

## **BILL ANALYSIS**

C.S.H.B. 3739  
By: Crownover  
Energy Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The PST Reimbursement Program reimburses tank owners or operators (or certain other parties) who perform cleanup of sites contaminated by petroleum product releases from underground and aboveground storage tanks.

The PST State Lead Program hires contractors to clean up Leaking Petroleum Storage Tank sites where the responsible parties are unwilling, unable, cannot be found, or other more expeditious corrective action is necessary.

This bill reduces the fee which is currently assessed on the delivery of a petroleum product on withdrawal from bulk. This fee is the primary source of revenue deposited to the Petroleum Storage Tank (PST) Remediation Account, which funds the PST Program Reimbursement and State Lead programs.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

This bill reduces the fees imposed on the delivery of a petroleum product on withdrawal from bulk of that product as outlined by the bill. This bill also makes this change in fee amount a permanent rate, whereas before the fees had been gradually stepping down over the past several years.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original was not a Legislative Council draft, the substitute is. Therefore, there were various technical and conforming changes made by the Legislative Council throughout the bill.

This substitute increases the fees imposed as follows: The fee imposed in subdivision (1) of the substitute is increased to \$5.00 from \$3.75; the fee imposed in subdivision (2) of the substitute is increased to \$10.00 from \$7.50; the fee imposed in subdivision (3) of the substitute is increased to \$15.00 from \$11.75; the fee imposed in subdivision (4) of the substitute is increased to \$20.00 from \$15.00; the fee imposed in subdivision (5) of the substitute is increased to \$10.00 from \$7.50.

The substitute strikes language from the original stating that the Texas Environmental Quality may adopt rules implementing the changes in law effected by this Act.

The substitute adds language to clarify that the changes in fees made by this Act are not retroactive.