

By: Merritt

H.B. No. 4667

A BILL TO BE ENTITLED

AN ACT

relating to the amount and use of the coastal protection fee.

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

SECTION 1. Section 40.154, Natural Resources Code, is amended to read as follows:

Sec. 40.154. COASTAL PROTECTION FEE; ADMINISTRATIVE COSTS. (a) There is hereby imposed a fee on every person owning crude oil, a petroleum product as defined by Section 115.001, or liquefied natural gas in a vessel at the time such crude oil, petroleum product, or liquefied natural gas is transferred to or from a marine terminal. This fee is in addition to all taxes or other fees levied on crude oil, petroleum products, or liquefied natural gas.

(b) The operator of the marine terminal shall collect the fee from the owner of the crude oil, petroleum product, or liquefied natural gas and remit the fee to the comptroller unless the owner of the crude oil, petroleum product, or liquefied natural gas is registered with the comptroller for remittance of the fee. The fee shall be imposed only once on the same crude oil, petroleum product, or liquefied natural gas. The fee shall be paid monthly by the last day of the month following the calendar month in which liability for the fee is incurred.

SECTION 2. Sections 40.155(a), (b), and (e), Natural Resources Code, are amended to read as follows:

1 (a) Except as otherwise provided in this section, the rate
2 of the fee shall be 25 [~~1-1/3~~] cents per barrel of crude oil, per
3 barrel of a petroleum product as defined by Section 115.001, or per
4 barrel of oil equivalent of liquefied natural gas. The comptroller
5 shall deposit the fee to the credit of the fund until the
6 commissioner certifies that the unencumbered balance in the fund
7 has reached \$20 million. Notwithstanding Section 40.151, [~~The~~
8 ~~commissioner shall certify to the comptroller the date on which the~~
9 ~~unencumbered balance in the fund exceeds \$20 million. The fee~~
10 ~~shall not be collected or required to be paid on or after the first~~
11 ~~day of the second month]~~ following the commissioner's certification
12 to the comptroller that the unencumbered balance in the fund has
13 reached [~~exceeds~~] \$20 million, the comptroller shall deposit the
14 fee to the credit of the general revenue fund.

15 (b) If the unencumbered balance in the fund falls below \$20
16 [~~\$10~~] million, the commissioner shall certify such fact to the
17 comptroller. On receiving the commissioner's certification, the
18 comptroller shall resume depositing the fee to the credit of the
19 fund [~~collecting the fee~~] until deposits to the credit of the fund
20 are suspended in the manner provided in Subsection (a) of this
21 section.

22 (e) For purposes of this section, the unencumbered balance
23 of the fund shall be determined by the unencumbered cash balance of
24 the fund at the end of each month [~~or on the date of a finding under~~
25 ~~Subsection (c) of this section~~].

26 SECTION 3. Sections 40.155(c) and (d) and 40.156(b) and
27 (c), Natural Resources Code, are repealed.

1 SECTION 4. This Act takes effect September 1, 2009.