

BILL ANALYSIS

Senate Research Center
87R3163 RDS-F

H.B. 1658
By: Murphy (Nelson)
Finance
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While taxpayers may elect to receive certain communications and notices from the Comptroller of Public Accounts of the State of Texas by e-mail, state law does not currently include deficiency determinations among the notices that may be sent electronically. During the COVID-19 pandemic, the governor's executive actions allowed these notices to be sent electronically, which has resulted in increased efficiency and savings on postage and mail materials. H.B. 1658 seeks to make this change permanent and provide the option to deliver certain determinations by electronic means.

H.B. 1658 amends current law relating to the methods by which the comptroller may provide notice of a deficiency determination or jeopardy determination.

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 111.008, Tax Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Authorizes the notice given by the Comptroller of Public Accounts of the State of Texas (comptroller) to the person against whom a determination is made under Section 111.008 (Deficiency Determination) to be made by electronic means.

(d) Requires that a notice given by electronic means be addressed to the person's e-mail address as it appears in the comptroller's records. Provides that service by electronic means is complete when the comptroller transmits the notice to the person's e-mail address.

SECTION 2. Amends Section 111.022, Tax Code, by amending Subsection (b) and adding Subsections (b-1) and (b-2), as follows:

(b) Provides that a determination made under Section 111.022 (Jeopardy Determination) becomes final on the expiration of 20 days after the day on which the notice of the determination was served by certain means, including by electronic means.

(b-1) Requires that a notice given by mail be addressed to the person to whom the notice is served at the person's address as it appears in the comptroller's records. Provides that service by mail is complete when the notice is deposited in a United States Post Office.

(b-2) Requires that a notice given by electronic means be addressed to the person's e-mail address as it appears in the comptroller's records. Provides that service by electronic means is complete when the comptroller transmits the notice to the person's e-mail address.

SECTION 3. Effective date: September 1, 2021.