

BILL ANALYSIS

S.B. 464
By: Deuell
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that certain property tax professionals are required to register with the Texas Department of Licensing and Regulation (TDLR) and are expected to comply with certain standards of professional practice, conduct, education, and ethics established by the Texas Commission of Licensing and Regulation. TDLR has a process for receiving and processing consumer complaints made against property tax professionals and other people licensed by TDLR. The parties raise concerns regarding TDLR's dismissal of complaints made against property tax professionals without hearings, including a concern that the complaint process is being used as an alternative to the appeals process if a consumer's complaint is not satisfactorily resolved through appeal. S.B. 464 seeks to address these concerns and make certain clarifications regarding the dismissal of complaints against property tax professionals.

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

S.B. 464 amends the Occupations Code, in a provision authorizing the Texas Department of Licensing and Regulation (TDLR) to dismiss certain complaints against property tax professionals under the Property Taxation Professional Certification Act without conducting a hearing, to specify that the complaint may be dismissed in part or entirely in such manner and to remove as conditions under which TDLR is authorized to do so the condition that the complaint challenges only the appraised value of a property or another matter for which the Property Tax Code specifies a remedy and the condition that the disagreement not have been resolved in the complainant's favor by an appraisal review board or court. The bill 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, the appraised value of a property, the appraisal methodology, the grant or denial of a tax exemption, or any matter for which the Property Tax Code specifies a remedy and if the subject matter of the complaint has not been finally resolved in the complainant's favor by an appraisal review board, a taxing unit's governing body, an arbitrator, a court, or the State Office of Administrative Hearings.

S.B. 464 exempts from its provisions and existing provisions relating to TDLR's authority to dismiss complaints against property tax professionals the following: a matter referred to TDLR by the comptroller of public accounts under provisions relating to the comptroller's review of appraisal districts, or a successor statute; a complaint concerning a registrant's failure to comply with the registration and certification requirements of the Property Taxation Professional Certification Act; or a complaint concerning a newly appointed chief appraiser's failure to complete the training program.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.