

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Thompson

H.B. No. 2591

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of property tax consultants.

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

4 SECTION 1. Section 1152.152, Occupations Code, is amended  
5 by adding Subsection (c) to read as follows:

6 (c) A registered senior property tax consultant or an  
7 attorney described by Subsection (a)(2) may not employ, claim an  
8 association with, or sponsor more than 10 registered property tax  
9 consultants.

10 SECTION 2. Section 1152.156(a), Occupations Code, is  
11 amended to read as follows:

12 (a) In addition to satisfying the requirements of Section  
13 1152.155, an applicant for registration as a property tax  
14 consultant must:

15 (1) complete at least 40 [~~45~~] classroom hours of  
16 educational courses approved by the executive director, including  
17 at least four hours of instruction on laws and legal issues in this  
18 state related to property tax consulting services and pass a  
19 competency examination under Section 1152.160; or

20 (2) if the person is eligible for registration under  
21 Section 1152.155(b), submit to the commission evidence that the  
22 applicant has completed at least four classroom hours of  
23 educational programs or courses on the laws and legal issues in this  
24 state related to property tax consulting services.

1 SECTION 3. Section 1152.160, Occupations Code, is amended  
2 to read as follows:

3 Sec. 1152.160. [~~SENIOR PROPERTY TAX CONSULTANT~~]  
4 REGISTRATION EXAMINATIONS [~~EXAMINATION~~]. (a) The executive  
5 director shall:

6 (1) adopt an examination for registration as a senior  
7 property tax consultant; [~~and~~]

8 (2) adopt an examination for registration as a  
9 property tax consultant; and

10 (3) establish the standards for passing the  
11 examinations [~~examination~~].

12 (b) The department shall offer the examinations  
13 [~~examination~~] at times and places designated by the executive  
14 director.

15 (c) To be eligible to take an [~~the~~] examination, an  
16 applicant must pay to the department an examination fee.

17 (d) The examination must [+

18 [~~1~~] test the applicant's knowledge of:

19 (1) [~~A~~] property taxation;

20 (2) [~~B~~] the property tax system;

21 (3) [~~C~~] property tax administration;

22 (4) [~~D~~] ethical standards; and

23 (5) [~~E~~] general principles of appraisal,  
24 accounting, and law as they relate to property tax consulting  
25 services[~~, and~~

26 [~~2~~] ~~be graded according to rules adopted by the~~  
27 ~~commission~~].

1 (e) An attorney who is licensed to practice law in this  
2 state may take the senior property tax consultant registration  
3 examination under this section without completing any other  
4 eligibility requirements for registration as a senior property tax  
5 consultant under this chapter.

6 (f) The department shall accept, develop, or contract for  
7 the examinations required by this section, including the  
8 administration of the examination.

9 SECTION 4. Chapter 1152, Occupations Code, is amended by  
10 adding Subchapter E-1 to read as follows:

11 SUBCHAPTER E-1. PROHIBITED ACTS

12 Sec. 1152.231. GENERAL PROHIBITED ACTS. (a) A person  
13 required to register under this chapter may not serve as a  
14 registered senior property tax consultant for more than 10  
15 registered property tax consultants.

16 (b) A person required to register under this chapter may not  
17 file a protest under Chapter 41, Tax Code, without the approval of  
18 the property owner.

19 (c) A person required to register under this chapter may not  
20 falsify an agent appointment, exemption application, protest, or  
21 other legal document that is filed with or presented to an appraisal  
22 district, an appraisal review board, or a taxing unit.

23 (d) A person required to register under this chapter may not  
24 file a motion or protest concerning residential property on behalf  
25 of a person whom the registrant does not represent unless the  
26 registrant has authorization from:

27 (1) that person; or

1           (2) another person, other than the agent or the firm  
2 that employs the agent, who is authorized by the person to designate  
3 agents under Section 1.111, Tax Code.

4           Sec. 1152.232. PROHIBITED ACTS: SOLICITATION OF BUSINESS  
5 AND ADVERTISING. (a) A person required to register under this  
6 chapter may not, in a public solicitation for business, represent  
7 that the fee for services rendered includes the hiring of legal  
8 services.

9           (b) A person required to register under this chapter may not  
10 solicit a property tax consulting assignment by assuring a specific  
11 outcome.

12           Sec. 1152.233. PROHIBITED ACTS: USE OF INTERNET WEBSITE.  
13 (a) A person required to register under this chapter may not  
14 maintain an Internet website for any purpose associated with the  
15 provision of tax consulting services by the registrant that has a  
16 domain name or other Internet address that implies that the website  
17 is a government website.

18           (b) A person required to register under this chapter may not  
19 use or maintain an Internet website for the purpose of soliciting  
20 clients if the website does not identify the company prominently on  
21 the home page of the website.

22           Sec. 1152.234. PROHIBITED ACTS: CERTAIN LEGAL ACTIONS. A  
23 person required to register under this chapter may not engage the  
24 services of an attorney for purposes of filing an appeal under  
25 Chapter 42, Tax Code, without the prior consent of the client.

26           SECTION 5. Not later than December 31, 2009, the executive  
27 director of the Texas Commission of Licensing and Regulation shall

1 accept, develop, or contract for the property tax consultant  
2 examination required by Section 1152.160, Occupations Code, as  
3 amended by this Act.

4         SECTION 6. The change in law made by this Act to Section  
5 1152.156(a), Occupations Code, applies only to an application for  
6 registration as a property tax consultant that is submitted to the  
7 Texas Department of Licensing and Regulation on or after March 1,  
8 2010. An application for registration submitted before that date  
9 is governed by the law in effect at the time the application was  
10 submitted, and the former law is continued in effect for that  
11 purpose.

12         SECTION 7. (a) Except as provided by Subsection (b) of this  
13 section, this Act takes effect September 1, 2009.

14         (b) Section 1152.152(c), Occupations Code, and Subchapter  
15 E-1, Chapter 1152, Occupations Code, as added by this Act, take  
16 effect January 1, 2010.

ADOPTED

MAY 18 2009

*Leta Starn*  
Secretary of the Senate

By: Thompson | Hegar

H.B. No. 2591

Substitute the following for H.B. No. 2591:

By: Whelan

C.S. H.B. No. 2591

A BILL TO BE ENTITLED

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AN ACT

relating to the regulation of property tax consultants.

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

SECTION 1. Section 1152.156(a), Occupations Code, is amended to read as follows:

(a) In addition to satisfying the requirements of Section 1152.155, an applicant for registration as a property tax consultant must:

(1) complete at least 40 [~~45~~] classroom hours of educational courses approved by the executive director, including at least four hours of instruction on laws and legal issues in this state related to property tax consulting services and pass a competency examination under Section 1152.160; or

(2) if the person is eligible for registration under Section 1152.155(b), submit to the commission evidence that the applicant has completed at least four classroom hours of educational programs or courses on the laws and legal issues in this state related to property tax consulting services.

SECTION 2. Section 1152.160, Occupations Code, is amended to read as follows:

Sec. 1152.160. [~~SENIOR PROPERTY TAX CONSULTANT~~] REGISTRATION EXAMINATIONS [~~EXAMINATION~~]. (a) The executive director shall:

(1) adopt an examination for registration as a senior

1 property tax consultant; ~~and~~

2 (2) adopt an examination for registration as a  
3 property tax consultant; and

4 (3) establish the standards for passing the  
5 examinations ~~[examination]~~.

6 (b) The department shall offer the examinations  
7 ~~[examination]~~ at times and places designated by the executive  
8 director.

9 (c) To be eligible to take an ~~[the]~~ examination, an  
10 applicant must pay to the department an examination fee.

11 (d) The examination must ~~[+]~~

12 ~~[(1)]~~ test the applicant's knowledge of:

13 (1) ~~[(A)]~~ property taxation;

14 (2) ~~[(B)]~~ the property tax system;

15 (3) ~~[(C)]~~ property tax administration;

16 (4) ~~[(D)]~~ ethical standards; and

17 (5) ~~[(E)]~~ general principles of appraisal,  
18 accounting, and law as they relate to property tax consulting  
19 services ~~[, and~~

20 ~~[(2) be graded according to rules adopted by the~~  
21 ~~commission]~~.

22 (e) An attorney who is licensed to practice law in this  
23 state may take the senior property tax consultant registration  
24 examination under this section without completing any other  
25 eligibility requirements for registration as a senior property tax  
26 consultant under this chapter.

27 (f) The department shall accept, develop, or contract for

1 the examinations required by this section, including the  
2 administration of the examination.

3 SECTION 3. Chapter 1152, Occupations Code, is amended by  
4 adding Subchapter E-1 to read as follows:

5 SUBCHAPTER E-1. PROHIBITED ACTS

6 Sec. 1152.231. GENERAL PROHIBITED ACTS. (a) A person  
7 required to register under this chapter may not serve as a  
8 registered senior property tax consultant for more than 10  
9 registered property tax consultants unless each additional tax  
10 consultant sponsored or supervised by the registered senior  
11 property tax consultant has for the previous six months:

12 (1) been employed and engaged as a tax consultant on a  
13 full-time basis;

14 (2) performed tax consultant related services as an  
15 employee of a property owner; or

16 (3) performed licensed appraisal services.

17 (b) Except for protests filed with the approval of a lessee  
18 under Section 41.413, Tax Code, a person required to register under  
19 this chapter may not file a protest under Chapter 41, Tax Code,  
20 without the approval of the property owner.

21 (c) A person required to register under this chapter may not  
22 falsify an agent appointment, exemption application, protest, or  
23 other legal document that is filed with or presented to an appraisal  
24 district, an appraisal review board, or a taxing unit.

25 (d) A person required to register under this chapter may not  
26 file a motion or protest concerning residential property on behalf  
27 of a person whom the registrant does not represent unless the



1 registrant has authorization from:

2 (1) that person; or

3 (2) another person, other than the agent or the firm

4 that employs the agent, who is authorized by the person to designate

5 agents under Section 1.111, Tax Code.

6 Sec. 1152.232. PROHIBITED ACTS: SOLICITATION OF BUSINESS

7 AND ADVERTISING. (a) A person required to register under this

8 chapter may not solicit a property tax consulting assignment by

9 assuring a specific outcome.

10 (b) A person required to register under this chapter may not

11 solicit a client for an attorney for the purpose of filing an appeal

12 under Chapter 42, Tax Code, if the solicitation results in

13 compensation to the person. This subsection does not apply to a tax

14 consultant who retains an attorney for an appeal with client

15 approval.

16 Sec. 1152.233. PROHIBITED ACTS: USE OF INTERNET WEBSITE.

17 (a) A person required to register under this chapter may not

18 maintain an Internet website for any purpose associated with the

19 provision of tax consulting services by the registrant that has a

20 domain name or other Internet address that implies that the website

21 is a government website.

22 (b) A person required to register under this chapter may not

23 use or maintain an Internet website for the purpose of soliciting

24 clients if the website does not identify the company prominently on

25 the home page of the website.

26 Sec. 1152.234. PROHIBITED ACTS: CERTAIN LEGAL ACTIONS. A

27 person required to register under this chapter may not engage the

1 services of an attorney for purposes of filing an appeal under  
2 Chapter 42, Tax Code, without the prior consent of the client.

3 SECTION 4. Not later than December 31, 2009, the executive  
4 director of the Texas Commission of Licensing and Regulation shall  
5 accept, develop, or contract for the property tax consultant  
6 examination required by Section 1152.160, Occupations Code, as  
7 amended by this Act.

8 SECTION 5. The change in law made by this Act to Section  
9 1152.156(a), Occupations Code, applies only to an application for  
10 registration as a property tax consultant that is submitted to the  
11 Texas Department of Licensing and Regulation on or after March 1,  
12 2010. An application for registration submitted before that date  
13 is governed by the law in effect at the time the application was  
14 submitted, and the former law is continued in effect for that  
15 purpose.

16 SECTION 6. (a) Except as provided by Subsection (b) of this  
17 section, this Act takes effect September 1, 2009.

18 (b) Subchapter E-1, Chapter 1152, Occupations Code, as  
19 added by this Act, takes effect January 1, 2010.

# ADOPTED

MAY 18 2009

*Atay Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Steve Hegar*

- 1 Amend C.S.H.B. No. 2591 (senate committee printing), in
- 2 SECTION 3 of the bill, in added Section 1152.231(a)(1), Occupations
- 3 Code (page 2, line 6), by striking "and engaged".

# ADOPTED

MAY 18 2009

*Avery Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Roger W. N.*

1 Amend C.S.H.B. No. 2591 (senate committee printing), in  
2 SECTION 3 of the bill, in added Subchapter E-1, Chapter 1152,  
3 Occupations Code (page 2, between lines 50 and 51), by adding the  
4 following section:

5 Sec. 1152.235. PROHIBITED ACTS: CERTAIN ASSOCIATION WITH  
6 FORMER MEMBER OF APPRAISAL REVIEW BOARD. A person required to  
7 register under this chapter may not employ or contract with a former  
8 member of an appraisal review board to perform any services related  
9 to the appraisal review board in the county in which the former  
10 member served before the second anniversary of the termination of  
11 the former member's service on the board.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 19, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2591** by Thompson (Relating to the regulation of property tax consultants.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Department of Licensing and Regulation (TDLR) to adopt a competency examination for registration as a property tax consultant. The bill would also prohibit certain general and legal actions by property tax consultants. The bill would require the TDLR to adopt rules to align existing rules with the provisions of the bill and to offer the property tax consultant examination.

TDLR indicates that there would be some cost to implement the provisions of the bill, but these costs are expected to be absorbed within the agency's existing budget.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, SD, ES, MN, JRO



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 12, 2009**

**TO:** Honorable Steve Ogden, Chair, Senate Committee on Finance

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2591** by Thompson (Relating to the regulation of property tax consultants.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Department of Licensing and Regulation (TDLR) to adopt a competency examination for registration as a property tax consultant. The bill would also prohibit certain general and legal actions by property tax consultants. The bill would require the TDLR to adopt rules to align existing rules with the provisions of the bill and to offer the property tax consultant examination.

TDLR indicates that there would be some cost to implement the provisions of the bill, but these costs are expected to be absorbed within the agency's existing budget.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, ES, MN, JRO





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 30, 2009**

**TO:** Honorable Steve Ogden, Chair, Senate Committee on Finance

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2591** by Thompson (Relating to the regulation of property tax consultants.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Department of Licensing and Regulation (TDLR) to adopt a competency examination for registration as a property tax consultant. The bill would also prohibit certain general and legal actions by property tax consultants. The bill would require the TDLR to adopt rules to align existing rules with the provisions of the bill and to offer the property tax consultant examination.

TDLR indicates that there would be some cost to implement the provisions of the bill, but these costs are expected to be absorbed within the agency's existing budget.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, MN, JRO, ES



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 7, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2591** by Thompson (relating to the regulation of property tax consultants.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Texas Department of Licensing and Regulation (TDLR) to adopt a competency examination for registration as a property tax consultant and establish standards for grading and passing the examination. The bill would also prohibit certain general and legal actions by property tax consultants. The bill would require the TDLR to adopt rules to align existing rules with the provisions of the bill and to offer the property tax consultant examination.

TDLR indicates that there would be some cost to implement the provisions of the bill, but these costs are expected to be absorbed within the agency's existing budget.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, ES



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 31, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2591** by Thompson (Relating to certain prohibited acts by registered property tax consultants.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would prohibit certain general and legal actions by property tax consultants. The bill would require the Texas Department of Licensing and Regulation to adopt rules to align existing rules with the provisions of the bill.

The Texas Department of Licensing and Regulation indicates that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, ES

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