

SENATE AMENDMENTS

2nd 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 [15] 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

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 [+] test the applicant's knowledge of:

19 (1) [+] property taxation;

20 (2) [+] the property tax system;

21 (3) [+] property tax administration;

22 (4) [+] ethical standards; and

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

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

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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:

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

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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

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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

Doty Drew
Secretary of the Senate

By: Thompson | Hegar

H.B. No. 2591

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

By: Whitm

c.s. 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 1152.156(a), Occupations Code, is
5 amended to read as follows:

6 (a) In addition to satisfying the requirements of Section
7 1152.155, an applicant for registration as a property tax
8 consultant must:

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

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

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

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

24 (1) adopt an examination for registration as a senior

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X

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 Dau
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Don Hoggan*

- 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

Lotay Dow
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY:

Roger W.

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

