

Amend CSSB 1588 by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter E, Chapter 404, Government Code, is amended by adding Section 404.074 to read as follows:

Sec. 404.074. NOTICE OF EXCESS REVENUE CREDITED TO CERTAIN ACCOUNTS; SUSPENSION OF FEES. (a) In this section, "fee" means an amount required to be paid in exchange for a service or other benefit or as part of a regulatory system. The term includes an amount charged in exchange for a direct personal benefit, such as an amount charged to engage in a regulated occupation or activity, to enter a state park, museum, or other facility, or for the issuance of specialty license plates. The term does not include a tax imposed under the Tax Code or other law.

(b) This section applies only to an account in the general revenue fund:

(1) the revenue credited to which is dedicated only by statute to a particular purpose or entity; and

(2) a portion of the revenue of which in excess of amounts appropriated by the General Appropriations Act or other law would, through the application of Section 403.095(b) or a successor law providing that certain dedicated revenue is available for general governmental purposes, be available for those purposes and considered available for the purpose of certification under Section 403.121.

(c) On the date amounts credited during a state fiscal biennium to an account to which this section applies equal at least 200 percent of the total amounts appropriated by the General Appropriations Act and other law for that biennium, the comptroller shall:

(1) identify each person who collects or remits revenue credited to that account; and

(2) notify each person identified under Subdivision (1) in writing that:

(A) the credited amounts exceed the appropriations for the biennium; and

(B) the imposition of the portion of the fee from

which the revenue credited to the account is derived that the person would otherwise collect or remit to the comptroller is suspended during the period beginning on a date stated in the notice.

(d) The date on which the suspension period described by Subsection (c)(2)(B) begins must be the first day of a calendar month and may not be later than the 45th day after the date the notice is sent. The period ends on a date determined by the comptroller after considering the account balance necessary to cover appropriations from the account to which the suspended fee would be deposited.

(e) Notwithstanding any other law, including a law under which a fee is otherwise imposed, the imposition of the portion of a fee that is the subject of a notice required by Subsection (c) is suspended for the period specified in the notice. A person who receives the notice may not impose or collect the portion of the fee that is the subject of the notice during the specified period but shall remit to the comptroller in accordance with applicable law:

(1) all fees collected before the beginning of the period that have not been remitted; and

(2) delinquent fees that were imposed and became due before the beginning of the period but are collected during the period.

(f) The suspension of the imposition of a fee under Subsection (e) does not affect the availability of or access to the benefit or service, or operation of the regulatory system, with respect to which the fee would be imposed if not suspended.

(g) The comptroller shall maintain in a conspicuous location on the comptroller's Internet website a current list of fees the imposition of which is suspended under this section. The list must:

(1) contain information that clearly identifies each suspended fee; and

(2) specify the suspension period for each of those fees.

(h) The comptroller by rule shall establish procedures by which a person who pays a fee that was imposed on the person in violation of Subsection (e) may request a refund of the amount paid.

The comptroller shall determine whether the fee was imposed in violation of Subsection (e).

(i) If the comptroller determines through procedures established under Subsection (h) that a fee was imposed on the person requesting a refund in violation of Subsection (e), the comptroller shall refund the amount of the fee paid. A person aggrieved by a determination of the comptroller under those procedures may appeal that determination. The appeal is a contested case under Chapter 2001.

(b) Notwithstanding any other provision of this Act, this section takes effect September 1, 2013.