

BILL ANALYSIS

H.B. 2865
By: Burkett
Ways & Means
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to interested parties, the comptroller of public accounts continues to see an increase in the number of taxpayers using electronic means to file their franchise tax reports, as well as in the number of reports indicating no tax due. Despite this, the parties note, there are currently no requirements for electronically filing franchise tax reports indicating no tax due. H.B. 2865 seeks to provide for such requirements.

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. 2865 repeals a Tax Code provision authorizing the comptroller of public accounts to adopt rules requiring electronic filing of certain tax reports outside those required in relation to the sales and use, oil production, and gas production taxes.

H.B. 2865 amends the Tax Code to include an information report regarding a taxable entity's taxable margin with regard to the franchise tax among the reports for which electronic filing is to be required by comptroller rule. The bill requires a taxable entity that fails to electronically file such a report to pay a \$50 penalty unless the taxable entity qualifies for a waiver from the electronic filing requirement under comptroller rule. The bill establishes that the penalty is assessed without regard to whether the taxable entity subsequently files the report electronically or whether any taxes were due from the taxable entity for the reporting period under the required report.

H.B. 2865 repeals Section 111.0626(b), Tax Code.

EFFECTIVE DATE

September 1, 2015.