

Amend CSHB 2233 as follows:

1. Amend Section 13 of CSHB 2233 as follows:

a. Page 3, line 18, strike "Subsection (c)" and replace with "Section 2107.004"

b. Page 3, line 30, after the word "with" strike "a person" and replace with "one or more persons"

c. Page 3, line 51, after the word "any" insert "penalty and"

d. Page 3, line 54, strike "may not exceed" and insert "shall be equal to"

e. Page 3, line 60, strike "in the name of this state"

f. Page 3, line 63, after "court" insert "brought by a contractor"

2. Strike SECTION 16 of C.S.H.B. 2233 on page 5, lines 24-31 and replace it with the following:

SECTION 16. Section 403.074(d), Government Code, is amended to read as follows:

(d) Except as provided by Subsection (g), or Article 26.051, Code of Criminal Procedure, the comptroller may not pay under this section a single claim in excess of \$25,000, or an aggregate of claims by a single claimant during a biennium in excess of \$25,000. For the purposes of this subsection, all claims that were originally held by one person are considered held by a single claimant regardless of whether those claims were later transferred.

3. Strike Section 20 and Section 21, page 5, line 68 through page 6, line 27.

4. Amend Section 49 as follows:

a. On page 14, lines 21-36, strike Section 49 and renumber subsequent sections accordingly;

b. On page 15, lines 3-6, strike subparagraph (d) and insert the following:

(d) For purposes of Subsection (b)(1), "lawful transaction of surplus lines insurance" means an insurance transaction where the surplus lines insurance is procured from an eligible surplus lines insurer as defined by Section 981.002. Failure to comply with Chapter 981 may subject the eligible surplus lines insurer to sanctions pursuant to Section 981.006, but none of the provisions

of Chapter 101 shall apply to the eligible surplus lines insurer.

5. Amend Section 73, page 19, on line 30, between the word "section" and "does" insert the following:

"as it relates to institutes of higher education,"

6. Amend Section 85, page 22, after line 57, by adding three new subsections as follows:

(d) Provided, that for the purpose of the notices required under this section, any person required to collect and remit sales tax may designate a contact address to which the notice must be sent before the penalty provided for in this section may be assessed.

(e) The Comptroller of Public Accounts shall adopt rules relating to the administration of this section which shall include a safe harbor from the penalties imposed by this section where the person acted in good faith and the over-collection of the tax was not the result of a willful disregard of the Comptroller's rules.

(f) Over collections subject to the penalties provided in this section shall not constitute grounds for any cause of action by any person or group of similarly situated persons where the person making the over collection remitted the tax to the Comptroller and assigns the right to refund to the consumer who paid the tax.

(g) Businesses which may be regarded as retailers under 151.024 who pre-collect sales tax prior to the final retail sale are not responsible for civil penalties under this section."

7. In Section 111, page 39, strike lines 34-36.

8. In SECTION 112, following proposed Subsection (a), Section 161.0821, Health and Safety Code (page 39, between lines 53 and 54) following the period, insert the following new subsections and reletter accordingly:

"(b) It is an exception to the application of this section that the person younger than 18 years of age is participating in an investigation or compliance inspection in accordance with Section 161.088 on behalf of the comptroller or a local law enforcement agency.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code or another provision of law, the actor may be prosecuted under either this section or the other section or provision."

9. In Section 129, page 45, line 21, strike "and 351.102(c)" and add the following appropriately numbered section and renumber accordingly:

"SECTION __. Section 351.102, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) As soon as practicable after each state fiscal year, the comptroller shall report to the legislature for that fiscal year the amount of state funds paid under Subsection (c)."