

Amend **CSSB 1** (house committee report) as follows:

(1) Add the following ARTICLE to the bill, appropriately numbered, and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FEDERAL FUNDS FOR BACK TO WORK PROGRAMS
OR PROGRAMS FOR HOMELESS

SECTION _____.01. (a) Each state agency that received federal funds originally appropriated in Article XII, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act) and reappropriated in Section 8.02(a), Article IX, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, to prevent the federal law authorization to spend that money from lapsing before the money is spent, may direct the comptroller to transfer an amount of that federal money to the office of the governor for the purposes of Subsection (b) of this section. The total of the amounts transferred under this subsection by all agencies may not exceed \$20 million.

(b) The governor may establish a program to provide grants to any person for the purposes of back to work programs or programs for the homeless authorized by legislation of the 82nd Legislature, Regular Session, 2011, or 1st Called Session, 2011, and may use money transferred to the office under Subsection (a) of this section to make those grants. To the extent practicable and consistent with the purpose of ensuring that the authorization to spend that money under federal law does not lapse before it is spent, the office must distribute evenly the money transferred to the office under Subsection (a) of this section.

(c) To the extent other law requires money to be provided for back to work programs or programs for the homeless authorized by legislation of the 82nd Legislature, Regular Session, 2011, or 1st Called Session, 2011, money provided for grants under Subsection (b) of this section reduces the requirement provided by that other law, by an amount equal to the total amount of the grants made.

(2) Strike ARTICLE 3 of the bill (page 5, line 12, through page 10, line 5) and substitute the following:

ARTICLE 3. TAX RECORDS

SECTION 3.01. Section 2153.201, Occupations Code, is

amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A record required under Subsection (a) must:

(1) be available at all times for inspection by the attorney general, the comptroller, or an authorized representative of the attorney general or comptroller as provided by Subsection (c);

(2) include information relating to:

(A) the kind of each machine;

(B) the date each machine is:

(i) acquired or received in this state; and

(ii) placed in operation;

(C) the location of each machine, including the:

(i) county;

(ii) municipality, if any; and

(iii) street or rural route number;

(D) the name and complete address of each operator of each machine;

(E) if the owner is an individual, the full name and address of the owner; and

(F) if the owner is not an individual, the name and address of each principal officer or member of the owner; and

(3) be maintained~~+~~

~~[(A)]~~ at a permanent address in this state designated on the application for a license under Section 2153.153~~[-and~~

~~[(B) until the second anniversary of the date the owner ceases ownership of the machine that is the subject of the record]~~.

(c) A record required under Subsection (a) must be available for inspection under Subsection (b) for at least four years and as required by Section 111.0041, Tax Code.

SECTION 3.02. Section 111.0041, Tax Code, is amended to read as follows:

Sec. 111.0041. RECORDS; BURDEN TO PRODUCE AND SUBSTANTIATE CLAIMS. (a) Except as provided by Subsection (b), a ~~[Any]~~ taxpayer who is required by this title to keep records shall keep those

records open to inspection by the comptroller, the attorney general, or the authorized representatives of either of them for at least four years.

(b) A taxpayer is required to keep records, as provided by Subsection (c) with respect to the taxpayer's claim, open for inspection under Subsection (a) for more than four years throughout any period when:

(1) any tax, penalty, or interest may be assessed, collected, or refunded by the comptroller; or

(2) an administrative hearing is pending before the comptroller, or a judicial proceeding is pending, to determine the amount of the tax, penalty, or interest that has been assessed or collected or will be refunded.

(c) A taxpayer shall produce contemporaneous records and supporting documentation appropriate to the tax or fee for the transactions in question to substantiate and enable verification of the taxpayer's claim related to the amount of tax, penalty, or interest that has been assessed or collected or will be refunded in an administrative or judicial proceeding. Contemporaneous records and supporting documentation appropriate to the tax or fee include invoices, vouchers, checks, shipping records, contracts, and other equivalent records, such as electronically stored images of such documents, reflecting legal relationships and taxes collected or paid.

(d) This section prevails over any other conflicting provision of this title.

SECTION 3.03. Section 112.052, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) A taxpayer shall produce contemporaneous records and supporting documentation appropriate to the tax or fee for the transaction in question to substantiate and enable verification of a taxpayer's claim relating to the amount of the tax, penalty, or interest that has been assessed or collected or will be refunded, as required by Section 111.0041.

SECTION 3.04. Section 112.151, Tax Code, is amended by adding Subsection (f) to read as follows:

(f) A taxpayer shall produce contemporaneous records and

supporting documentation appropriate to the tax or fee for the transaction in question to substantiate and enable verification of a taxpayer's claim relating to the amount of the tax, penalty, or interest that has been assessed or collected or will be refunded, as required by Section 111.0041.

SECTION 3.05. Section 151.025(b), Tax Code, is amended to read as follows:

(b) A record required by Subsection (a) [~~of this section~~] shall be kept for not less than four years from the date [~~day~~] that it is made unless:

(1) the comptroller authorizes in writing its destruction at an earlier date; or

(2) Section 111.0041 requires that the record be kept for a longer period.

SECTION 3.06. Section 152.063, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) Section 111.0041 applies to a person required to keep records under this chapter.

SECTION 3.07. Section 152.0635, Tax Code, is amended by adding Subsection (e) to read as follows:

(e) Section 111.0041 applies to a person required to keep records under this chapter.

SECTION 3.08. Section 154.209(a), Tax Code, is amended to read as follows:

(a) Except as provided by Section 111.0041, each [~~Each~~] permit holder shall keep records available for inspection and copying by the comptroller and the attorney general for at least four years.

SECTION 3.09. Section 155.110(a), Tax Code, is amended to read as follows:

(a) Except as provided by Section 111.0041, each [~~Each~~] permit holder shall keep records available for inspection and copying by the comptroller and the attorney general for at least four years.

SECTION 3.10. Section 160.046, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) A person required to keep records under this section

shall also keep the records as required by Section 111.0041.

SECTION 3.11. Subchapter A, Chapter 162, Tax Code, is amended by adding Section 162.0125 to read as follows:

Sec. 162.0125. DUTY TO KEEP RECORDS. A person required to keep a record under this chapter shall also keep the record as required by Section 111.0041.

SECTION 3.12. This article takes effect September 1, 2011, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this article to have effect on that date, this article takes effect October 1, 2011.

(3) In ARTICLE 33 of the bill, strike SECTION 33.01 (page 98, line 25, through page 99, line 5) and renumber subsequent SECTIONS of the ARTICLE accordingly.

(4) In SECTION 40.01 of the bill, in amended Section 501.133(a), Government Code (page 109, line 4), strike "five" and substitute "seven".

(5) In SECTION 40.01 of the bill, in amended Section 501.133(a), Government Code, strike Subdivision (a)(4) (page 109, lines 17-21) and substitute the following:

(4) four [~~three~~] public members appointed by the governor who are not affiliated with the department or with any entity with which the committee has contracted to provide health care services under this chapter, at least two of whom are licensed to practice medicine in this state; and

(6) In SECTION 40.03 of the bill, in amended Section 501.136, Government Code (page 110, line 15), strike "one" and substitute "two [~~one~~]".

(7) In SECTION 40.06(b) of the bill (page 113, line 27, and page 114, line 1), strike "one public member to serve a term" each time it occurs and substitute "two public members to serve terms".

(8) In ARTICLE 41 of the bill, strike SECTIONS 41.01 and 41.02 (page 114, lines 10-26) and renumber subsequent SECTIONS of the ARTICLE accordingly.