

BILL ANALYSIS

Senate Research Center

S.B. 464
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Finance
7/8/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Certain property tax professionals, including appraisers, assessors, assessor-collectors, and collectors, are required to register with the Texas Department of Licensing and Regulation (TDLR) and are expected to comply with standards of professional practice, conduct, education, and ethics established by the Texas Commission of Licensing and Regulation (TCLR). TDLR has an established process for receiving and processing consumer complaints against property tax professionals and other persons licensed by TDLR.

S.B. 464 clarifies TDLR's authority to dismiss complaints against property tax professionals without a hearing. First, TDLR may dismiss a complaint if it does not credibly allege a violation of standards established by TCLR. Second, TDLR shall dismiss a complaint that challenges only the appraised value of a property or the imposition or failure to waive penalties or interest and that has not been resolved in the complainant's favor by settlement or waiver or an available appeals process. For value-related issues, consumers have access to due process through an appeals process involving the appraisal review board, the governing body, an arbitrator, or the courts. By clarifying that TDLR's jurisdiction is limited to complaints related to standards established by TCLR, S.B. 464 seeks to prevent TDLR's complaint process from being used as an alternative measure to the appeals process if a consumer's complaint is not satisfactorily resolved through appeal.

S.B. 464 amends current law relating to the dismissal of complaints against property tax professionals.

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 1151.204, Occupations Code, as follows:

Sec. 1151.204. New heading: DISMISSAL OF COMPLAINTS. (a) Creates this subsection from existing text. Authorizes the Texas Department of Licensing and Regulation (TDLR), after investigation, to dismiss a complaint, in part or entirely, without conducting a hearing if the complaint does not credibly allege a violation of this chapter (Property Tax Professionals) or the standards established by the Texas Commission of Licensing and Regulation (TCLR) for registrants under this chapter. Deletes existing text authorizing TDLR to dismiss a complaint without conducting a hearing if the complaint challenges only the appraised value of a property or another matter for which Title I (Property Tax Code), Tax Code, specifies a remedy and the disagreement has not been resolved in the complainant's favor by an appraisal review board or court. Makes nonsubstantive changes to this subsection.

(b) Requires TDLR, after investigation, to dismiss a complaint, in part or entirely, without conducting a hearing if the complaint challenges the imposition of or failure to waive penalties or interest under Sections 33.01 (Penalties and Interest) and 33.011 (Waiver of Penalties and Interest), Tax Code; the appraised value of a

property; the appraisal methodology; the grant or denial or an exemption from taxation; or any matter for which Title I, Tax Code, specifies a remedy, including an action that a property owner is entitled to protest before an appraisal review board under Section 41.41(a) (relating to entitling a property owner to protest before the appraisal review board through certain actions), Tax Code, and 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 under Section 2003.901 (Pilot Program), Government Code.

(c) Provides that this section does not apply to a matter referred to TDLR by the comptroller of public accounts of the State of Texas under Section 5.102 (Review of Appraisal Districts), Tax Code, or a successor statute; a complaint concerning a registrant's failure to comply with the registration and certification requirements of this chapter; or a complaint concerning a newly appointed chief appraiser's failure to complete the training program described by Section 1151.164 (Chief Appraiser Training Program).

SECTION 2. Provides that the change in law made by this Act to Section 1151.204, Occupations Code, applies only to a complaint filed on or after the effective date of this Act. Provides that a complaint filed before that date is governed by the law in effect on the date the complaint was filed, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2013.