

1-1 By: Eltife S.B. No. 1007
 1-2 (In the Senate - Filed March 6, 2015; March 10, 2015, read
 1-3 first time and referred to Committee on Business and Commerce;
 1-4 April 13, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 13, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1007 By: Ellis

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the practices and professions regulated by the Texas
 1-22 Appraiser Licensing and Certification Board.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 1103.003, Occupations Code, is amended
 1-25 by amending Subdivisions (2-a), (6-b), (7), and (8) and adding
 1-26 Subdivisions (2-b), (4-a), and (5-a) to read as follows:

1-27 (2-a) "Appraisal review" has the meaning assigned by
 1-28 Section 1104.003.

1-29 (2-b) "Appraisal Standards Board" means the Appraisal
 1-30 Standards Board of the Appraisal Foundation, or its successor.

1-31 (4-a) "Appraiser trainee" means an appraiser trainee
 1-32 licensed under this chapter.

1-33 (5-a) "Certified appraiser" means a person who is
 1-34 certified under this chapter to practice as a certified general or
 1-35 certified residential appraiser.

1-36 (6-b) "Federal financial institution regulatory
 1-37 agency" means:

1-38 (A) the Board of Governors of the Federal Reserve
 1-39 System;

1-40 (B) the Federal Deposit Insurance Corporation;

1-41 (C) the Office of the Comptroller of the
 1-42 Currency;

1-43 (D) the Consumer Financial Protection Bureau
 1-44 [Office of Thrift Supervision];

1-45 (E) the National Credit Union Administration; or

1-46 (F) the successors of any of those agencies.

1-47 (7) "Licensed appraiser" ["State-certified real
 1-48 estate appraiser" or "certified appraiser" means a person who is
 1-49 certified under this chapter.

1-50 ~~["State-licensed real estate appraiser" or~~
 1-51 ~~"licensed appraiser"]~~ means a person who is licensed under this
 1-52 chapter to practice as a residential real estate appraiser.

1-53 (8) "Supervisory appraiser" means a supervisory
 1-54 appraiser as defined by the Appraiser Qualifications Board.

1-55 SECTION 2. Section 1103.004, Occupations Code, is amended
 1-56 to read as follows:

1-57 Sec. 1103.004. EFFECT OF CHAPTER. ~~(b)~~ This chapter does
 1-58 not prohibit:

1-59 (1) a person authorized by law from performing an
 1-60 evaluation of real property for or providing an evaluation of real

2-1 property to another person; ~~or~~
 2-2 (2) a real estate broker licensed under Chapter 1101
 2-3 or a sales agent ~~[salesperson]~~ acting under the authority of a
 2-4 sponsoring broker from providing to another person a written
 2-5 analysis, opinion, or conclusion relating to the estimated price of
 2-6 real property if the analysis, opinion, or conclusion:
 2-7 (A) is not referred to as an appraisal;
 2-8 (B) is given in the ordinary course of the
 2-9 broker's ~~[or salesperson's]~~ business; and
 2-10 (C) is related to the actual or potential
 2-11 acquisition, disposition, encumbrance, or management of an
 2-12 interest in real property; or
 2-13 (3) an appraiser who is certified by a jurisdiction
 2-14 other than this state from performing an appraisal review of an
 2-15 appraisal performed on real property in this state, if the
 2-16 appraiser does not offer an opinion of value as part of the
 2-17 appraisal review.

2-18 SECTION 3. Section 1103.006, Occupations Code, is amended
 2-19 to read as follows:

2-20 Sec. 1103.006. APPLICATION OF SUNSET ACT. The Texas
 2-21 Appraiser Licensing and Certification Board ~~[If the federal~~
 2-22 ~~government removes the requirements for the preparation or use of~~
 2-23 ~~an appraisal by federally regulated financial institutions, the~~
 2-24 ~~board]~~ is subject to Chapter 325, Government Code (Texas Sunset
 2-25 Act) ~~[, and is subject to sunset review in the next regular session~~
 2-26 ~~of the legislature following the date of the federal government's~~
 2-27 ~~action]. Unless continued in existence [by that legislature] as~~
 2-28 provided by that chapter, the board is abolished and this chapter
 2-29 and Chapter 1104 expire September 1, 2019 ~~[expires on the 90th day~~
 2-30 ~~after the last day of the regular session of that legislature].~~

2-31 SECTION 4. Subchapter B, Chapter 1103, Occupations Code, is
 2-32 amended by adding Section 1103.0545 to read as follows:

2-33 Sec. 1103.0545. TRAINING. (a) A person who is appointed
 2-34 to and qualifies for office as a member of the board may not vote,
 2-35 deliberate, or be counted as a member in attendance at a meeting of
 2-36 the board until the person completes a training program that
 2-37 complies with this section.

2-38 (b) The training program must provide the person with
 2-39 information regarding:

- 2-40 (1) this chapter and other laws applicable to the
 2-41 board;
- 2-42 (2) the programs, functions, rules, and budget of the
 2-43 board;
- 2-44 (3) the results of the most recent formal audit of the
 2-45 board;
- 2-46 (4) the requirements of laws relating to open
 2-47 meetings, public information, administrative procedure, and
 2-48 conflicts of interest; and
- 2-49 (5) any applicable ethics policies adopted by the
 2-50 board or the Texas Ethics Commission.

2-51 (c) A person appointed to the board is entitled to
 2-52 reimbursement for the travel expenses incurred in attending the
 2-53 training program regardless of whether the attendance at the
 2-54 program occurs before or after the person qualifies for office.

2-55 SECTION 5. Section 1103.055, Occupations Code, is amended
 2-56 to read as follows:

2-57 Sec. 1103.055. TERMS; VACANCIES. (a) Appointed members of
 2-58 the board serve staggered six-year ~~[two-year]~~ terms, with the terms
 2-59 of one or two appraiser members and one or two public members
 2-60 expiring on January 31 of each odd-numbered year.

2-61 (b) If a vacancy occurs during a member's term, the governor
 2-62 shall appoint a person to fill the unexpired term ~~[An appointed~~
 2-63 ~~member may not serve more than three consecutive two-year terms].~~

2-64 SECTION 6. Section 1103.056, Occupations Code, is amended
 2-65 to read as follows:

2-66 Sec. 1103.056. OFFICERS; EXECUTIVE COMMITTEE. (a) The
 2-67 governor shall designate a board member who is an appraiser to serve
 2-68 as presiding officer of the board.

2-69 (b) At a regular meeting in February of each year, the board

3-1 shall elect from its members an [~~a presiding officer,~~] assistant
3-2 presiding officer[~~7~~] and a secretary.

3-3 (c) [~~(b)~~] The presiding officer, assistant presiding
3-4 officer, and secretary [~~officers elected under Subsection (a)~~]
3-5 constitute the executive committee.

3-6 SECTION 7. Section 1103.057(c), Occupations Code, is
3-7 amended to read as follows:

3-8 (c) If the commissioner [~~presiding officer of the board~~] has
3-9 knowledge that a potential ground for removal of an appointed board
3-10 member exists, the commissioner shall notify the presiding officer
3-11 of the board of the potential ground. The presiding officer shall
3-12 immediately notify the governor and the attorney general that a
3-13 potential ground for removal exists. If the potential ground for
3-14 removal involves the presiding officer, the commissioner shall
3-15 notify the next highest ranking officer of the board, who shall
3-16 immediately notify the governor and the attorney general that a
3-17 potential ground for removal exists.

3-18 SECTION 8. Section 1103.058, Occupations Code, is amended
3-19 to read as follows:

3-20 Sec. 1103.058. PER DIEM; REIMBURSEMENT. (a) An appointed
3-21 board member is entitled to receive:

3-22 (1) \$75 for each day the member engages in official
3-23 duties as a board member; and

3-24 (2) reimbursement for actual and necessary expenses
3-25 incurred in performing official duties as a board member.

3-26 (b) For purposes of this section, the board by rule may
3-27 determine what constitutes a day or actual and necessary expenses.

3-28 SECTION 9. Subchapter B, Chapter 1103, Occupations Code, is
3-29 amended by adding Section 1103.060 to read as follows:

3-30 Sec. 1103.060. EDUCATIONAL PRESENTATIONS. (a) A member of
3-31 the board or a board employee may make a presentation to a group of
3-32 certificate or license holders for which the certificate or license
3-33 holders may receive continuing education credit for the renewal of
3-34 a certificate or license under Section 1103.211. The board member
3-35 or employee may not receive compensation for the presentation.

3-36 (b) Notwithstanding Subsection (a), the board member or
3-37 employee may receive reimbursement for reasonable travel expenses.

3-38 SECTION 10. Section 1103.101(b), Occupations Code, is
3-39 amended to read as follows:

3-40 (b) The board may delegate to the commissioner the
3-41 responsibility for administering this chapter and Chapter 1104,
3-42 including the approval of consent orders and agreements.

3-43 SECTION 11. Section 1103.102, Occupations Code, is amended
3-44 to read as follows:

3-45 Sec. 1103.102. OTHER BOARD PERSONNEL. In addition to the
3-46 commissioner, the board may employ other officers and employees as
3-47 necessary to administer this chapter and Chapter 1104.

3-48 SECTION 12. Section 1103.103, Occupations Code, is amended
3-49 to read as follows:

3-50 Sec. 1103.103. SALARIES. [~~(a)~~] The commissioner
3-51 [~~administrator of the Texas Real Estate Commission~~] shall determine
3-52 the salaries of the officers and employees of the board.

3-53 SECTION 13. Section 1103.104, Occupations Code, is amended
3-54 to read as follows:

3-55 Sec. 1103.104. DUTIES OF COMMISSIONER. The commissioner
3-56 shall:

3-57 (1) disseminate information;

3-58 (2) administer rules adopted by the board under this
3-59 chapter or Chapter 1104;

3-60 (3) review each application for a certificate or
3-61 license and make a recommendation for final action to the board;

3-62 (4) review and make recommendations to the board
3-63 regarding the adoption of rules relating to:

3-64 (A) the examination required by Subchapter F;

3-65 (B) education and experience requirements for
3-66 issuance of certificates and licenses;

3-67 (C) continuing education for a certified or
3-68 licensed appraiser;

3-69 (D) standards of professional practice and

4-1 ethics for a certified or licensed appraiser;
 4-2 (E) standards for a real estate appraisal
 4-3 performed by a certified or licensed appraiser; and
 4-4 (F) the fees established by the board under
 4-5 Section 1103.156 or Section 1104.052;
 4-6 (5) collect fees established by the board;
 4-7 (6) manage the staff and employees of the board; and
 4-8 (7) perform any other duty prescribed by the board
 4-9 under this chapter or Chapter 1104.

4-10 SECTION 14. Section 1103.151, Occupations Code, is amended
 4-11 to read as follows:

4-12 Sec. 1103.151. RULES RELATING TO CERTIFICATES AND LICENSES.
 4-13 The board may adopt:

4-14 (1) rules for certifying or licensing an appraiser or
 4-15 ~~[approving an]~~ appraiser trainee in this state that are in
 4-16 accordance with this chapter and consistent with applicable federal
 4-17 law;

4-18 (2) rules relating to the qualifying education and
 4-19 experience required for certifying or licensing an appraiser or
 4-20 ~~[approving an]~~ appraiser trainee that are consistent with the
 4-21 guidelines recognized by the Appraiser Qualifications Board;

4-22 (3) rules relating to the examination required by
 4-23 Subchapter F; and

4-24 (4) rules relating to procedures for the timely
 4-25 renewal of a certificate or ~~[r]~~ license ~~[, or trainee approval]~~.

4-26 SECTION 15. Section 1103.153, Occupations Code, is amended
 4-27 to read as follows:

4-28 Sec. 1103.153. RULES RELATING TO QUALIFYING OR CONTINUING
 4-29 EDUCATION. The board may adopt rules relating to:

4-30 (1) continuing education requirements for a certified
 4-31 or licensed appraiser or an ~~[approved]~~ appraiser trainee; and

4-32 (2) the requirements for approval of a provider,
 4-33 course, or instructor for qualifying or continuing education.

4-34 SECTION 16. Section 1103.154, Occupations Code, is amended
 4-35 to read as follows:

4-36 Sec. 1103.154. RULES RELATING TO PROFESSIONAL CONDUCT. The
 4-37 board may adopt:

4-38 (1) rules as necessary to conform to the minimum
 4-39 written standards of the Appraisal Standards Board by incorporating
 4-40 the Uniform Standards of Professional Appraisal Practice;

4-41 (2) rules requiring a certified or licensed appraiser
 4-42 or an appraiser trainee to comply with standards of competency,
 4-43 professional conduct, and ethics prescribed by the Uniform
 4-44 Standards of Professional Appraisal Practice, as adopted by the
 4-45 Appraisal Standards Board; and

4-46 (3) rules relating to the standards for the
 4-47 development of an appraisal and the conveyance of an appraisal
 4-48 report by a certified or licensed appraiser or an appraiser trainee
 4-49 that are recognized as substantially equivalent to or consistent
 4-50 with the Uniform Standards of Professional Appraisal Practice.

4-51 SECTION 17. Section 1103.155(c), Occupations Code, is
 4-52 amended to read as follows:

4-53 (c) The board shall send a copy of the roster to the
 4-54 Appraisal Subcommittee at least weekly ~~[annually]~~.

4-55 SECTION 18. Section 1103.157, Occupations Code, is amended
 4-56 to read as follows:

4-57 Sec. 1103.157. GIFTS, GRANTS, AND DONATIONS. The board may
 4-58 solicit, accept, and administer gifts, grants, and donations of any
 4-59 kind from any public or private source for the purposes of this
 4-60 chapter and Chapter 1104.

4-61 SECTION 19. Section 1103.159, Occupations Code, is amended
 4-62 by amending Subsections (b) and (d) and adding Subsections (e),
 4-63 (f), and (g) to read as follows:

4-64 (b) The advisory committee consists of the assistant
 4-65 presiding officer of the board and four ~~[two]~~ persons appointed by
 4-66 the governor as follows:

4-67 (1) two members who are each designated as the [a]
 4-68 controlling person of an appraisal management company registered
 4-69 under Chapter 1104; and

5-1 (2) two [a] public members [member] with recognized
5-2 business ability.

5-3 (d) The members of the advisory committee appointed by the
5-4 governor serve staggered two-year terms, with the terms of one
5-5 [the] appraisal management company member and one [the] public
5-6 member expiring on January 31 of each year [alternating years].

5-7 (e) An appointed member may not serve more than two
5-8 consecutive two-year terms.

5-9 (f) If a vacancy occurs during a member's term, the governor
5-10 shall appoint a person to fill the unexpired term.

5-11 (g) The advisory committee may hold a meeting by telephone
5-12 conference call or other video or broadcast technology.

5-13 SECTION 20. Section 1103.201, Occupations Code, is amended
5-14 to read as follows:

5-15 Sec. 1103.201. CERTIFICATE OR LICENSE REQUIRED. (a) A
5-16 person may not perform an appraisal of real estate unless the person
5-17 is licensed or certified as an appraiser under this chapter,
5-18 registered as a temporary out-of-state appraiser under this
5-19 chapter, or acting as an appraiser trainee under the supervision
5-20 [sponsorship] of a supervisory [certified] appraiser.

5-21 (b) Unless the person holds the appropriate license or
5-22 certification, a person may not:

5-23 (1) use the title "certified real estate appraiser"
5-24 ["state-certified real estate appraiser"] or "licensed real estate
5-25 appraiser" ["state-licensed real estate appraiser"]; or

5-26 (2) refer to an appraisal performed by the person as a
5-27 "certified appraisal" or "licensed appraisal."

5-28 SECTION 21. Section 1103.202, Occupations Code, is amended
5-29 to read as follows:

5-30 Sec. 1103.202. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OR
5-31 LICENSE. To be eligible for a certificate or license under this
5-32 chapter, an applicant must:

5-33 (1) pass the applicable examination required by
5-34 Subchapter F;

5-35 (2) successfully complete the number and type of
5-36 classroom hours or other educational qualifications required by the
5-37 Appraiser Qualifications Board;

5-38 (3) provide evidence satisfactory to the board that
5-39 the applicant has at least the minimum number of hours of experience
5-40 in performing appraisals over the specified number of calendar
5-41 years as required by the Appraiser Qualifications Board; ~~and~~

5-42 (4) satisfy the board as to the applicant's honesty,
5-43 trustworthiness, and integrity; and

5-44 (5) comply with the requirements of Sections 1103.203
5-45 and 1103.2031.

5-46 SECTION 22. Section 1103.203, Occupations Code, is amended
5-47 to read as follows:

5-48 Sec. 1103.203. CERTIFICATE OR LICENSE APPLICATION
5-49 [ELIGIBILITY REQUIREMENTS FOR LICENSE]. (a) An applicant for a
5-50 certificate or license or for renewal of a certificate or license
5-51 must submit an application to the board on the form prescribed by
5-52 the board.

5-53 (b) The applicant must disclose in the application whether
5-54 the applicant has:

5-55 (1) entered a plea of guilty or nolo contendere to a
5-56 felony; or

5-57 (2) been convicted of a felony and the time for appeal
5-58 has elapsed or the judgment or conviction has been affirmed on
5-59 appeal.

5-60 (c) The disclosure under Subsection (b) must be provided
5-61 regardless of whether a court order granted community supervision
5-62 suspending the imposition of the sentence.

5-63 (d) The application must include the applicant's current
5-64 mailing address and telephone number and the applicant's business
5-65 e-mail address, if available. The applicant shall notify the board
5-66 of any change in the applicant's mailing or e-mail address or
5-67 telephone number while the application is pending.

5-68 (e) The applicant must provide any other information
5-69 required by the board to comply with the Appraiser Qualifications

6-1 ~~Board's criminal history and background check requirements [To be~~
 6-2 ~~eligible for a license under this chapter, an applicant must:~~
 6-3 ~~[(1) pass the examination required by Subchapter F,~~
 6-4 ~~[(2) successfully complete the number and type of~~
 6-5 ~~classroom hours or other educational qualifications required by the~~
 6-6 ~~guidelines of the Appraiser Qualifications Board,~~
 6-7 ~~[(3) provide evidence satisfactory to the board that~~
 6-8 ~~the applicant has at least the minimum number of hours of experience~~
 6-9 ~~in performing appraisals over the specified number of calendar~~
 6-10 ~~years as required by the guidelines of the Appraiser Qualifications~~
 6-11 ~~Board; and~~
 6-12 ~~[(4) satisfy the board as to the applicant's honesty,~~
 6-13 ~~trustworthiness, and integrity].~~

6-14 SECTION 23. Subchapter E, Chapter 1103, Occupations Code,
 6-15 is amended by adding Section 1103.2031 to read as follows:

6-16 Sec. 1103.2031. CRIMINAL HISTORY RECORD INFORMATION
 6-17 REQUIREMENT. (a) The board by rule may require that an applicant
 6-18 for a certificate or license or renewal of an unexpired certificate
 6-19 or license submit a complete and legible set of fingerprints, on a
 6-20 form prescribed by the board, to the board or to the Department of
 6-21 Public Safety for the purpose of obtaining criminal history record
 6-22 information from the Department of Public Safety or the Federal
 6-23 Bureau of Investigation.

6-24 (b) If the board implements the requirement under
 6-25 Subsection (a), the board may not issue a certificate or license to
 6-26 or renew the certificate or license on active status of an applicant
 6-27 who does not comply with that requirement.

6-28 (c) If the board implements the requirement under
 6-29 Subsection (a), the board shall conduct a criminal history check of
 6-30 an applicant for a certificate or license or renewal of a
 6-31 certificate or license using information:

6-32 (1) provided by the applicant under this section and
 6-33 Section 1103.203; and

6-34 (2) made available to the board by the Department of
 6-35 Public Safety, the Federal Bureau of Investigation, or any other
 6-36 criminal justice agency under Chapter 411, Government Code.

6-37 (d) The board may:

6-38 (1) enter into an agreement with the Department of
 6-39 Public Safety or other federally authorized entity to administer a
 6-40 criminal history check required under this section; and

6-41 (2) authorize the Department of Public Safety or other
 6-42 federally authorized entity to collect from each applicant the
 6-43 costs incurred by the department in conducting the criminal history
 6-44 check.

6-45 SECTION 24. Section 1103.204(c), Occupations Code, is
 6-46 amended to read as follows:

6-47 (c) The board shall give an applicant for a certificate or
 6-48 license credit toward fulfilling the requirements of Section
 6-49 ~~[Sections 1103.202(2) and 1103.203(2)]~~ for classroom hours taken
 6-50 in the course of becoming licensed as a real estate broker or sales
 6-51 agent ~~[salesperson]~~ or for professional development or continuing
 6-52 education courses taken, whether the classroom hours or courses are
 6-53 taken by a person as a real estate broker or sales agent
 6-54 ~~[salesperson]~~ or as an employee of a financial institution engaged
 6-55 in real estate-related financial transactions, if the classroom
 6-56 hours or courses satisfy the requirements established by the
 6-57 guidelines recognized by the Appraiser Qualifications Board.

6-58 SECTION 25. Sections 1103.205(a) and (c), Occupations Code,
 6-59 are amended to read as follows:

6-60 (a) ~~This [Except as provided by Section 1103.208, this]~~
 6-61 chapter does not limit the amount of time in which an applicant for
 6-62 a certificate or license is required to satisfy the experience
 6-63 requirements under this subchapter.

6-64 (c) For the purpose of determining the qualifications of an
 6-65 applicant for a certificate or license under this chapter,
 6-66 acceptable appraisal experience includes:

6-67 (1) any one or any combination of the categories
 6-68 recognized by the Appraiser Qualifications Board; and

6-69 (2) experience as a real estate mortgage lending

7-1 officer of a financial institution or as a real estate broker that
 7-2 includes the actual performance or technical review of real estate
 7-3 appraisals.

7-4 SECTION 26. Section 1103.206(b), Occupations Code, is
 7-5 amended to read as follows:

7-6 (b) The board shall adopt a reliable method to verify the
 7-7 evidence of appraisal experience submitted by an applicant for a
 7-8 certificate or license. The method must include the review of
 7-9 appraisal experience of all applicants for certification [~~and must~~
 7-10 ~~rely on appropriate sampling techniques that are applied to not~~
 7-11 ~~more than five percent of the license applications received by the~~
 7-12 ~~board]. An applicant [~~whose application is selected for~~
 7-13 ~~verification]~~ has at least 60 days after the date notice is sent [~~of~~
 7-14 ~~selection]~~ to submit [~~prepare~~] any records requested by the board.
 7-15 The board may not require the applicant to provide more information
 7-16 than the information the board may obtain under Section 1103.207.~~

7-17 SECTION 27. Section 1103.207(a), Occupations Code, is
 7-18 amended to read as follows:

7-19 (a) In addition to the information or documentation
 7-20 specified by this subchapter, the board may obtain other
 7-21 information or documentation from an applicant for a certificate or
 7-22 license under this chapter if the board determines that:

7-23 (1) a formal [~~consumer complaint or peer]~~ complaint
 7-24 against the applicant alleging fraud, incompetency, or malpractice
 7-25 is reasonable; or

7-26 (2) other just cause exists for requiring further
 7-27 information.

7-28 SECTION 28. Section 1103.209(a), Occupations Code, is
 7-29 amended to read as follows:

7-30 (a) The board shall issue a reciprocal license or
 7-31 certificate [~~or license]~~ to an applicant from another state if:

7-32 (1) the appraiser licensing and certification program
 7-33 of the other state is in compliance with 12 U.S.C. Section 3331 et
 7-34 seq.;

7-35 (2) the applicant [~~appraiser]~~ holds a valid license or
 7-36 certificate from a state whose requirements for licensure or
 7-37 certification meet or exceed the licensure or certification
 7-38 requirements of this state; [~~and]~~

7-39 (3) the applicant [~~appraiser]~~ satisfies the board as
 7-40 to the appraiser's honesty, trustworthiness, and integrity; and

7-41 (4) the applicant complies with the requirements of
 7-42 Sections 1103.203 and 1103.2031.

7-43 SECTION 29. Section 1103.2091, Occupations Code, is amended
 7-44 to read as follows:

7-45 Sec. 1103.2091. PROBATIONARY CERTIFICATE OR [~~7~~] LICENSE [~~7~~
 7-46 ~~OR TRAINEE APPROVAL~~]. (a) The board may issue a probationary
 7-47 certificate or license to [~~or approve~~] an appraiser or an appraiser
 7-48 trainee, as applicable [~~on a probationary basis~~].

7-49 (b) The board by rule shall adopt reasonable terms for
 7-50 issuing a probationary certificate or license [~~and for approval of~~
 7-51 ~~an appraiser trainee on a probationary basis~~].

7-52 (c) A person who holds a probationary certificate or license
 7-53 [~~or who is approved as an appraiser trainee]~~ under this section must
 7-54 disclose the probationary status to all clients before accepting an
 7-55 assignment.

7-56 SECTION 30. Sections 1103.211(b) and (c), Occupations Code,
 7-57 are amended to read as follows:

7-58 (b) A person may renew a certificate or license by:

7-59 (1) paying the renewal fee; [~~and]~~

7-60 (2) providing evidence satisfactory to the board that
 7-61 the person has completed continuing education requirements that
 7-62 comply with the guidelines recognized by the Appraiser
 7-63 Qualifications Board and that are imposed by rule under this
 7-64 chapter;

7-65 (3) satisfying the board as to the person's honesty,
 7-66 trustworthiness, and integrity; and

7-67 (4) complying with the requirements of Sections
 7-68 1103.203 and 1103.2031.

7-69 (c) For purposes of Subsection (b)(2), the board shall

8-1 accept as continuing education any educational offering that
 8-2 complies with the guidelines recognized by the Appraiser
 8-3 Qualifications Board that a certified or licensed appraiser was
 8-4 awarded by [~~a national appraiser organization approved by the board~~
 8-5 ~~as~~] a provider of qualifying appraisal education approved by the
 8-6 board.

8-7 SECTION 31. Section 1103.2111, Occupations Code, is amended
 8-8 to read as follows:

8-9 Sec. 1103.2111. LATE RENEWAL OF CERTIFICATE OR[~~7~~] LICENSE [~~7~~
 8-10 ~~OR TRAINEE APPROVAL~~]. (a) A person whose certificate or[~~7~~]
 8-11 license [~~7~~, ~~or approval~~] has been expired for 90 days or less may
 8-12 renew the certificate or[~~7~~] license [~~7~~, ~~or approval~~] by paying to the
 8-13 board a fee equal to 1-1/2 times the required renewal fee. If a
 8-14 certificate or[~~7~~] license [~~7~~, ~~or approval~~] has been expired for more
 8-15 than 90 days but less than six months, the person may renew the
 8-16 certificate or[~~7~~] license [~~7~~, ~~or approval~~] by paying to the board a
 8-17 fee equal to two times the required renewal fee.

8-18 (b) A certificate or[~~7~~] license [~~7~~, ~~or approval~~] that is
 8-19 renewed under this section shall expire on the date that would apply
 8-20 had the certificate or[~~7~~] license [~~7~~, ~~or approval~~] been timely
 8-21 renewed.

8-22 (c) A person may not perform an appraisal in a federally
 8-23 related transaction while the person is not actively licensed or
 8-24 certified as an appraiser or an appraiser trainee.

8-25 (d) If a person's certificate or[~~7~~] license [~~7~~, ~~or approval~~]
 8-26 has been expired six months or longer, the person may not renew the
 8-27 certificate or[~~7~~] license [~~7~~, ~~or approval~~]. The person may obtain a
 8-28 new certificate or[~~7~~] license [~~7~~, ~~or approval~~] by complying with the
 8-29 requirements and procedures for an original application.

8-30 SECTION 32. Sections 1103.213(a), (b), (c), (d), and (f),
 8-31 Occupations Code, are amended to read as follows:

8-32 (a) The board may place on inactive status the certificate
 8-33 or license of a person who [~~an appraiser if the appraiser~~]:

8-34 (1) is not acting as an appraiser or an appraiser
 8-35 trainee;

8-36 (2) is not acting as a supervisory appraiser of
 8-37 [sponsoring] an appraiser trainee; and

8-38 (3) submits a written application to the board before
 8-39 the expiration date of the [appraiser's] certificate or license.

8-40 (b) The board may place on inactive status the certificate
 8-41 or license of an appraiser or an appraiser trainee whose
 8-42 certificate or license has expired if the person:

8-43 (1) [appraiser] applies for inactive status on a form
 8-44 prescribed by the board not later than the 180th day after [the
 8-45 first anniversary of] the expiration date of the [appraiser's]
 8-46 certificate or license; and

8-47 (2) meets the requirements of Section 1103.2111.

8-48 (c) A supervisory [An] appraiser applying for inactive
 8-49 status shall terminate the appraiser's association with each
 8-50 appraiser trainee supervised [sponsored] by the appraiser by giving
 8-51 written notice to each appraiser trainee before the 30th day
 8-52 preceding the date the appraiser applies for inactive status.

8-53 (d) An appraiser or an appraiser trainee on inactive status:

8-54 (1) may not perform any activity regulated under this
 8-55 chapter;

8-56 (2) must pay annual renewal fees; and

8-57 (3) is not required to pay the annual registry fee
 8-58 described by Section 1103.156(b).

8-59 (f) The board shall return [~~remove~~] an appraiser's
 8-60 certificate or license to active [~~from inactive~~] status if the
 8-61 appraiser:

8-62 (1) submits an application to the board;

8-63 (2) pays the required fee; [and]

8-64 (3) submits proof of complying with the cumulative
 8-65 continuing education requirements of Section 1103.211 during the
 8-66 period the license has been on inactive status;

8-67 (4) satisfies the board as to the person's honesty,
 8-68 trustworthiness, and integrity; and

8-69 (5) complies with the requirements of Sections

9-1 1103.203 and 1103.2031 [~~two years preceding the date the~~
9-2 ~~application under Subdivision (1) is filed~~].

9-3 SECTION 33. Section 1103.252(b), Occupations Code, is
9-4 amended to read as follows:

9-5 (b) The board or the testing service may collect an
9-6 examination fee from an applicant for a certificate or license.

9-7 SECTION 34. Section 1103.253, Occupations Code, is amended
9-8 to read as follows:

9-9 Sec. 1103.253. TIME AND PLACE OF EXAMINATION; NOTICE. The
9-10 board or the testing service shall offer the examination at least
9-11 once each month in Austin and at other locations and times as the
9-12 board may determine or require. The board shall provide public
9-13 notice of all examinations on the board's Internet website [~~(a)~~
9-14 ~~The examination must be offered at least twice each year.~~

9-15 [~~(b) The board shall determine the time and place of the~~
9-16 ~~examination.~~

9-17 [~~(c) The board shall give reasonable public notice of the~~
9-18 ~~examination in the manner provided by board rule.~~

9-19 [~~(d) The board may assign an examination date and site to an~~
9-20 ~~applicant. The assigned site must be the nearest examination site~~
9-21 ~~available to the applicant].~~

9-22 SECTION 35. Section 1103.255, Occupations Code, is amended
9-23 to read as follows:

9-24 Sec. 1103.255. EXPERIENCE [~~NOT~~] REQUIRED BEFORE TAKING
9-25 EXAMINATION. An applicant for the examination must [~~is not~~
9-26 ~~required to~~] fulfill the applicable experience requirement for a
9-27 certificate or license before taking the examination.

9-28 SECTION 36. Sections 1103.257(a) and (b), Occupations Code,
9-29 are amended to read as follows:

9-30 (a) Not later than the 10th [~~31st~~] day after the date a
9-31 person takes an examination, the board or the testing service shall
9-32 notify the person of the examination results. [~~If an examination is~~
9-33 ~~graded or reviewed by a national testing service, the board shall~~
9-34 ~~notify the person of the examination results not later than the 31st~~
9-35 ~~day after the date the board receives the results from the testing~~
9-36 ~~service.]~~

9-37 (b) If notice of the examination results will be delayed for
9-38 more than 10 [~~90~~] days after the examination date, the board shall
9-39 notify each examinee of the reason for the delay not later than the
9-40 10th [~~90th~~] day.

9-41 SECTION 37. Section 1103.302, Occupations Code, is amended
9-42 to read as follows:

9-43 Sec. 1103.302. REGISTRATION APPLICATION. A person may
9-44 register with the board by:

9-45 (1) completing a registration form prescribed by the
9-46 board; [~~and~~]

9-47 (2) meeting the requirements established under this
9-48 chapter; and

9-49 (3) paying the required fee.

9-50 SECTION 38. Section 1103.303, Occupations Code, is amended
9-51 to read as follows:

9-52 Sec. 1103.303. ELIGIBILITY REQUIREMENTS FOR REGISTRATION.
9-53 A person is eligible to register with the board if:

9-54 (1) the certification and licensing program under
9-55 which the person is certified or licensed by another state has not
9-56 been disapproved by the Appraisal Subcommittee [~~Appraiser~~
9-57 ~~Qualifications Board~~]; and

9-58 (2) the person's appraisal business in this state does
9-59 not exceed six months.

9-60 SECTION 39. Section 1103.351, Occupations Code, is amended
9-61 to read as follows:

9-62 Sec. 1103.351. SUPERVISORY APPRAISER [~~SPONSOR~~]. (a) The
9-63 board may authorize a certified appraiser under this chapter to
9-64 supervise [~~sponsor~~] an appraiser trainee if the certified appraiser
9-65 meets the requirements of the board consistent with applicable
9-66 federal law.

9-67 (b) An appraiser trainee may have more than one supervisory
9-68 appraiser [~~sponsor~~].

9-69 SECTION 40. Section 1103.352, Occupations Code, is amended

10-1 to read as follows:

10-2 Sec. 1103.352. APPLICATION FOR APPRAISER TRAINEE. An
 10-3 applicant for a license [~~approval~~] as an appraiser trainee and each
 10-4 supervisory appraiser [~~sponsor~~] of the applicant must apply to the
 10-5 board using the online application on the board's Internet website
 10-6 or on a form prescribed by the board.

10-7 SECTION 41. Section 1103.353, Occupations Code, is amended
 10-8 to read as follows:

10-9 Sec. 1103.353. ELIGIBILITY REQUIREMENTS FOR APPRAISER
 10-10 TRAINEE. To be eligible for a license [~~approval~~] as an appraiser
 10-11 trainee, an applicant must:

10-12 (1) be at least 18 years of age;
 10-13 (2) be a citizen of the United States or a lawfully
 10-14 admitted alien;

10-15 (3) have been a resident of this state for the 60 days
 10-16 preceding the date the application is filed;

10-17 (4) satisfy the board as to the applicant's honesty,
 10-18 trustworthiness, and integrity; [~~and~~]

10-19 (5) comply with the requirements of Sections 1103.203
 10-20 and 1103.2031; and

10-21 (6) meet all other qualifications established by the
 10-22 board.

10-23 SECTION 42. Sections 1103.354(a) and (b), Occupations Code,
 10-24 are amended to read as follows:

10-25 (a) An appraiser trainee licensed [~~approved~~] by the board
 10-26 may perform an appraisal under the direction of a supervisory
 10-27 appraiser [~~sponsor or authorized supervisor of the trainee~~].

10-28 (b) The supervisory appraiser [~~sponsor or authorized~~
 10-29 ~~supervisor~~] shall sign each report prepared by the appraiser
 10-30 trainee performing an appraisal under the direction of the
 10-31 supervisory appraiser [~~sponsor or authorized supervisor~~]. The
 10-32 supervisory appraiser [~~sponsor or authorized supervisor~~] is
 10-33 responsible to the public and to the board for the appraiser
 10-34 trainee's reports and conduct.

10-35 SECTION 43. Section 1103.355(a), Occupations Code, is
 10-36 amended to read as follows:

10-37 (a) The board may reprimand an appraiser trainee or suspend
 10-38 or revoke an appraiser trainee's license [~~authority~~] to act as an
 10-39 appraiser trainee for a violation of this chapter or a rule adopted
 10-40 under this subchapter.

10-41 SECTION 44. Section 1103.356, Occupations Code, is amended
 10-42 to read as follows:

10-43 Sec. 1103.356. RENEWAL OF APPRAISER TRAINEE LICENSE
 10-44 [~~APPROVAL~~]. A person may renew a license [~~an approval~~] as an
 10-45 appraiser trainee by:

10-46 (1) paying the renewal fee established by the board;

10-47 (2) providing evidence satisfactory to the board of
 10-48 completion of any required continuing education; and

10-49 (3) meeting any other renewal requirement established
 10-50 by the board.

10-51 SECTION 45. Section 1103.405, Occupations Code, is amended
 10-52 to read as follows:

10-53 Sec. 1103.405. PROFESSIONAL STANDARDS. A person who holds
 10-54 a [~~license~~] certificate, license, or registration [~~approval~~]
 10-55 issued under this chapter shall comply with:

10-56 (1) the most current edition of the Uniform Standards
 10-57 of Professional Appraisal Practice adopted by the Appraisal
 10-58 Standards Board of the Appraisal Foundation; or

10-59 (2) other standards provided by board rule that are at
 10-60 least as stringent as the Uniform Standards of Professional
 10-61 Appraisal Practice.

10-62 SECTION 46. Section 1103.451, Occupations Code, is amended
 10-63 to read as follows:

10-64 Sec. 1103.451. INITIATION OF COMPLAINT PROCESS. (a) Any
 10-65 person, including a member of the board, may initiate the complaint
 10-66 process under this subchapter by submitting to [~~filing with~~] the
 10-67 board a written allegation of a violation of this chapter
 10-68 [~~complaint~~] on a form prescribed by the board.

10-69 (b) The board, on its own motion, may file a formal

11-1 complaint against:
 11-2 (1) a certified or licensed appraiser, an appraiser
 11-3 trainee, or a registrant under Subchapter G; or
 11-4 (2) ~~[an appraiser trainee who is approved by the board~~
 11-5 ~~under Subchapter H.~~
 11-6 ~~[(c) A complaint alleging that a certified or licensed~~
 11-7 ~~appraiser or an approved appraiser trainee has violated a rule of~~
 11-8 ~~professional conduct adopted by the board must be filed with the~~
 11-9 ~~board.~~
 11-10 ~~[(d) The board, on its own motion, may file a formal~~
 11-11 ~~complaint against] a person who engages in an activity for which a~~
 11-12 ~~certificate or license is required under this chapter without~~
 11-13 ~~holding a certificate or license.~~
 11-14 (c) This subchapter and Subchapter K apply to a complaint
 11-15 filed under Subsection (b)(2) ~~[this subsection]~~ in the same manner
 11-16 as they apply to a complaint filed under Subsection (b)(1) ~~[(b)]~~.
 11-17 (d) An investigation of an alleged ~~[(e) A complaint~~
 11-18 ~~alleging a]~~ violation by a person licensed or ~~[~~ certified ~~]~~ ~~or~~
 11-19 ~~approved]~~ under this chapter may not be terminated solely on the
 11-20 basis that the person fails to renew the certificate or ~~[~~ license
 11-21 ~~]~~ ~~or approval~~.
 11-22 (e) The board may not conduct an investigation of a person
 11-23 certified, licensed, or registered under this chapter or Chapter
 11-24 1104 for an allegation of a violation submitted to the board later
 11-25 than the fourth anniversary of the date the alleged violation
 11-26 occurred.
 11-27 SECTION 47. Section 1103.452, Occupations Code, is amended
 11-28 to read as follows:
 11-29 Sec. 1103.452. REVIEW AND INVESTIGATION. (a) The ~~[On~~
 11-30 ~~receipt of a complaint or on its own motion, the]~~ board shall review
 11-31 and investigate an alleged act or omission that is the subject of an
 11-32 allegation submitted or a formal complaint filed under Section
 11-33 1103.451 ~~[the board believes is a ground for disciplinary action]~~.
 11-34 (b) An investigator designated by the commissioner
 11-35 ~~[presiding officer of the board]~~ shall investigate each allegation
 11-36 or formal ~~[in a]~~ complaint ~~[to determine whether probable cause~~
 11-37 ~~exists for a hearing on the complaint]~~.
 11-38 (c) If the board determines at any time that an allegation
 11-39 or formal ~~[a]~~ complaint is inappropriate or without merit ~~[does not~~
 11-40 ~~present facts that are grounds for disciplinary action]~~, the board
 11-41 or the commissioner shall dismiss the complaint and may not take
 11-42 further action.
 11-43 (d) For purposes of Subsection (c), a determination that the
 11-44 allegation or complaint is inappropriate or without merit includes
 11-45 a determination that the allegation or complaint:
 11-46 (1) is not within the board's jurisdiction;
 11-47 (2) was made in bad faith or filed for the purpose of
 11-48 harassment or to gain a competitive or economic advantage; or
 11-49 (3) lacks sufficient basis in fact or evidence.
 11-50 SECTION 48. Section 1103.453(b), Occupations Code, is
 11-51 amended to read as follows:
 11-52 (b) A peer investigative committee consists of two or more
 11-53 ~~[three]~~ certified or licensed appraisers. The presiding officer of
 11-54 the committee must be an appraiser member of the board. Each
 11-55 remaining committee member shall certify to the board that the
 11-56 member is familiar with the appraisal process in the appraisal that
 11-57 is the subject of the complaint.
 11-58 SECTION 49. Section 1103.455(a), Occupations Code, is
 11-59 amended to read as follows:
 11-60 (a) At the conclusion of the investigation of a complaint,
 11-61 the investigator shall prepare ~~[submit to the board]~~ a written
 11-62 report to enable the board to determine what further action is
 11-63 necessary.
 11-64 SECTION 50. Section 1103.456, Occupations Code, is amended
 11-65 to read as follows:
 11-66 Sec. 1103.456. ACTION BASED ON REPORT. Based on the report
 11-67 prepared ~~[submitted]~~ under Section 1103.455, the board may:
 11-68 (1) order further investigation of the complaint;
 11-69 (2) permit the appraiser or appraiser trainee who is

12-1 the subject of the complaint to participate in a voluntary [attend
12-2 an informal] discussion of the facts and circumstances of the
12-3 alleged violation [as provided by Section 1103.457];

12-4 (3) determine that there is not probable cause to
12-5 believe that a violation occurred and dismiss the case; or

12-6 (4) determine that there is probable cause to believe
12-7 that a violation occurred and proceed as the complainant with a
12-8 contested case hearing under Subchapter K.

12-9 SECTION 51. Section 1103.458, Occupations Code, is amended
12-10 by amending Subsection (d) and adding Subsection (g) to read as
12-11 follows:

12-12 (d) A board member who participates in negotiating a consent
12-13 order under this section is [~~not~~] disqualified from participating
12-14 in the adjudication of a contested case that results from the
12-15 negotiation.

12-16 (g) An appraiser or appraiser trainee may be disciplined for
12-17 failure to comply with a consent order.

12-18 SECTION 52. Section 1103.459(d), Occupations Code, is
12-19 amended to read as follows:

12-20 (d) An appraiser or appraiser trainee may be disciplined
12-21 [~~prosecuted~~] for failure to comply with a consent agreement.

12-22 SECTION 53. Section 1103.460, Occupations Code, is amended
12-23 to read as follows:

12-24 Sec. 1103.460. CONFIDENTIALITY OF INVESTIGATION MATERIAL
12-25 [~~PUBLIC AVAILABILITY OF FINAL DECISION~~]. (a) Information or
12-26 material, including any investigation file, is confidential and not
12-27 subject to disclosure under Chapter 552, Government Code, or any
12-28 other means of legal compulsion for release, including disclosure,
12-29 discovery, or subpoena, if the information or material is prepared
12-30 or compiled by the board in connection with a complaint,
12-31 investigation, or audit of any person subject to the jurisdiction
12-32 of the board.

12-33 (b) Notwithstanding Subsection (a), information or material
12-34 prepared or compiled by the board in connection with a complaint,
12-35 investigation, or audit may be disclosed:

12-36 (1) to the respondent;

12-37 (2) to a person providing a service to the board,
12-38 including a peer investigative committee appointed under Section
12-39 1103.453, an expert or other witness, or an investigator, if the
12-40 information is necessary for preparation for, or a presentation in,
12-41 a disciplinary proceeding against an applicant or license holder,
12-42 or a subsequent trial or appeal taken from a disciplinary
12-43 proceeding;

12-44 (3) to an entity in another jurisdiction that
12-45 licenses, registers, credentials, or disciplines any person
12-46 subject to the jurisdiction of the board;

12-47 (4) to a law enforcement agency;

12-48 (5) to the State Office of Administrative Hearings; or

12-49 (6) to the board, or a panel of the board, for use
12-50 during any proceeding conducted by the State Office of
12-51 Administrative Hearings or in a subsequent trial or appeal of a
12-52 board action or order.

12-53 (c) The release of information under Subsection (b) is not a
12-54 voluntary disclosure for purposes of Section 552.007, Government
12-55 Code.

12-56 (d) The board may require a confidentiality agreement be
12-57 signed by a person entitled to receive information under Subsection
12-58 (b) before releasing the information.

12-59 (e) Notwithstanding Subsection (a), on the dismissal or
12-60 final resolution of a complaint, investigation, or audit,
12-61 information or material prepared or compiled by the board in
12-62 connection with the complaint, investigation, or audit, including a
12-63 completed audit report or a final order of the board, is subject to
12-64 disclosure under Chapter 321 or 552, Government Code [A final
12-65 decision of the board relating to a disciplinary action, including
12-66 a consent order or consent agreement, may be provided to another
12-67 state or made available to the public].

12-68 SECTION 54. Section 1103.519, Occupations Code, is amended
12-69 to read as follows:

13-1 Sec. 1103.519. MOTION [APPLICATION] FOR REHEARING. (a) A
 13-2 [Not later than the 20th day after the date a final decision is
 13-3 issued in a contested case, a] party may file a motion for rehearing
 13-4 [an application] with the board [for a rehearing]. The motion
 13-5 [application] must state:

- 13-6 (1) the specific grounds for rehearing; and
- 13-7 (2) the relief sought.

13-8 (b) A motion for rehearing filed under this section is
 13-9 governed by Chapter 2001, Government Code [The application is
 13-10 denied if the board does not grant it before the 20th day after the
 13-11 date the commissioner is served with the application].

13-12 SECTION 55. Section 1103.522, Occupations Code, is amended
 13-13 to read as follows:

13-14 Sec. 1103.522. WAITING PERIOD [REINSTATEMENT OF
 13-15 CERTIFICATE OR LICENSE]. A person whose certificate or license has
 13-16 been revoked, ~~[or]~~ a person who has surrendered a certificate or
 13-17 license issued by the board, or a person whose application for a
 13-18 certificate or license has been denied after a hearing under
 13-19 Section 1103.508 may not apply to the board for a certificate or
 13-20 license ~~[reinstatement]~~ until the second anniversary of the date of
 13-21 revocation, ~~[or]~~ surrender, or denial.

13-22 SECTION 56. Subchapter K, Chapter 1103, Occupations Code,
 13-23 is amended by adding Section 1103.523 to read as follows:

13-24 Sec. 1103.523. COST RECOVERY. The administrative law judge
 13-25 may award reasonable costs to the board on a request for and proof
 13-26 of the costs if the respondent fails to appear for the hearing under
 13-27 Section 1103.510, including any costs:

- 13-28 (1) charged by the State Office of Administrative
- 13-29 Hearings; and
- 13-30 (2) related to the preparation for the hearing,
- 13-31 including costs of discovery, depositions, subpoenas, service of
- 13-32 process, witness expenses, travel expenses, and investigation
- 13-33 expenses.

13-34 SECTION 57. Section 1103.552, Occupations Code, is amended
 13-35 by adding Subsection (c) to read as follows:

13-36 (c) Notwithstanding any other law, an administrative
 13-37 penalty collected under this section shall be deposited in a
 13-38 restricted fund maintained and operated by the board to develop
 13-39 educational programs for appraisers or conduct studies that enhance
 13-40 consumer protection.

13-41 SECTION 58. Subchapter L, Chapter 1103, Occupations Code,
 13-42 is amended by adding Section 1103.5525 to read as follows:

13-43 Sec. 1103.5525. CEASE AND DESIST ORDER. (a) If it appears
 13-44 to the board that a person is violating this chapter, Chapter 1104,
 13-45 or a rule adopted under this chapter or Chapter 1104, the board,
 13-46 after notice and opportunity for a hearing, may issue a cease and
 13-47 desist order prohibiting the person from engaging in the activity.

13-48 (b) A violation of an order under this section constitutes
 13-49 grounds for imposing an administrative penalty under this chapter
 13-50 or Chapter 1104.

13-51 SECTION 59. The following provisions of the Occupations
 13-52 Code are repealed:

- 13-53 (1) Section 1103.005;
- 13-54 (2) Section 1103.2015; and
- 13-55 (3) Section 1103.457.

13-56 SECTION 60. (a) Section 1103.055, Occupations Code, as
 13-57 amended by this Act, does not affect the terms of the members of the
 13-58 Texas Appraiser Licensing and Certification Board who are serving
 13-59 on the effective date of this Act. Members appointed to fill
 13-60 vacancies occurring on or after the effective date of this Act shall
 13-61 be appointed to serve staggered terms in accordance with that
 13-62 section.

13-63 (b) Section 1103.159, Occupations Code, as amended by this
 13-64 Act, does not affect the terms of the members of the advisory
 13-65 committee who are serving on the effective date of this Act. Not
 13-66 later than the 60th day after the effective date of this Act, the
 13-67 governor shall appoint the two new members of the advisory
 13-68 committee to serve staggered terms in accordance with that section.

13-69 (c) The changes in law made by this Act apply only to an

14-1 application for a license or certificate submitted to the Texas
14-2 Appraiser Licensing and Certification Board on or after the
14-3 effective date of this Act. An application for a license or
14-4 certificate submitted before that date is governed by the law in
14-5 effect on the date the application was submitted, and the former law
14-6 is continued in effect for that purpose.

14-7 (d) The changes in law made by this Act apply only to a
14-8 disciplinary proceeding or a contested case hearing under Chapter
14-9 1103, Occupations Code, for conduct that occurs on or after the
14-10 effective date of this Act. Conduct that occurs before the
14-11 effective date of this Act is governed by the law in effect on the
14-12 date the conduct occurred, and the former law is continued in effect
14-13 for that purpose.

14-14 SECTION 61. This Act takes effect January 1, 2016.

14-15

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