

S U S A N

C O M B S

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

P.O. Box 13528 • AUSTIN, TX 78711-3528



January 11, 2012

Mr. Lance Lively
Executive Director
Texas Package Store Association
1122 Colorado Street, Suite 313
Austin, Texas 78701

RE: House Bill 11 (82nd Leg., R.S., 2011) amendments

Dear Mr. Lively:

This letter concerns certain amendments to the Texas Tax Code by the 82nd Legislature. Specifically, House Bill 11 by the 82nd Legislature amended Tax Code Section 111.006 by adding subsections (h) and (i). The newly-added subsections read as follows:

(h) The comptroller shall disclose information to a person regarding net sales by quantity, brand, and size that is submitted in a report required under Section 151.462 if:

(1) the person requesting the information holds a permit or license under Chapter 19, 20, 21, 37, 64, 65, or 66, Alcoholic Beverage Code; and

(2) the request relates only to information regarding the sale of a product distributed by the person making the request.

(i) A disclosure made under Subsection (h) is not considered a disclosure of competitively sensitive, proprietary, or confidential information.

Tax Code Section 151.462 was also amended by House Bill 11 and requires that certain reported information be maintained as confidential and may be released only in accordance with Tax Code Section 111.006.

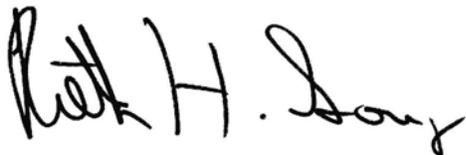
I understand that you are interested in the type of information that will be made available upon request under the new Tax Code Section 111.006(h). That provision requires this office to release the following information to certain authorized requestors: "net sales by quantity, brand, and size that is submitted in a report required under Section 151.462" of the Tax Code. Tex. Tax Code § 111.006(h)(1). Additionally, the information to be released may include only "information regarding the sale of a product distributed by the person making the request." Tex. Tax Code § 111.006(h)(2). Accordingly, while this office is required to release this specific information to requestors who meet the qualifications set out in subsections 111.006(h)(1) and (2), this office is prohibited from releasing additional information not authorized by 111.006.

Mr. Lance Lively
Page 2 of 2

Information not authorized for release under 111.006(h) is made confidential by Tax Code Sections 111.006(a)(2), 151.027(a), and 151.464, and therefore may not be released. The report authorized by House Bill 11 to be provided to the beer distributors, liquor wholesalers, and non-resident sellers would not identify the package store through which a wholesaler's or distributor's product passed before going to the retailer, nor would the report include the package store's selling prices of products. The agency will release information only to authorized requestors.

Please feel free to contact me if you need additional information.

Sincerely,

A handwritten signature in black ink that reads "Ruth H. Soucy". The signature is written in a cursive style with a large initial "R" and "S".

Ruth H. Soucy
Deputy General Counsel for Open Records
Texas Comptroller of Public Accounts
Phone: (512) 475-0411
Fax: (512) 463-4288

cc: Fred Marosko, Texas Package Store Association