refund ordered as provided in an agreement resulting from an informal settlement conference or an enforcement order from exceeding the amount the consumer paid to the person for a service regulated by TALCB. Prohibits TALCB from requiring payment of other damages or estimating harm in a refund order.

SECTION 33. Amends Section 1104.102(c), Occupations Code, to delete existing text requiring that a person owning more than 10 percent of an appraisal management company in this state be of good moral character, as determined by TALCB, and to make nonsubstantive changes.

SECTION 34. Amends Section 1104.104(b), Occupations Code, to make conforming and nonsubstantive changes.

SECTION 35. Amends Section 1104.105, Occupations Code, by adding Subsection (a-1) to authorize TALCB to deny an application for registration renewal if the applicant is in violation of a TALCB order.

SECTION 36. Amends Section 1104.2082, Occupations Code, by adding Subsection (e-1) to require TALCB to protect the identity of a complainant to the extent possible by excluding the complainant's identifying information from a complaint notice sent to a respondent.

SECTION 37. Amends Section 1105.004(b), Occupations Code, as follows:

(b) Requires TREC and TALCB (the agency) to reimburse the state auditor for all costs incurred in performing the audits and requires the agency to provide to the governor a copy of any audit performed. Deletes existing text relating to a requirement that the agency remit a nonrefundable retainer to the state auditor.

SECTION 38. Amends Sections 1105.005(b) and (c), Occupations Code, as follows:

(b) Requires the report required by this subsection to include:

(1)–(4) makes no changes to these subdivisions;

(5) a report on the number of examination candidates, license, certificate, and registration holders, and enforcement activities and any changes in those figures; and

(6) redesignates existing Subdivision (5) as this subdivision and makes no further changes.

(c) Requires the agency, in addition to the reporting requirements of Subsection (b), to submit a report that contains certain financial information to the governor, the committee of each house of the legislature that has jurisdiction over appropriations, and the Legislative Budget Board not later than November 1 of each year.

SECTION 39. Amends Section 1105.007, Occupations Code, as follows:

Sec. 1105.007. PROPERTY. Authorizes TREC or TALCB to acquire by lease and maintain, use, and operate any real, personal, or mixed property necessary, rather than necessary or convenient, to the exercise of the respective powers, rights, privileges, or functions of TREC or TALCB and deletes existing text relating to acquisition by purchase, gift, or any other manner provided by law and relating to interest in property.

Deletes Subdivisions (2)–(4) relating to sale or disposition of certain properties, construction or improvement of facilities, and borrowing money.

SECTION 40. Amends Section 1105.008(b), Occupations Code, as follows:

(b) Authorizes the Texas attorney general to assess and collect from the agency reasonable attorney's fees associated with any litigation under this section. Deletes existing text relating to a nonrefundable retainer.

SECTION 41. Amends Section 1105.009, Occupations Code, as follows:

Sec. 1105.009. ADMINISTRATIVE HEARINGS. Requires SOAH to enter into a contract with the agency for hearings conducted by SOAH under a law administered by TREC or TALCB. Requires the agency to reimburse SOAH for costs incurred in conducting the hearings. Deletes existing text relating to the contract amount and a deadline for a nonrefundable retainer. Deletes existing Subsection (b) (relating to fees for costs in excess of the nonrefundable retainer) and makes nonsubstantive changes.

SECTION 42. Amends Subchapter B, Chapter 1303, Occupations Code, by adding Section 1303.054, as follows:

Sec. 1303.054. COMPLAINT INVESTIGATION. Requires TREC, if TREC determines at any time that an allegation made or formal complaint submitted by a person is inappropriate or without merit, to dismiss the complaint and prohibits further action from being taken. Authorizes TREC to delegate to staff the duty to dismiss complaints described by this section.

SECTION 43. Amends Subchapter C, Chapter 221, Property Code, by adding Section 221.0245, as follows:

Sec. 221.0245. COMPLAINT INVESTIGATION. Requires TREC, if TREC determines at any time that an allegation made or formal complaint submitted by a person is inappropriate or without merit, to dismiss the complaint and prohibits further action from being taken. Authorizes TREC to delegate to TREC staff the duty to dismiss complaints under this section.

SECTION 44. Amends Subchapter C, Chapter 221, Property Code, by adding Section 221.028, as follows:

Sec. 221.028. DENIAL OF REGISTRATION RENEWAL. (a) Authorizes TREC to deny the renewal of a registration under this chapter if the developer is in violation of a TREC order.

(b) Provides that the denial of a registration renewal under this section is subject to the same provisions as are applicable under Section 1101.364, Occupations Code, to the denial of a license.

SECTION 45. Repealer: Section 1101.552(c) (relating to requiring a broker who maintains more than one place of business to obtain a branch office license for each additional office), Occupations Code.

SECTION 46. Requires TREC and TALCB, as soon as practicable after the effective date of this Act, to adopt rules and policies and enter into contracts necessary to implement the changes in law made by this Act.

SECTION 47. Makes application of the changes in law made by this Act relating to an applicant's entitlement to a hearing following the denial of an application to renew a license, certificate of registration, or approval by TREC or TALCB, as applicable, prospective.

SECTION 48. (a) Provides that Sections 1101.059 and 1103.0545, Occupations Code, as amended by this Act, apply to a member of TREC or TALB appointed before, on, or after the effective date of this Act, except as provided by Subsection (b) of this section.

(b) Provides that a member of TREC or TALCB who, before the effective date of this Act, completed the training program required by Section 1101.059 or 1103.0545, Occupations Code, as the applicable law existed before the effective date of this Act, is required to complete additional training only on the subjects added by this Act to the training program required by Section 1101.059 or 1103.0545, Occupations Code, as applicable. Prohibits a member described by this subsection from voting, deliberating, or being counted as a member in attendance at a meeting of the applicable commission or board held on or after December 1, 2019, until the member completes the additional training.

SECTION 49. Makes application of Sections 1101.354, 1102.107, and 1103.353, Occupations Code, as amended by this Act, prospective.

SECTION 50. Makes application of Section 1101.652(a), Occupations Code, as amended by this Act, and Section 1103.5526, Occupations Code, as added by this Act, prospective.

SECTION 51. Provides that Section 1103.0521, Occupations Code, as added by this Act, and Section 1103.054, Occupations Code, as amended by this Act, do not affect the entitlement of a member serving on TALCB immediately before the effective date of this Act to continue to serve for the remainder of the member's term. Requires the governor, as the terms of TALCB members expire, to appoint or reappoint members who have the qualifications required for members under Subchapter B, Chapter 1103, Occupations Code, as amended by this Act.

SECTION 52. Makes application of Section 1103.552(c), Occupations Code, as amended by this Act, prospective.

SECTION 53. Effective date: September 1, 2019.