

By: Seliger

S.B. No. 636

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of a county or other local governmental
3 entity to receive local sales tax information.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subsection (c), Section 151.027, Tax Code, is
6 amended to read as follows:

7 (c) This section does not prohibit:

8 (1) the examination of information, if authorized by
9 the comptroller, by another state officer or law enforcement
10 officer, by a tax official of another state, by a tax official of
11 the United Mexican States, or by an official of the United States if
12 a reciprocal agreement exists;

13 (2) the delivery to a taxpayer, or a taxpayer's
14 authorized representative, of a copy of a report or other paper
15 filed by the taxpayer under this chapter;

16 (3) the publication of statistics classified to
17 prevent the identification of a particular report or items in a
18 particular report;

19 (4) the use of records, reports, or information
20 secured, derived, or obtained by the attorney general or the
21 comptroller in an action under this chapter against the same
22 taxpayer who furnished the information;

23 (5) the delivery to a successor, receiver, executor,
24 administrator, assignee, or guarantor of a taxpayer of information

1 about items included in the measure and amounts of any unpaid tax or
2 amounts of tax, penalties, and interest required to be collected;

3 (6) the delivery of information to a municipality,
4 county, or other local governmental entity [~~an eligible~~
5 ~~municipality~~] in accordance with Section 321.3022, 322.2022, or
6 323.3022; or

7 (7) the release of information in or derived from a
8 record, report, or other instrument required to be furnished under
9 this chapter by a governmental body, as that term is defined in
10 Section 552.003, Government Code.

11 SECTION 2. Section 321.3022, Tax Code, is amended by
12 amending Subsections (a), (a-1), (b), (d), (e), (f), (g), (h), and
13 (i) and adding Subsection (a-2) to read as follows:

14 (a) In this section, "other local governmental entity" has
15 the meaning assigned by Section 321.107.

16 (a-1) Except as otherwise provided by this section, the
17 comptroller on request shall provide to a municipality or other
18 local governmental entity that has adopted a tax under this
19 chapter:

20 (1) information relating to the amount of tax paid to
21 the municipality or other local governmental entity under this
22 chapter during the preceding or current calendar year by each
23 person doing business in the municipality or other local
24 governmental entity who annually remits to the comptroller state
25 and local sales tax payments of more than \$25,000; and

26 (2) any other information as provided by this section.

27 (a-2) [~~(a-1)~~] The comptroller on request shall provide to a

1 municipality or other local governmental entity that has adopted a
2 tax under this chapter and that does not impose an ad valorem tax
3 information relating to the amount of tax paid to the municipality
4 or other local governmental entity under this chapter during the
5 preceding or current calendar year by each person doing business in
6 the municipality or other local governmental entity who annually
7 remits to the comptroller state and local sales tax payments of more
8 than \$500.

9 (b) The comptroller on request shall provide to a
10 municipality or other local governmental entity that has adopted a
11 tax under this chapter information relating to the amount of tax
12 paid to the municipality or other local governmental entity under
13 this chapter during the preceding or current calendar year by each
14 person doing business in an area, as defined by the municipality or
15 other local governmental entity, that is part of:

- 16 (1) an interlocal agreement;
- 17 (2) a tax abatement agreement;
- 18 (3) a reinvestment zone;
- 19 (4) a tax increment financing district;
- 20 (5) a revenue sharing agreement;
- 21 (6) an enterprise zone;
- 22 (7) a neighborhood empowerment zone;
- 23 (8) any other agreement, zone, or district similar to
24 those listed in Subdivisions (1)-(7); or
- 25 (9) any area defined by the municipality or other
26 local governmental entity for the purpose of economic forecasting.

27 (d) If the request for information under Subsection (b)

1 involves not more than three persons doing business in the defined
2 area who remit taxes under this chapter, the comptroller shall
3 refuse to provide the information to the municipality or other
4 local governmental entity unless the comptroller receives
5 permission from each of the persons allowing the comptroller to
6 provide the information to the municipality or other local
7 governmental entity as requested.

8 (e) A separate request for information under this section
9 must be made in writing by the municipality's mayor or chief
10 administrative officer or by the governing body of the other local
11 governmental entity each year.

12 (f) Information received by a municipality or other local
13 governmental entity under this section is confidential, is not open
14 to public inspection, and may be used only for the purpose of
15 economic forecasting, for internal auditing of a tax paid to the
16 municipality or other local governmental entity under this chapter,
17 or for the purpose described in Subsection (g).

18 (g) Information received by a municipality or other local
19 governmental entity under Subsection (b) may be used by the
20 municipality or other local governmental entity to assist in
21 determining revenue sharing under a revenue sharing agreement or
22 other similar agreement.

23 (h) The comptroller may set and collect from a municipality
24 or other local governmental entity reasonable fees to cover the
25 expense of compiling and providing information under this section.

26 (i) Notwithstanding Chapter 551, Government Code, the
27 governing body of a municipality or other local governmental

1 entity is not required to confer with one or more employees or a
2 third party in an open meeting to receive information or question
3 the employees or third party regarding the information received by
4 the municipality or other local governmental entity under this
5 section.

6 SECTION 3. Subchapter C, Chapter 322, Tax Code, is amended
7 by adding Section 322.2022 to read as follows:

8 Sec. 322.2022. TAX INFORMATION. (a) Except as otherwise
9 provided by this section, the comptroller on request shall provide
10 to a taxing entity:

11 (1) information relating to the amount of tax paid to
12 the entity under this chapter during the preceding or current
13 calendar year by each person doing business in the area included in
14 the entity who annually remits to the comptroller state and local
15 sales tax payments of more than \$25,000; and

16 (2) any other information as provided by this section.

17 (b) The comptroller on request shall provide to a taxing
18 entity information relating to the amount of tax paid to the entity
19 under this chapter during the preceding or current calendar year by
20 each person doing business in an area included in the entity, as
21 defined by the entity, that is part of:

22 (1) an interlocal agreement;

23 (2) a revenue sharing agreement;

24 (3) any other agreement similar to those listed in
25 Subdivisions (1) and (2); or

26 (4) any area defined by the entity for the purpose of
27 economic forecasting.

1 (c) The comptroller shall provide the information under
2 Subsection (b) as an aggregate total for all persons doing business
3 in the defined area without disclosing individual tax payments.

4 (d) If the request for information under Subsection (b)
5 involves not more than three persons doing business in the defined
6 area who remit taxes under this chapter, the comptroller shall
7 refuse to provide the information to the taxing entity unless the
8 comptroller receives permission from each of the persons allowing
9 the comptroller to provide the information to the entity as
10 requested.

11 (e) A separate request for information under this section
12 must be made in writing by the governing body of the taxing entity
13 each year.

14 (f) Information received by a taxing entity under this
15 section is confidential, is not open to public inspection, and may
16 be used only for the purpose of economic forecasting, for internal
17 auditing of a tax paid to the entity under this chapter, or for the
18 purpose described by Subsection (g).

19 (g) Information received by a taxing entity under
20 Subsection (b) may be used by the entity to assist in determining
21 revenue sharing under a revenue sharing agreement or other similar
22 agreement.

23 (h) The comptroller may set and collect from a taxing entity
24 reasonable fees to cover the expense of compiling and providing
25 information under this section.

26 (i) Notwithstanding Chapter 551, Government Code, the
27 governing body of a taxing entity is not required to confer with one

1 or more employees or a third party in an open meeting to receive
2 information or question the employees or third party regarding the
3 information received by the entity under this section.

4 SECTION 4. Subchapter D, Chapter 323, Tax Code, is amended
5 by adding Section 323.3022 to read as follows:

6 Sec. 323.3022. TAX INFORMATION. (a) In this section,
7 "other local governmental entity" includes any governmental entity
8 created by the legislature that has a limited purpose or function,
9 that has a defined or restricted geographic territory, and that is
10 authorized by law to impose a local sales and use tax the
11 imposition, computation, administration, enforcement, and
12 collection of which is governed by this chapter.

13 (b) Except as otherwise provided by this section, the
14 comptroller on request shall provide to a county or other local
15 governmental entity that has adopted a tax under this chapter:

16 (1) information relating to the amount of tax paid to
17 the county or other local governmental entity under this chapter
18 during the preceding or current calendar year by each person doing
19 business in the county or other local governmental entity who
20 annually remits to the comptroller state and local sales tax
21 payments of more than \$25,000; and

22 (2) any other information as provided by this section.

23 (c) The comptroller on request shall provide to a county or
24 other local governmental entity that has adopted a tax under this
25 chapter information relating to the amount of tax paid to the county
26 or other local governmental entity under this chapter during the
27 preceding or current calendar year by each person doing business in

1 an area, as defined by the county or other local governmental
2 entity, that is part of:

- 3 (1) an interlocal agreement;
- 4 (2) a tax abatement agreement;
- 5 (3) a reinvestment zone;
- 6 (4) a tax increment financing district;
- 7 (5) a revenue sharing agreement;
- 8 (6) an enterprise zone;
- 9 (7) any other agreement, zone, or district similar to

10 those listed in Subdivisions (1)-(6); or

11 (8) any area defined by the county or other local
12 governmental entity for the purpose of economic forecasting.

13 (d) The comptroller shall provide the information under
14 Subsection (c) as an aggregate total for all persons doing business
15 in the defined area without disclosing individual tax payments.

16 (e) If the request for information under Subsection (c)
17 involves not more than three persons doing business in the defined
18 area who remit taxes under this chapter, the comptroller shall
19 refuse to provide the information to the county or other local
20 governmental entity unless the comptroller receives permission
21 from each of the persons allowing the comptroller to provide the
22 information to the county or other local governmental entity as
23 requested.

24 (f) A separate request for information under this section
25 must be made in writing each year by the county judge or the
26 governing body of the other local governmental entity.

27 (g) Information received by a county or other local

1 governmental entity under this section is confidential, is not open
2 to public inspection, and may be used only for the purpose of
3 economic forecasting, for internal auditing of a tax paid to the
4 county or other local governmental entity under this chapter, or
5 for the purpose described by Subsection (h).

6 (h) Information received by a county or other local
7 governmental entity under Subsection (c) may be used by the county
8 or other local governmental entity to assist in determining revenue
9 sharing under a revenue sharing agreement or other similar
10 agreement.

11 (i) The comptroller may set and collect from a county or
12 other local governmental entity reasonable fees to cover the
13 expense of compiling and providing information under this section.

14 (j) Notwithstanding Chapter 551, Government Code, the
15 commissioners court of a county or the governing body of the other
16 local governmental entity is not required to confer with one or more
17 employees or a third party in an open meeting to receive information
18 or question the employees or third party regarding the information
19 received by the county or other local governmental entity under
20 this section.

21 SECTION 5. This Act takes effect September 1, 2009.