

BILL ANALYSIS

C.S.H.B. 1692
By: Flynn
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Texas Department of Licensing and Regulation (TDLR) is not authorized to dismiss a complaint relating to certain property tax professionals unless specified conditions are met. There is concern that the law does not adequately address the transition of licensing for tax and appraisal professionals to TDLR. C.S.H.B. 1692 seeks to provide direction to TDLR's dismissal of certain complaints, in part or entirely, after investigation and without conducting a hearing.

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. 1692 amends the Occupations Code to require the Texas Department of Licensing and Regulation (TDLR), after investigation, to dismiss a complaint, in part or entirely, against a property tax professional without conducting a hearing if the complaint challenges the imposition of or failure to waive penalties or interest under provisions of the Tax Code relating to delinquent property taxes, the appraised value of a property, the appraisal methodology, the grant or denial of an exemption from taxation, or any matter for which the Property Tax Code specifies a remedy, including an action that a property owner is entitled to protest before an appraisal review board under state law, and if the subject matter of the complaint has not been finally resolved in the complainant's favor by an appraisal review board, a governing body, an arbitrator, a court, or the State Office of Administrative Hearings (SOAH) under provisions of law relating to a pilot program allowing property owners to appeal certain appraisal review board orders to SOAH. The bill removes the specification from provisions authorizing TDLR, after investigation, to dismiss a complaint against a property tax professional without conducting a hearing that the complaint challenges only a matter for which Tax Code provisions relating to property taxes specify a remedy. The bill specifies, in those provisions authorizing TDLR to dismiss a complaint under the specified circumstances, that TDLR may dismiss the complaint in part or entirely.

C.S.H.B. 1692 makes provisions relating to TDLR's dismissal of complaints against a property tax professional inapplicable to a matter referred to TDLR by the comptroller of public accounts under statutory provisions governing review of appraisal districts or a successor statute, a complaint concerning a registrant's failure to comply with property tax registration and certification requirements, or a complaint concerning a newly appointed chief appraiser's failure to complete the chief appraiser training program.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1692, in provisions authorizing the Texas Department of Licensing and Regulation (TDLR) to dismiss a complaint against a property tax professional without conducting a hearing under certain circumstances and requiring TDLR to dismiss a complaint in the same manner under certain other circumstances, contains the specification not included in the original that such complaints may be dismissed by TDLR in part or entirely.

C.S.H.B. 1692, in a provision requiring TDLR to dismiss certain complaints against a property tax professional without conducting a hearing if the complaint challenges specified matters, contains as matters not included in the original the appraisal methodology, the grant or denial of an exemption from taxation, or any matter for which the Property Tax Code specifies a remedy, including an action that a property owner is entitled to protest before an appraisal review board under state law. The substitute differs from the original by setting as a condition of such dismissal that the subject matter of the complaint has not been finally resolved in the complainant's favor by an appraisal review board, a governing body, an arbitrator, a court, or the State Office of Administrative Hearings (SOAH) under provisions of law relating to a pilot program allowing the appeal of certain appraisal review board orders to SOAH, whereas the original sets as a condition of such dismissal that the disagreement has not been resolved in the complainant's favor by settlement or waiver or by an appraisal review board, governing body, arbitrator, or court.

C.S.H.B. 1692 contains a provision not included in the original making provisions relating to TDLR's dismissal of complaints against a property tax professional inapplicable to certain matters and complaints.

C.S.H.B. 1692 differs from the original by making the bill effective on passage or, if the bill does not receive the necessary vote, September 1, 2011, whereas the original makes the bill effective September 1, 2011. The substitute differs from the original in nonsubstantive ways.