

By: Ritter

H.B. No. 3252

A BILL TO BE ENTITLED

1 AN ACT

2 relating to imposition of a fee to provide permanent funds for use
3 in the protection of the Texas coast, including Texas beaches.

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

5 SECTION 1. This Act may be cited as the Sand to Sand Coastal
6 Erosion Response Act.

7 SECTION 2. Section 33.601, Natural Resources Code, is
8 amended by adding Subdivisions (13), (14), (15), and (16) to read as
9 follows:

10 (13) "Beverage" means a nonalcoholic or alcoholic,
11 carbonated or noncarbonated liquid that is intended for human
12 consumption.

13 (14) "Beverage container" means a container that is
14 constructed primarily of metal, glass, plastic, or paper, or a
15 combination of those materials, that contains or may contain a
16 beverage, and that is offered for sale by a facility.

17 (15) "Facility" means a place where beverages are sold
18 to the public in beverage containers and consumed on the facility
19 premises.

20 (16) "On-site recycling program" means a recycling
21 program located on the facility site approved by the General Land
22 Office.

23 SECTION 3. Subchapter H, Chapter 33, Natural Resources
24 Code, is amended by adding Section 33.6035 to read as follows:

1 Sec. 33.6035. POINT OF CONSUMPTION FEE. (a) Each beverage
2 offered for sale in this state by a facility, to be consumed on the
3 facility's premises, must be charged a fee of five cents per
4 beverage container. This subsection does not apply to beverage
5 containers sold in this state for use by common carriers in
6 conducting passenger transport. The facility shall follow the
7 following procedures:

8 (1) the facility shall file a sworn return with the
9 comptroller not later than the 20th day of each month;

10 (2) the return under this section shall be in a form
11 prescribed by the comptroller and shall include a statement of the
12 total gross receipts per container during the preceding month and
13 any other information required by the comptroller;

14 (3) a fee due for a business day that falls in two
15 different months is allocated to the month in which the business day
16 begins; and

17 (4) the total amount of fees due for the preceding
18 month shall accompany the return and shall be payable to the state.

19 (b) The comptroller shall deposit the revenue in the coastal
20 erosion response account established in Section 33.604.

21 (c) Each facility that collects the fee outlined in
22 Subsection (a) has the option to submit, for approval by the
23 commissioner, a proposal to create an on-site recycling program.

24 (d) Upon commissioner approval of the on-site recycling
25 program, the facility shall receive up to 2.5 cents back per
26 beverage container and the proceeds from the sale of the collected
27 beverage containers.

1 SECTION 4. This Act takes effect September 1, 2005.