



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Phillips

1 Amend C.S.H.J.R. No. 2 (house committee printing) as  
2 follows:

3 (1) Strike page 1, line 7, through page 3, line 9, and  
4 substitute the following:

5 SECTION 1. Sections 49-g(c), (d), (e), and (h), Article  
6 III, Texas Constitution, are amended to read as follows:

7 (c) Not later than the 90th day of each fiscal year, the  
8 comptroller of public accounts shall transfer from general  
9 revenue to the economic stabilization fund an amount equal to  
10 the amount by which the sum of the amounts allocated under  
11 [prescribed by] Subsections (d) and (e) of this section for  
12 transfer under this subsection exceeds the amount to be  
13 transferred to the available school fund in that fiscal year in  
14 accordance with Section 5(h), Article VII, of this constitution.  
15 However, if necessary, the comptroller shall reduce  
16 proportionately the amounts to be transferred to the economic  
17 stabilization fund to prevent the amount in the fund from  
18 exceeding the limit in effect for that biennium under Subsection  
19 (g) of this section.

20 (d) If in the preceding year the state received from oil  
21 production taxes a net amount greater than the net amount of oil  
22 production taxes received by the state in the fiscal year ending  
23 August 31, 1987, the comptroller shall allocate for transfer to  
24 the economic stabilization fund under Subsection (c) of this  
25 section an amount of general revenue equal to 75 percent of the  
26 difference between those amounts. ~~[The comptroller shall retain~~  
27 ~~the remaining 25 percent of the difference as general revenue.]~~  
28 In computing the net amount of oil production taxes received,  
29 the comptroller may not consider refunds paid as a result of oil  
30 overcharge litigation.

1 (e) If in the preceding year the state received from gas  
2 production taxes a net amount greater than the net amount of gas  
3 production taxes received by the state in the fiscal year ending  
4 August 31, 1987, the comptroller shall allocate for transfer to  
5 the economic stabilization fund under Subsection (c) of this  
6 section an amount of general revenue equal to 75 percent of the  
7 difference between those amounts. [~~The comptroller shall retain~~  
8 ~~the remaining 25 percent of the difference as general revenue.~~]  
9 For the purposes of this subsection, the comptroller shall  
10 adjust the [~~his~~] computation of revenues to reflect only 12  
11 months of collection.

12 (h) In preparing an estimate of anticipated revenues for a  
13 succeeding biennium as required by Article III, Section 49a, of  
14 this constitution, the comptroller shall estimate the amount of  
15 the transfers that will be made under Subsections (b) and (c) [~~r~~  
16 ~~(d), and (e)~~] of this section. The comptroller shall deduct  
17 that amount from the estimate of anticipated revenues as if the  
18 transfers were made on August 31 of that fiscal year.

19 SECTION 2. Section 5, Article VII, Texas Constitution, is  
20 amended by adding Subsections (h) and (i) to read as follows:

21 (h) Not later than the 90th day of each fiscal year, the  
22 comptroller of public accounts shall transfer from general  
23 revenue to the available school fund an amount equal to 25  
24 percent of the net revenue remaining after payment of all  
25 refunds allowed by law and expenses of collection that is  
26 derived in the preceding fiscal year from all taxes, except  
27 gross production and ad valorem taxes, imposed on motor fuels  
28 used to propel motor vehicles over public roadways at the lesser  
29 of:

30 (1) the tax rates in effect at the time the taxes  
31 are imposed; or

1           (2) the tax rates in effect on July 1, 2013, if the  
2 taxes were imposed at those rates.

3           (i) In preparing an estimate of anticipated revenues for a  
4 succeeding biennium as required by Section 49a, Article III, of  
5 this constitution, the comptroller shall estimate the amount of  
6 the transfers that will be made under Subsection (h) of this  
7 section. The comptroller shall deduct that amount from the  
8 estimate of anticipated revenues as if the transfers were made  
9 on August 31 of that fiscal year.

10           (2) On page 3, line 27, strike "may" and substitute  
11 "shall".

12           (3) On page 4, line 14, strike "certain".

13           (4) Strike page 4, line 19, through page 5, line 3, and  
14 substitute the following:

15           (b) The amendments to Section 49-g, Article III, and  
16 Section 5, Article VII, of this constitution take effect  
17 immediately on the final canvass of the election on the  
18 amendments. If, between September 1, 2013, and the effective  
19 date of the amendments to Section 49-g, Article III, and Section  
20 5, Article VII, of this constitution, the comptroller of public  
21 accounts has transferred from general revenue to the economic  
22 stabilization fund amounts in accordance with Sections 49-g(c),  
23 (d), and (e), Article III, as those subsections provided at the  
24 time of the transfer, as soon as practicable after the effective  
25 date of the amendments, the comptroller shall return the  
26 transferred amounts from the economic stabilization fund to  
27 general revenue and transfer from general revenue to the  
28 available school fund and the economic stabilization fund  
29 amounts in accordance with the amended provisions, irrespective  
30 of whether the transfers for that fiscal year occur before, on,  
31 or after the 90th day of the fiscal year beginning September 1,  
32 2013.

- 1 (5) On page 5, line 12, strike "certain".
- 2 (6) Renumber the sections of the resolution appropriately.