

BILL ANALYSIS

H.B. 2857
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Ways & Means
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Taxpayer information related to current or pending audits is public information and is required to be released by the office of the comptroller of public accounts. This information is often used by taxpayer representatives to solicit for potential clients. While a person who obtains the information is subject to a civil penalty for failing to wait six days before making a direct solicitation in order to prevent unwanted spamming and protect taxpayers from potential scams, the penalty is difficult to enforce and has proven ineffective. H.B. 2857 seeks to remedy this situation by delaying the release of taxpayer information until the 20th day after mailing the notice of intent to audit the taxpayer in order to provide taxpayers with sufficient time to receive notice of a pending audit.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 2857 amends the Tax Code to prohibit the comptroller of public accounts, when responding to a request for taxpayer information from a requestor other than the taxpayer to whom the information relates, from providing information relating to a taxpayer that the comptroller is auditing or intends to audit to the requestor earlier than the 20th day after the date the comptroller mails the notice of intent to audit to the taxpayer. The bill repeals provisions relating to the imposition of a civil penalty for the premature solicitation of business or employment from a taxpayer under comptroller audit or that the comptroller intends to audit. The bill clarifies that the bill does not affect the imposition of a civil penalty for conduct occurring before the bill's effective date.

H.B. 2857 repeals Sections 111.0075(c), (d), (e), and (f), Tax Code.

EFFECTIVE DATE

September 1, 2021.