



15 APR 27 AM 9:26

HOUSE OF REPRESENTATIVES

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

BY: Bonnen of Brazoria

1 Amend C.S.H.B. No. 32 (house committee printing) as follows:

2 (1) On page 1, line 8, between "171.003" and "and", insert  
3 ", 171.007,".

4 (2) On page 1, line 11, between "171.003" and "and", insert  
5 ", 171.007,".

6 (3) On page 1, line 14, strike "171.1016(a) and (b)," and  
7 substitute "171.1016(a), (b), and (e),".

8 (4) On page 2, line 7, between "percent" and the period,  
9 insert "or, if applicable, the adjusted tax rate adopted by the  
10 comptroller under Section 171.007".

11 (5) On page 2, between lines 7 and 8, insert the following:

12 (e) A reference in this chapter or other law to the rate of  
13 the franchise tax means, as appropriate:

14 (1) [~~7~~] the rate under Section 171.002 or, for a  
15 taxable entity that elects to pay the tax as provided by this  
16 section, the rate under this section; or

17 (2) the adjusted rates under Section 171.007.

18 (6) Add the following appropriately numbered SECTIONS to  
19 the bill, and renumber the SECTIONS of the bill accordingly:

20 SECTION \_\_\_\_\_. Subchapter A, Chapter 171, Tax Code, is  
21 amended by adding Section 171.007 to read as follows:

22 Sec. 171.007. COMPTROLLER TAX RATE ADJUSTMENT. (a) On the  
23 date the comptroller makes the transfer of any unencumbered  
24 positive balance of general revenues from a preceding biennium to  
25 the economic stabilization fund as described by Section 49-g(b),  
26 Article III, Texas Constitution, the comptroller shall:

27 (1) identify an amount of money equal to 25 percent of  
28 those unencumbered general revenues that are not transferred under  
29 that subsection;

1           (2) estimate the amount of revenue attributable to the  
2 tax imposed under this chapter that would be received by the  
3 comptroller during the current state fiscal biennium if the tax  
4 were imposed at the rates under Sections 171.002(a) and (b) and  
5 Section 171.1016 in effect on the date the estimate is made; and

6           (3) subtract the amount of money identified under  
7 Subdivision (1) from the amount of revenue estimated under  
8 Subdivision (2).

9           (b) If the amount of money determined under Subsection  
10 (a)(3) is greater than zero, the comptroller shall determine the  
11 rates for purposes of Sections 171.002(a) and (b) and Section  
12 171.1016 that, if applied beginning January 1 of the current state  
13 fiscal biennium, are estimated to generate the amount of money  
14 determined by the comptroller under Subsection (a)(3) for that  
15 biennium. In determining the rates under this subsection, the  
16 comptroller shall proportionally reduce the rates under Sections  
17 171.002(a) and (b) and Section 171.1016 that are in effect on the  
18 date the comptroller makes the determination.

19           (c) Not later than December 15 of each odd-numbered year,  
20 the comptroller shall:

21           (1) adopt the adjusted tax rates determined under  
22 Subsection (b);

23           (2) publish notice of the adjusted tax rates in the  
24 Texas Register; and

25           (3) provide any other notice relating to the adjusted  
26 tax rates that the comptroller considers appropriate.

27           (d) The adjusted tax rates adopted by the comptroller under  
28 this section apply to a report originally due on or after January 1  
29 of the even-numbered year following the date the rates are adopted.

30           (e) In the state fiscal year in which the amount of money  
31 determined under Subsection (a)(3) is zero or less:

1           (1) this chapter expires as provided by Section  
2 171.975; and

3           (2) not later than December 15 of that year the  
4 comptroller shall:

5                   (A) publish notice in the Texas Register that an  
6 entity previously subject to the tax imposed under this chapter is  
7 no longer required to file a report or pay the tax; and

8                   (B) provide any other notice relating to the  
9 expiration of the tax that the comptroller considers appropriate.

10           (f) An action taken by the comptroller under this section is  
11 final and may not be appealed.

12           (g) The comptroller shall adopt rules to implement this  
13 section.

14           SECTION \_\_\_\_\_. Chapter 171, Tax Code, is amended by adding  
15 Subchapter Z to read as follows:

16                               SUBCHAPTER Z. EXPIRATION

17           Sec. 171.975. EXPIRATION. This chapter expires on December  
18 31 of the year in which the amount of money determined by the  
19 comptroller under Section 171.007(a)(3) is zero or less.

20           SECTION \_\_\_\_\_. (a) Chapter 171, Tax Code, and Subtitle B,  
21 Title 2, Tax Code, continue to apply to audits, deficiencies,  
22 redeterminations, and refunds of any tax due or collected under  
23 Chapter 171 until barred by limitations.

24           (b) The expiration of Chapter 171, Tax Code, does not  
25 affect:

26                   (1) the status of a taxable entity that has had its  
27 corporate privileges, certificate of authority, certificate of  
28 organization, certificate of limited partnership, corporate  
29 charter, or registration revoked, suit filed against it, or a  
30 receiver appointed under Subchapter F, G, or H of that chapter;

31                   (2) the ability of the comptroller of public accounts,

1 secretary of state, or attorney general to take action against a  
2 taxable entity under Subchapter F, G, or H of that chapter for  
3 actions that took place before the chapter expired; or

4           (3) the right of a taxable entity to contest a  
5 forfeiture, revocation, lawsuit, or appointment of a receiver under  
6 Subchapter F, G, or H of that chapter.