

BILL ANALYSIS

Senate Research Center
87R4950 MAW-D

S.B. 297
By: Perry
Natural Resources & Economic Development
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The passage of H.B. 1520 during the 86th Legislative Session requires that the Texas Board of Public Accountancy require an individual to submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation. The act was supposed to be completed by September 1, 2021.

Due to COVID-19 restrictions and the age and location of many licensees who needed to have fingerprints taken, the State Board of Accountancy has asked to have a one-year extension, thereby changing the date to September 1, 2022.

In the first four full months of implementation of Section 901.169(a), November 2019 through February 2020, an average of 4,366 licensed Texas CPAs were fingerprinted each month. Continuation at this rate was expected to achieve full compliance with the original September 1, 2021, deadline.

During the following six-month period, at the height of the Texas response to COVID-19, the average fell to 1,840 fingerprints completed per month. In April 2020 alone, only 712 CPAs were able to complete their fingerprinting requirement.

Completing the fingerprinting requirement is most difficult for Texas CPAs living out-of-state and internationally. There is limited accessibility to approved electronic fingerprinting locations outside of Texas and international Texas CPAs are particularly penalized with travel bans across the world and a complete reliance on an antiquated ink fingerprinting process. 7,670 Texas CPAs reside out-of-state and only 4,305 (56%) have been able to complete the requirement. 510 Texas CPAs reside out-of-country and only 215 (42%) are complete.

S.B. 297 extends the requirement of the Texas State Board of Public Accountancy to require each applicant for renewal of a license under Subchapter I, Chapter 901, Occupations Code, to first comply with the requirement of Section 901.169(a), Occupations Code, not later than September 1, 2022.

As proposed, S.B. 297 amends current law relating to the criminal history record information requirement for applicants for renewal of a license issued by the Texas State Board of Public Accountancy.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires the Texas State Board of Public Accountancy (TSBPA) to require each applicant for renewal of a license under Subchapter I (License Requirements, Issuance, and Renewal), Chapter 901 (Accountants), Occupations Code, to first comply with the requirement of Section 901.169(a) (relating to the submission of fingerprints to TSBPA for the purpose of

obtaining a criminal history record for a license), Occupations Code, not later than September 1, 2022. Provides that, notwithstanding Sections 901.169(a)(2)(E) (relating to the exception of submitting fingerprints to TSBPA for certain reasons) and 901.403(c) (relating to TSBPA requiring an applicant for renewal of a license to comply with fingerprint submission), Occupations Code, an applicant for renewal of a license is not required to comply with Section 901.169(a), Occupations Code, until first required to by TSBPA as provided by this Act.

SECTION 2. Repealer: Section 22(d) (relating to the requirements for renewal of certain licenses by TSBPA under Subchapter I, Chapter 901, Occupations Code), Chapter 181 (H.B. 1520), Acts of the 86th Legislature, Regular Session, 2019.

SECTION 3. Effective date: upon passage or September 1, 2021.