

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2009  
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 2591 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Ilen Heape  
Sen. Heape, Chair

Dewell  
Sen. Dewell

Chris Harris  
Sen. Harris

Sen. Ertife

Sen. West On the part of the Senate

Senfonia Thompson  
Rep. Thompson, Chair

[Signature]  
Rep. Gutierrez

[Signature]  
Rep. Hamilton

Rep. Jones

[Signature]  
On the part of the House  
Rep. Menendez

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

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

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 A person required to register under this chapter may not solicit a  
8 property tax consulting assignment by assuring a specific outcome.

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

10 (a) A person required to register under this chapter may not  
11 maintain an Internet website for any purpose associated with the  
12 provision of tax consulting services by the registrant that has a  
13 domain name or other Internet address that implies that the website  
14 is a government website.

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

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

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

1           SECTION 5. The change in law made by this Act to Section  
2 1152.156(a), Occupations Code, applies only to an application for  
3 registration as a property tax consultant that is submitted to the  
4 Texas Department of Licensing and Regulation on or after March 1,  
5 2010. An application for registration submitted before that date  
6 is governed by the law in effect at the time the application was  
7 submitted, and the former law is continued in effect for that  
8 purpose.

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

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

**House Bill 2591**  
**Conference Committee Report**  
**Section-by-Section Analysis**

**HOUSE VERSION**

**SENATE VERSION**

**CONFERENCE**

SECTION 1. Amends Section 1152.152(c), Occupations Code, to prohibit a certain registered senior property tax consultant or an attorney from employing, associating with, or sponsoring more than 10 registered property tax consultants.

No equivalent provision.

Same as Senate version.

SECTION 2. Amends Section 1152.156(a), Occupations Code, relating to the classroom hours and competency examination for an applicant for registration as a property tax consultant.

SECTION 1. Same as House version.

SECTION 1. Same as House version.

SECTION 3. Amends Section 1152.160, Occupations Code. REGISTRATION EXAMINATIONS.

SECTION 2. Same as House version.

SECTION 2. Same as House version.

SECTION 4. Amends Chapter 1152, Occupations Code, by adding Subchapter E-1, PROHIBITED ACTS, to read as follows:

SECTION 3. Same as House version except as follows:

SECTION 3. Same as House version except as follows:

Sec. 1152.231. Prohibits a person required to register under this chapter from serving as a registered senior property tax consultant for more than 10 registered property tax consultants.

Sec. 1152.231. Same as House version, except prohibits such service unless each additional tax consultant sponsored or supervised by the registered senior property tax consultant has for the previous six months: been employed as a tax consultant on a full-time basis; performed tax consultant related services as an employee of a property owner; or performed licensed appraisal services.

Sec. 1152.231. Same as Senate version, except specifies that the additional tax consultant for the previous six months must have been engaged, as well as employed, as a tax consultant on a full-time basis.

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HOUSE VERSION

(b) Prohibits a person required to register under this chapter from filing a protest under Chapter 41, Tax Code, without the approval of the property owner.

(c) Prohibits a person required to register under this chapter from falsifying certain legal documents.

(d) Prohibits a person required to register under this chapter from filing a motion or protest concerning residential property on behalf of a person whom the registrant does not represent unless certain conditions are met.

Sec. 1152.232.

(a) Prohibits a person required to register under this chapter from, in a public solicitation for business, representing the fee for services rendered includes the hiring of legal services.

(b) Prohibits a person required to register under this chapter from soliciting a property tax consulting assignment by assuring a specific outcome.

No equivalent provision.

SENATE VERSION

(b) *Except for protests filed with the approval of a lessee under Section 41.413, Tax Code*, prohibits a person required to register under this chapter from filing a protest under Chapter 41, Tax Code, without the approval of the property owner.

(c) Same as House version.

(d) Same as House version.

Sec. 1152.232. Same as House version, except as follows:  
No equivalent provision.

(a) Same as House version.

(b) Prohibits a person required to register under this chapter from soliciting a client for an attorney for the purpose of filing an appeal under Chapter 42, Tax Code,

CONFERENCE

(b) Same as Senate version.

(c) Same as House version.

(d) Same as House version.

Sec. 1152.232. Same as House version, except as follows:  
No equivalent provision.

Same as House version.

Same as House version.

**House Bill 2591**  
**Conference Committee Report**  
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**HOUSE VERSION**

**SENATE VERSION**

**CONFERENCE**

if the solicitation results in compensation to the person. Makes this subsection inapplicable to a tax consultant who retains an attorney for an appeal with client approval.

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

Same as House version.

Same as House version.

Sec. 1152.234. PROHIBITED ACTS: CERTAIN LEGAL ACTIONS.

Same as House version.

Same as House version.

No equivalent provision.

Sec. 1152.235. Prohibits a person required to register under this chapter from employing or contracting with a former member of an appraisal review board to perform any services related to the appraisal review board in the county in which the former member served before the second anniversary of the termination of the former member's service on the board.

Same as House version.

SECTION 5. Transition provision.

SECTION 4. Same as House version.

SECTION 4. Same as House version.

SECTION 6. Saving provision.

SECTION 5. Same as House version.

SECTION 5. Same as House version.

SECTION 7. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2009. (b) Section 1152.152(c), Occupations Code, and Subchapter E-1, Chapter 1152, Occupations Code, as added by this Act, take effect January 1, 2010.

SECTION 6. Same as House version, except omits January 1, 2010 effective date for Section 1152.152(c), Occupations Code.

SECTION 6. Same as Senate version.

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

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

**May 30, 2009**

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate**  
**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.), Conference  
Committee Report**

**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**

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2591 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Leifonia Thompson  
(name)

May 29, 2009  
(date)