

1-1 By: Watson S.B. No. 1934
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Economic Development;
1-4 April 8, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 8, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1934 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of certain governmental entities to
1-11 receive local sales tax information.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (c), Section 151.027, Tax Code, is
1-14 amended to read as follows:

1-15 (c) This section does not prohibit:

1-16 (1) the examination of information, if authorized by
1-17 the comptroller, by another state officer or law enforcement
1-18 officer, by a tax official of another state, by a tax official of
1-19 the United Mexican States, or by an official of the United States if
1-20 a reciprocal agreement exists;

1-21 (2) the delivery to a taxpayer, or a taxpayer's
1-22 authorized representative, of a copy of a report or other paper
1-23 filed by the taxpayer under this chapter;

1-24 (3) the publication of statistics classified to
1-25 prevent the identification of a particular report or items in a
1-26 particular report;

1-27 (4) the use of records, reports, or information
1-28 secured, derived, or obtained by the attorney general or the
1-29 comptroller in an action under this chapter against the same
1-30 taxpayer who furnished the information;

1-31 (5) the delivery to a successor, receiver, executor,
1-32 administrator, assignee, or guarantor of a taxpayer of information
1-33 about items included in the measure and amounts of any unpaid tax or
1-34 amounts of tax, penalties, and interest required to be collected;

1-35 (6) the delivery of information to an eligible
1-36 municipality in accordance with Section 321.3022 or an eligible
1-37 transit or transportation authority or emergency services district
1-38 in accordance with Section 322.2022; or

1-39 (7) the release of information in or derived from a
1-40 record, report, or other instrument required to be furnished under
1-41 this chapter by a governmental body, as that term is defined in
1-42 Section 552.003, Government Code.

1-43 SECTION 2. Subchapter C, Chapter 322, Tax Code, is amended
1-44 by adding Section 322.2022 to read as follows:

1-45 Sec. 322.2022. TAX INFORMATION. (a) Except as otherwise
1-46 provided by this section, the comptroller on request shall provide
1-47 to a taxing entity that is a rapid transit authority created under
1-48 Chapter 451, Transportation Code, a regional transportation
1-49 authority created under Chapter 452, Transportation Code, or an
1-50 emergency services district created under Chapter 775 or 776,
1-51 Health and Safety Code, that has adopted a tax under the law
1-52 authorizing the creation of the entity:

1-53 (1) information relating to the amount of tax paid to
1-54 the entity under this chapter during the preceding or current
1-55 calendar year by each person doing business in the area included in
1-56 the entity who annually remits to the comptroller state and local
1-57 sales tax payments of more than \$25,000; and

1-58 (2) any other information as provided by this section.

1-59 (b) The comptroller on request shall provide to a taxing
1-60 entity to which this section applies information relating to the
1-61 amount of tax paid to the entity under this chapter during the
1-62 preceding or current calendar year by each person doing business in
1-63 an area included in the entity, as defined by the entity, that is

2-1 part of:
2-2 (1) an interlocal agreement;
2-3 (2) a revenue sharing agreement;
2-4 (3) any other agreement similar to those listed in
2-5 Subdivisions (1) and (2); or
2-6 (4) any area defined by the entity for the purpose of
2-7 economic forecasting.
2-8 (c) The comptroller shall provide the information under
2-9 Subsection (b) as an aggregate total for all persons doing business
2-10 in the defined area without disclosing individual tax payments.
2-11 (d) If the request for information under Subsection (b)
2-12 involves not more than three persons doing business in the defined
2-13 area who remit taxes under this chapter, the comptroller shall
2-14 refuse to provide the information to the taxing entity unless the
2-15 comptroller receives permission from each of the persons allowing
2-16 the comptroller to provide the information to the entity as
2-17 requested.
2-18 (e) A separate request for information under this section
2-19 must be made in writing by the taxing entity each year.
2-20 (f) Information received by a taxing entity under this
2-21 section is confidential, is not open to public inspection, and may
2-22 be used only for the purpose of economic forecasting, for internal
2-23 auditing of a tax paid to the entity under this chapter, or for the
2-24 purpose described by Subsection (g).
2-25 (g) Information received by a taxing entity under
2-26 Subsection (b) may be used by the entity to assist in determining
2-27 revenue sharing under a revenue sharing agreement or other similar
2-28 agreement.
2-29 (h) The comptroller may set and collect from a taxing entity
2-30 reasonable fees to cover the expense of compiling and providing
2-31 information under this section.
2-32 (i) Notwithstanding Chapter 551, Government Code, the
2-33 governing body of a taxing entity is not required to confer with one
2-34 or more employees or a third party in an open meeting to receive
2-35 information or question the employees or third party regarding the
2-36 information received by the entity under this section.
2-37 SECTION 3. This Act takes effect September 1, 2009.

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