

By: Ritter, Lucio III, Homer, Bonnen

H.B. No. 3971

Substitute the following for H.B. No. 3971:

By: Alvarado

C.S.H.B. No. 3971

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the funding of certain activities of the General Land
3 Office pertaining to the management of coastal public land.

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

5 SECTION 1. Sections 40.151(a) and (b), Natural Resources
6 Code, are amended to read as follows:

7 (a) The purpose of this subchapter is to provide immediately
8 available funds for response to all unauthorized discharges, for
9 cleanup of pollution from unauthorized discharges of oil, for
10 payment of damages from unauthorized discharges of oil, for the
11 coastal management program, and for erosion response projects.

12 (b) The coastal protection fund is established in the state
13 treasury to be used by the commissioner as a nonlapsing revolving
14 fund only for carrying out the purposes of this chapter and of
15 Subchapters F and [Subchapter] H, Chapter 33. To this fund shall be
16 credited all fees, penalties, judgments, reimbursements, proceeds
17 from the sale of a vessel or structure removed under Section 40.108,
18 money forfeited under Section 77.119(e), Parks and Wildlife Code,
19 interest or income on the fund, and charges provided for in this
20 chapter and the fee revenues levied, collected, and credited
21 pursuant to this chapter. [~~The fund shall not exceed \$50 million.~~]

22 SECTION 2. Section 40.152(a), Natural Resources Code, is
23 amended to read as follows:

24 (a) Money in the fund may be disbursed for the following

1 purposes and no others:

2 (1) administrative expenses, personnel and training
3 expenses, and equipment maintenance and operating costs related to
4 implementation and enforcement of this chapter;

5 (2) response costs related to abatement and
6 containment of actual or threatened unauthorized discharges of oil
7 incidental to unauthorized discharges of hazardous substances;

8 (3) response costs and damages related to actual or
9 threatened unauthorized discharges of oil;

10 (4) assessment, restoration, rehabilitation, or
11 replacement of or mitigation of damage to natural resources damaged
12 by an unauthorized discharge of oil;

13 (5) in an amount not to exceed \$50,000 annually, the
14 small spill education program;

15 (6) in an amount not to exceed \$1,250,000 annually,
16 interagency contracts under Section 40.302;

17 (7) the purchase of response equipment under Section
18 40.105 within two years of the effective date of this chapter, in an
19 amount not to exceed \$4 million; thereafter, for the purchase of
20 equipment to replace equipment that is worn or obsolete;

21 (8) other costs and damages authorized by this
22 chapter;

23 (9) costs necessary to administer the coastal
24 management program under Subchapter F, Chapter 33, and [~~in an~~
25 ~~amount not to exceed the interest accruing to the fund annually,~~]
26 erosion response projects under Subchapter H, Chapter 33; and

27 (10) in conjunction with the Railroad Commission of

1 Texas, costs related to the plugging of abandoned or orphaned oil
2 wells located on state-owned submerged lands.

3 SECTION 3. Section 40.155, Natural Resources Code, is
4 amended to read as follows:

5 Sec. 40.155. DETERMINATION OF FEE. (a) Except as
6 otherwise provided in this section, the rate of the fee shall be
7 3-1/2 [~~1-1/3~~] cents per barrel of crude oil [~~until the commissioner~~
8 ~~certifies that the unencumbered balance in the fund has reached \$20~~
9 ~~million. The commissioner shall certify to the comptroller the~~
10 ~~date on which the unencumbered balance in the fund exceeds \$20~~
11 ~~million. The fee shall not be collected or required to be paid on or~~
12 ~~after the first day of the second month following the~~
13 ~~commissioner's certification to the comptroller that the~~
14 ~~unencumbered balance in the fund exceeds \$20 million].~~

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

20 [~~(c)~~] Notwithstanding the provisions of Subsection (a) [~~or~~
21 ~~(b) of this section~~], the fee shall be levied at the rate of 6-1/2
22 [~~four~~] cents per barrel if the commissioner certifies to the
23 comptroller a written finding of the following facts:

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

26 (2) an unauthorized discharge of oil in excess of
27 100,000 gallons has occurred within the previous 30 days; and

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

3 (c) [~~(d)~~] In the event of a certification to the comptroller
4 under Subsection (b) [~~(c) of this section~~], the comptroller shall
5 collect the fee at the rate of 6-1/2 [~~four~~] cents per barrel until
6 the unencumbered balance in the fund reaches \$20 million or any
7 lesser amount that the commissioner determines is necessary to pay
8 response costs and damages without substantially depleting the
9 fund. The commissioner shall certify to the comptroller the date on
10 which the unencumbered balance in the fund exceeds \$20 million or
11 such other lesser amount. [~~The fee shall not be collected or~~
12 ~~required to be paid on or after the first day of the second month~~
13 ~~following the commissioner's certification to the comptroller.~~]

14 (d) [~~(e)~~] For purposes of this section, the unencumbered
15 balance of the fund shall be determined by the unencumbered cash
16 balance of the fund at the end of each month or on the date of a
17 finding under Subsection (b) [~~(c) of this section~~].

18 SECTION 4. Section 40.156(b), Natural Resources Code, is
19 amended to read as follows:

20 (b) In the event the commissioner makes a finding under
21 Section 40.155(b) [~~40.155(c) of this code~~], the commissioner shall
22 publish the finding in the Texas Register. [~~In the event of any~~
23 ~~suspension or other reinstatement of the fee, the comptroller shall~~
24 ~~publish the suspension or reinstatement in the Texas Register at~~
25 ~~least 30 days prior to the scheduled effective date of the~~
26 ~~suspension or reinstatement.~~]

27 SECTION 5. Section 40.156(c), Natural Resources Code, is

1 repealed.

2 SECTION 6. This Act takes effect September 1, 2009.