

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 6, 2017**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Ways & Means

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB3471** by Davis, Yvonne (relating to a sales tax refund for sales tax overpayments by certain oil or gas severance taxpayers.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would amend Chapter 151, Tax Code, regarding refunds or credits of overpayments of sales tax by certain taxpayers.

A new Section 151.4304 would be added to provide that a person owed reimbursement for overpaid sales and use tax, who files producer or first purchaser reports for the natural gas production tax or oil production tax, and who does not have a sales tax permit may file a claim for refund. A person filing a claim for refund under this section would not be required to be an assignee of the person who directly paid the tax to the state.

The bill provides for certain taxpayers to obtain reimbursement for overpaid sales tax directly from the Comptroller without first obtaining a written assignment of rights to refund from the person that collected and remitted the tax. The bill does not alter tax liabilities.

There could be minor effects on cash flow if the provision results in expedited payment of refunds, but such effects would be negligible.

The bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** UP, KK, SD