

BILL ANALYSIS

Senate Research Center
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S.B. 1095
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Finance
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, taxpayers that disagree with a comptroller's deficiency determination have 30 days from the issuance of the determination to file a petition for redetermination and obtain an administrative hearing.

The 30-day deadline cannot be waived and generally will not be extended. If a petition is not timely filed, the determination becomes final.

The compressed deadline often forces taxpayers to file boilerplate petitions that include numerous transactions and legal theories for the purpose of preserving potential claims until the taxpayer has had time to review the assessment in detail. Such petitions are inefficient and a drain on taxpayer and comptroller resources.

The 30-day deadline allows insufficient time for taxpayers to review assessments and decide whether to contest them. Extending the deadline to 90 days would allow taxpayers adequate time to review assessments and would both decrease the number of boilerplate petitions and improve the detail and quality of substantive petitions.

S.B. 1095 amends Chapter 111, Tax Code, to provide that a petition for redetermination may be filed before the expiration of 90 days after the date on which service of the notice of determination is completed.

As proposed, S.B. 1095 amends current law relating to the deadline to file a petition for redetermination of a tax deficiency determination made by the comptroller.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 111.009(b), Tax Code, to require that a petition for redetermination be filed before the expiration of 90 days, rather than 30 days, after the date on which the service of the notice of determination is completed or the redetermination is barred.

SECTION 2. Effective date: September 1, 2017.