

The Comptroller of Public Accounts proposes new §1.20, concerning deadline extensions. Existing §1.20 is proposed for repeal concurrently with this proposed new section. The new section explains the procedures a taxpayer may use to request the extension of a deadline in a contested case.

Subsection (a) provides that, before the State Office of Administrative Hearings (SOAH) acquires jurisdiction over a contested case, a taxpayer may request to extend a deadline imposed by the comptroller's rules of practice and procedure. Such requests must be submitted to the Assistant General Counsel assigned to the case, and will be granted if the request shows good cause and the need for the request is not caused by neglect, indifference, or lack of diligence. Requests under this subsection must be served upon any other parties of record.

Subsection (b) explains that after SOAH acquires jurisdiction over a contested case, motions to extend filing deadlines and motions for continuance must be filed with SOAH pursuant to 1 TAC §155.307 and any applicable orders of the administrative law judge assigned to the case. Subsection (b) further entitles a taxpayer to a 30-day continuance of the hearing to permit the petitioner to obtain and present additional evidence if an additional claim is asserted at or before a hearing. Tax Code, §151.511(c) provides that, for redetermination hearings concerning the limited sales, excise, and use tax, if an additional claim is asserted by the comptroller, the petitioner is entitled to a 30-day continuance of the hearing. Subsection (b) extends this statutory 30-day continuance provision to apply to all tax types.

Subsection (c) refers to §1.29(d) of this subchapter, relating to requests for additional time to file a motion for rehearing or reply on a decision or order by the comptroller.

Public Benefit/Cost; Fiscal Implications for state or local government, small businesses, and individuals.

Comments on the proposal may be submitted to Gina Calviño, Legal Assistant, Office of Special Counsel for Tax Hearings, P.O. Box 13528, Austin, Texas 78711-3528, or [SpecialCounsel.Filings@cpa.texas.gov](mailto:SpecialCounsel.Filings@cpa.texas.gov). Comments must be received no later than 30 days from the date of publication of the proposal in the Texas Register.

The new section is proposed under Government Code, §2001.004 (Requirement to Adopt Rules of Practice and Index Rules, Orders, and Decisions), which requires state agencies to adopt rules of practice, and Tax Code, §111.002 and §111.0022, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2, as well as taxes, fees, or other charges which the comptroller administers under other law.

The new section implements Government Code, §2001.004 (Requirement to Adopt Rules of Practice and Index Rules, Orders, and Decisions), which requires state agencies to adopt rules of practice, and Tax Code, §111.009 (Redetermination), §111.105 (Tax Refund: Hearing) and §151.511 (Redetermination).

<rule>

§1.20. Deadline Extensions.

(a) Before SOAH acquires jurisdiction over a contested case (see 1 TAC §155.51), taxpayer requests to extend any deadlines imposed by this subchapter must be submitted to the Assistant General Counsel assigned to the case. A request will be granted if it shows good cause and the need is not caused by neglect, indifference, or lack of diligence. Requests must be served upon any other parties of record.

(b) After SOAH acquires jurisdiction over a contested case (see 1 TAC §155.51), motions to extend filing deadlines and motions for continuance must be filed with SOAH pursuant to 1 TAC §155.307 and any applicable orders of the administrative law judge assigned to the case. If the agency increases the amount of tax deficiency at or before the time of hearing, the taxpayer is entitled to a 30-day continuance of the hearing to obtain and present evidence applicable to the items on which the additional claim is based.

(c) For extensions of the deadline to file a motion for rehearing of a decision or order, or a reply to a motion for rehearing, refer to §1.29(d) of this title (concerning Motion for Rehearing).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on

LITA GONZALEZ  
General Counsel  
Comptroller of Public Accounts  
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