

BILL ANALYSIS

Senate Research Center
81R2581 CBH-D

S.B. 636
By: Seliger
Economic Development
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, only municipalities can request certain sales tax revenue information from the comptroller of public accounts (comptroller).

As proposed, S.B. 636 amends Chapters 151 (Limited Sales, Excise, and Use Tax) and 323 (County Sales and Use Tax Act), Tax Code, to require the comptroller, upon request, to provide county sales tax information to a county that has adopted a sales tax. This bill requires the comptroller to provide, on request, information relating to the amount of tax paid to the county during the preceding or current calendar year by each person doing business in the county who annually reports state and local sales tax payments of more than \$25,000.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 151.027(c), Tax Code, to provide that this section does not prohibit the delivery of information to an eligible municipality or county in accordance with Section 321.3022 (Tax Information) or 323.3022.

SECTION 2. Amends Subchapter D, Chapter 323, Tax Code, by adding Section 323.3022, as follows:

Sec. 323.3022. TAX INFORMATION. (a) Requires the comptroller of public accounts (comptroller) on request, except as otherwise provided by this section, to provide to a county that has adopted a tax under this chapter information relating to the amount of tax paid to the county under this chapter during the preceding or current calendar year by each person doing business in the county who annually remits to the comptroller state and local sales tax payments of more than \$25,000 and any other information as provided by this section.

(b) Requires the comptroller on request to provide to a county that has adopted a tax under this chapter information relating to the amount of tax paid to the county under this chapter during the preceding or current calendar year by each person doing business in an area, as defined by the county, that is part of a certain agreement, district, area, or zone.

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

(d) Requires the comptroller to refuse to provide the information to the county unless the comptroller receives permission from each of the persons allowing the comptroller to provide the information to the county as requested if the request for information under Subsection (b) involves not more than three persons doing business in the defined area who remit taxes under this chapter.

(e) Requires that a separate request for information under this section be made in writing by the county judge each year.

(f) Provides that information received by a county under this section is confidential, is not open to public inspection, and is authorized to be used only for the purpose of economic forecasting, for internal auditing of a tax paid to the county under this chapter, or for the purpose described by Subsection (g).

(g) Authorizes information received by a county under Subsection (b) to be used by the county to assist in determining revenue sharing under a revenue sharing agreement or other similar agreement.

(h) Authorizes the comptroller to set and collect from a county reasonable fees to cover the expense of compiling and providing information under this section.

(i) Provides that the commissioners court of a county, notwithstanding Chapter 551 (Open Meetings), Government Code, is not required to confer with one of more employees or a third party in an open meeting to receive information or question the employees or third party regarding the information received by the county under this section.

SECTION 3. Effective date: September 1, 2009.