

By: Hochberg

H.B. No. 1436

A BILL TO BE ENTITLED

AN ACT

relating to fees credited to the Texas emissions reduction plan fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 386.251(c), Health and Safety Code, is amended to read as follows:

(c) The fund consists of:

(1) the contributions, fees, and surcharges under:

(A) Sections [Section] 386.056 and 386.253;

(B) Sections 151.0515 and 152.0215, Tax Code; and

(C) Section [Sections] 502.1675 [and 548.256(c)], Transportation Code; and

(2) grant money recaptured under Section 386.111(d).

SECTION 2. Subchapter F, Chapter 386, Health and Safety Code is amended by adding Section 386.253 to read as follows:

Sec. 386.253. Fee on Delivery of Regular Diesel Products

(a) In this section:

(1) "Bulk facility" means a facility, including pipeline terminals, refinery terminals, rail and barge terminals, and associated underground and aboveground tanks, connected or separate, from which petroleum products are withdrawn from bulk and delivered into a cargo tank or a barge used to transport those products. This term does not include petroleum products consumed at an electric generating facility.

1           (2) "Cargo tank" means an assembly that is used for  
2 transporting, hauling, or delivering liquids and that consists of a  
3 tank having one or more compartments mounted on a wagon, truck,  
4 trailer, railcar, or wheels.

5           (3) "Withdrawal from bulk" means the removal of a  
6 petroleum product from a bulk facility storage tank for delivery  
7 directly into a cargo tank or a barge to be transported to another  
8 location other than another bulk facility for distribution or sale  
9 in this state.

10           (4) "Regular diesel product" means diesel fuel with:  
11                   (A) more than 15 parts per million by weight  
12 sulfur;  
13                   (B) fewer than 500 parts per million by weight  
14 sulfur; and  
15                   (C) either:  
16                           (i) less than 35 percent of volume  
17 aromatics; or  
18                           (ii) more than 40 cetane.

19           (b) A fee is imposed on the delivery of a regular diesel  
20 product on withdrawal from bulk of that product as provided by this  
21 subsection. Each operator of a bulk facility on withdrawal from  
22 bulk of a regular diesel product shall collect from the person who  
23 orders the withdrawal a fee in an amount determined as follows:

24                   (1) \$62.50 for each delivery into a cargo tank having a  
25 capacity of less than 2,500 gallons;

26                   (2) \$187.50 for each delivery into a cargo tank having  
27 a capacity of 2,500 gallons or more but less than 5,000 gallons;

1           (3) \$325.00 for each delivery into a cargo tank having  
2 a capacity of 5,000 gallons or more but less than 8,000 gallons; and

3           (4) \$450.00 for each delivery into a cargo tank having  
4 a capacity of 8,000 gallons or more but less than 10,000 gallons;  
5 and

6           (5) a \$250.00 fee for each increment of 5,000 gallons  
7 or any part thereof delivered into a cargo tank having a capacity of  
8 10,000 gallons.

9           (c) The fee shall be collected, administered, and enforced  
10 in the same manner as the fee imposed under section Sec. 26.3574,  
11 Water Code, except that no additional permit is required.

12           (d) The comptroller shall deduct two percent of the amount  
13 collected under this section as the state's charge for its services  
14 and shall credit the amount deducted to the general revenue fund.  
15 The balance of the fees, penalties, and interest collected by the  
16 comptroller shall be deposited in the state treasury to the credit  
17 of the Texas emissions reduction plan fund.

18           SECTION 3. Section 548.256(c) of the Transportation Code is  
19 repealed.

20           SECTION 4. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2003.