

Amend Floor Amendment No. 1 on Third Reading to **CSHB 3540** in Item (12) of the amendment, in the PART added to the bill pertaining to the use of money in the coastal protection fund, as follows:

(1) Strike the heading of the PART (page 10, line 2) and substitute the following:

PART __. FUNDING OF THE COASTAL PROTECTION FUND
AND THE USE OF MONEY IN THE FUND

(2) Immediately following proposed Section 40.152(c), Natural Resources Code (page 10, between lines 11 and 12), insert the following:

SECTION __.02. Sections 40.155(a)-(d), Natural Resources Code, are amended to read as follows:

(a) Except as otherwise provided in this section, the rate of the fee shall be 1-1/3 cents [~~two cents~~] per barrel of crude oil until the commissioner certifies that the unencumbered balance in the fund has reached \$20 [~~\$25~~] million. The commissioner shall certify to the comptroller the date on which the unencumbered balance in the fund exceeds \$20 [~~\$25~~] million. The fee shall not be collected or required to be paid on or after the first day of the second month following the commissioner's certification to the comptroller that the unencumbered balance in the fund exceeds \$20 [~~\$25~~] million.

(b) If the unencumbered balance in the fund falls below \$10 [~~\$14~~] million, the commissioner shall certify such fact to the comptroller. On receiving the commissioner's certification, the comptroller shall resume collecting the fee until suspended in the manner provided in Subsection (a) of this section.

(c) Notwithstanding the provisions of Subsection (a) or (b) of this section, the fee shall be levied at the rate of four cents per barrel if the commissioner certifies to the comptroller a written finding of the following facts:

(1) the unencumbered balance in the fund is less than \$20 [~~\$25~~] million;

(2) an unauthorized discharge of oil in excess of 100,000 gallons has occurred within the previous 30 days; and

(3) expenditures from the fund for response costs and damages are expected to deplete the fund substantially.

(d) In the event of a certification to the comptroller under Subsection (c) of this section, the comptroller shall collect the fee at the rate of four cents per barrel until the unencumbered balance in the fund reaches \$20 [~~\$25~~] million or any lesser amount that the commissioner determines is necessary to pay response costs and damages without substantially depleting the fund. The commissioner shall certify to the comptroller the date on which the unencumbered balance in the fund exceeds \$20 [~~\$25~~] million or such other lesser amount. The fee shall not be collected or required to be paid on or after the first day of the second month following the commissioner's certification to the comptroller.