

Amend SB 1886 (house committee printing) as follows:

(1) In SECTION 37 of the bill, in amended Section 20.002(d), Transportation Code (page 40, lines 1 and 2), strike "Section 162.202 [~~153.202(b)~~]" and substitute "Sections 162.202 and 162.2025 [~~Section 153.202(b)~~]".

(2) Add the following appropriately numbered SECTION to read as follows and renumber subsequent SECTIONS accordingly:

SECTION _____. (a) Section 162.102, Tax Code, is amended to read as follows:

Sec. 162.102. TAX RATE. Except as provided by Section 162.1025, the [~~The~~] gasoline tax rate is 20 cents for each net gallon or fractional part on which the tax is imposed under Section 162.101.

(b) Subchapter B, Chapter 162, Tax Code, is amended by adding Section 162.1025 to read as follows:

Sec. 162.1025. ANNUAL RATE CHANGE ACCORDING TO CONSUMER PRICE INDEX. (a) In this section:

(1) "Consumer price index" means the consumer price index, as published by the Bureau of Labor Statistics of the United States Department of Labor, that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers' families and single workers living alone (CPI-W: Seasonally Adjusted U.S. City Average--All Items).

(2) "Consumer price index percentage change" means the percentage increase in the consumer price index of a given state fiscal year from the consumer price index of the preceding state fiscal year.

(b) On October 1 of each year, the rate of the gasoline tax imposed under this subchapter is increased by a percentage that is equal to the consumer price index percentage change for the preceding fiscal year.

(c) Not later than September 1 of each year, the comptroller shall:

(1) compute the new tax rate as provided by this section;

(2) give the new tax rate to the secretary of state for publication in the Texas Register; and

(3) notify each license holder under this subchapter of the applicable new tax rate.

(c) Section 162.103(a), Tax Code, is amended to read as follows:

(a) A backup tax is imposed at the rate prescribed by Sections [Section] 162.102 and 162.1025 on:

(1) a person who obtains a refund of tax on gasoline by claiming the gasoline was used for an off-highway purpose, but actually uses the gasoline to operate a motor vehicle on a public highway;

(2) a person who operates a motor vehicle on a public highway using gasoline on which tax has not been paid; and

(3) a person who sells to the ultimate consumer gasoline on which tax has not been paid and who knew or had reason to know that the gasoline would be used for a taxable purpose.

(d) Section 162.202, Tax Code, is amended to read as follows:

Sec. 162.202. TAX RATE. Except as provided by Section 162.2025, the [The] diesel fuel tax rate is 20 cents for each net gallon or fractional part on which the tax is imposed under Section 162.201.

(e) Subchapter C, Chapter 162, Tax Code, is amended by adding Section 162.2025 to read as follows:

Sec. 162.2025. ANNUAL RATE CHANGE ACCORDING TO CONSUMER PRICE INDEX. (a) In this section:

(1) "Consumer price index" means the consumer price index, as published by the Bureau of Labor Statistics of the United States Department of Labor, that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers' families and single workers living alone (CPI-W: Seasonally Adjusted U.S. City Average--All Items).

(2) "Consumer price index percentage change" means the percentage increase in the consumer price index of a given state fiscal year from the consumer price index of the preceding state fiscal year.

(b) On October 1 of each year, the rate of the diesel fuel tax imposed under this subchapter is increased by a percentage that

is equal to the consumer price index percentage change for the preceding fiscal year.

(c) Not later than September 1 of each year, the comptroller shall:

(1) compute the new tax rate as provided by this section;

(2) give the new tax rate to the secretary of state for publication in the Texas Register; and

(3) notify each license holder under this subchapter of the applicable new tax rate.

(f) Section 162.203(a), Tax Code, is amended to read as follows:

(a) A backup tax is imposed at the rate prescribed by Sections [Section] 162.202 and 162.2025 on:

(1) a person who obtains a refund of tax on diesel fuel by claiming the diesel fuel was used for an off-highway purpose, but actually uses the diesel fuel to operate a motor vehicle on a public highway;

(2) a person who operates a motor vehicle on a public highway using diesel fuel on which tax has not been paid; and

(3) a person who sells to the ultimate consumer diesel fuel on which a tax has not been paid and who knew or had reason to know that the diesel fuel would be used for a taxable purpose.

(g) If this section takes effect September 1, 2007, the comptroller shall determine the new tax rate, give the rate to the secretary of state, and notify each license holder, as required by this section, on September 1, 2007. The comptroller may adopt rules and procedures in anticipation of this section taking effect.

(h) Notwithstanding any other provision of this Act, this section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2007.