

BILL ANALYSIS

C.S.H.B. 316
By: Fletcher
Ways & Means
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A homeowner exercising the right to protest a property tax appraisal may obtain representation to assist the homeowner in the matter. Tax Code provisions require a homeowner to fill out a written authorization to assign representation to an agent such as a property tax consultant. Many appraisal districts interpret these provisions to mean that the designation of agent form must be physically signed by the homeowner. Consequently, many appraisal districts will not accept an electronic signature of the homeowner or an electronically submitted designation of an agent, despite Business & Commerce Code provisions stating that such electronic signatures and electronic records satisfy a requirement in law for a signature and a written record. To physically sign a form, a homeowner must receive the form from a property tax consultant via fax or mail or must go to the property tax consultant's office or the appraisal district to obtain the form. This creates a burden on homeowners, especially certain disabled homeowners such as the blind. An appraisal district then must scan each designation of agent form and attach the scanned document to a homeowner's file, a costly procedure for counties scanning thousands of these documents each year. C.S.H.B. 316 reduces the burden on a homeowner protesting an appraisal and decreases appraisal district costs by requiring certain appraisal districts to accept electronically signed and submitted designations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 316 amends the Tax Code to require a property tax appraisal district established for a county having a population of 500,000 or more to implement a system that allows for the electronic signing and filing of a designation of an agent to act on behalf of a property owner in property tax matters. The bill requires an agent who electronically submits a designation of agent form, on written request by the chief appraiser, to provide the chief appraiser information concerning the electronic signature of the person who signed the form, the date the person signed the form, and the Internet Protocol address of the computer the person used to complete the form. The bill prohibits a person from knowingly making a false entry in, or false alteration of, a designation of agent form that has been signed by the owner or other person authorized to act on the owner's behalf.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 316 contains a provision not included in the original requiring an agent who electronically submits a designation of agent form to provide the chief appraiser with

information requested by the chief appraiser about the electronic signature on the form, the date of the signature, and the computer used to complete the form. The substitute contains a provision not included in the original prohibiting a person from knowingly making a false entry in, or false alteration of, a signed designation of agent form.