

Amend **HB 2233** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION __. Section 2303.401, Government Code, is amended to read as follows:

Sec. 2303.401. DEFINITIONS. In this subchapter:

(1) "Certified job" means a new or retained job that:

(A) has provided at least 1,820 hours of employment a year to a qualified employee of a qualified business as described by Section 2303.402;

(B) is intended to exists for at least three years after the date on which the comptroller makes the initial certification of hiring commitments for the qualified business under Section 2303.516(d); and

(C) has been certified by the comptroller as eligible for receipt of a state benefit under this chapter.

(2) "New permanent job" means a new employment position created by a qualified business as described by Section 2303.402 that:

(A) has provided at least 1,820 hours of employment a year to a qualified employee; and

(B) is intended to exists at the qualified business site for at least three years after the date on which a state benefit is received as authorized by this chapter.

(3) [~~(2)~~] "Retained job" means a job that existed with a qualified business before designation of the business's project or activity as an enterprise project that:

(A) has provided employment to a qualified employee of at least 1,820 hours annually; and

(B) is intended to be an employment position for at least three years after the date on which a state benefit is received as authorized by this chapter.

SECTION __. Sections 151.429(b), (c), and (g), Tax Code, are amended to read as follows:

(b) Subject to the limitations provided by Subsection (c) of this section, an enterprise project qualifies for a refund of taxes under this section based on the amount of capital investment made at

the qualified business site and refund per job with a maximum refund to be included in a computation of a tax refund for the project. A capital investment at the qualified business site of:

(1) \$40,000 to \$399,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$25,000 for the creation or retention of 10 certified jobs;

(2) \$400,000 to \$999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$62,500 for the creation or retention of 25 certified jobs;

(3) \$1,000,000 to \$4,999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$312,500 for the creation or retention of 125 certified jobs;

(4) \$5,000,000 to \$149,999,999 will result in a refund of up to \$2,500 per job with a maximum refund of \$1,250,000 for the creation or retention of 500 certified jobs;

(5) \$150,000,000 to \$249,999,999 will result in a refund of up to \$5,000 per job with a maximum refund of \$2,500,000 for the creation or retention of 500 certified jobs; or

(6) \$250,000,000 or more will result in a refund of up to \$7,500 per job with a maximum refund of \$3,750,000 for the creation or retention of 500 certified jobs.

(c) The total amount of tax refund that an enterprise project may apply for in a state fiscal year may not exceed \$250,000. If an enterprise project qualifies in a state fiscal year for a refund of taxes in an amount in excess of the limitation provided by this subsection, it may apply for a refund of those taxes in a subsequent year, subject to the \$250,000 limitation for each year. The total amount that may be refunded to an enterprise project under this section may not exceed the amount determined by multiplying \$250,000 by the number of state fiscal years during which the enterprise project created or retained one or more certified jobs for qualified employees.

(g) The refund provided by this section is conditioned on the enterprise project maintaining for a three-year period at least the same number [~~level~~] of certified jobs [~~employment of qualified employees~~] as existed on the date the comptroller initially certified the hiring commitments for the project under Section

2303.516(d), Government Code [~~at the time it qualified for a refund for a period of three years from that date~~]. The comptroller shall annually certify whether that number [~~level~~] of certified jobs [~~employment of qualified employees~~] has been maintained. On certifying that such a number [~~level~~] has not been maintained, the comptroller shall assess that portion of the refund attributable to any such decrease in certified jobs [~~employment~~], including penalty and interest from the date of the refund.

SECTION __. Section 151.429(e), Tax Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Certified job" has the meaning assigned by Section 2303.401, Government Code.