

By: Oliveira

H.B. No. 2206

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the funding and planning of activities undertaken under
3 the Coastal Erosion Planning and Response Act; imposing a fee.

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

5 SECTION 1. Section 33.603(f), Natural Resources Code, is
6 amended to read as follows:

7 (f) Notwithstanding Subsections (c) and (e), each biennium
8 the commissioner may undertake at least one erosion response
9 project without requiring a qualified project partner to pay a
10 portion of the shared project cost. The [if the] total cost of the
11 projects undertaken that do not have a cost share requirement may
12 [does] not exceed one-third [one-half] of the total amount
13 appropriated to the land office for coastal erosion planning and
14 response, except that if any of the projects that do not have a cost
15 share requirement are undertaken in response to erosion associated
16 with a federally declared disaster:

17 (1) the total cost of the projects undertaken that do
18 not have a cost share requirement and that are not undertaken in
19 response to erosion associated with a federally declared disaster
20 may not exceed one-third of the total amount appropriated to the
21 land office for coastal erosion planning and response; and

22 (2) the total cost of all of the projects undertaken
23 that do not have a cost share requirement, whether or not undertaken
24 in response to erosion associated with a federally declared

1 disaster, may not exceed one-half of the total amount appropriated
2 to the land office for coastal erosion planning and response.

3 SECTION 2. Sections 33.604(a) and (b), Natural Resources
4 Code, are amended to read as follows:

5 (a) The coastal erosion response account is an account in
6 the general revenue fund that may be appropriated only to the
7 commissioner and used only for the purpose of implementing this
8 subchapter [~~and administration of the coastal management program as~~
9 ~~provided in Subchapter F~~].

10 (b) The account consists of:

11 (1) all money appropriated for the purposes of this
12 subchapter;

13 (2) grants to this state from the United States for the
14 purposes of this subchapter;

15 (3) all money received by this state from the sale of
16 dredged material; [~~and~~]

17 (4) penalties or costs collected under Section 61.0184
18 or 63.1814; and

19 (5) fees deposited to the credit of the account in
20 accordance with Section 33.614.

21 SECTION 3. Section 33.605, Natural Resources Code, is
22 amended by amending Subsection (a) and adding Subsection (c) to
23 read as follows:

24 (a) Money in the account may be used for [~~+~~

25 [~~(1)~~] any action authorized by this subchapter [~~, and~~

26 [~~(2) the administration of the coastal management~~
27 ~~program as provided in Subchapter F~~].

1 (c) Notwithstanding Subsection (a), fees deposited to the
2 credit of the account in accordance with Section 33.614 may be used
3 only for erosion response projects that directly affect commercial
4 vessels that dock at ports operated by port authorities or
5 navigation districts in this state.

6 SECTION 4. Section 33.608, Natural Resources Code, is
7 amended to read as follows:

8 Sec. 33.608. REPORT TO LEGISLATURE. (a) Each biennium, the
9 commissioner shall submit to the legislature a report listing:

- 10 (1) each critical erosion area;
- 11 (2) each proposed erosion response study or project;
- 12 (3) an estimate of the cost of each proposed study or
13 project described by Subdivision (2);
- 14 (4) each coastal erosion response study or project
15 funded under this subchapter during the preceding biennium;
- 16 (5) the economic and natural resource benefits from
17 each coastal erosion response study or project described by
18 Subdivision (4);
- 19 (6) the financial status of the account; and
- 20 (7) an estimate of the cost of implementing this
21 subchapter during the succeeding biennium.

22 (b) The report must include a plan for coastal erosion
23 response studies and projects that may be funded, wholly or partly,
24 from money in the account and may be undertaken during the next 10
25 or more years.

26 SECTION 5. Subchapter H, Chapter 33, Natural Resources
27 Code, is amended by adding Sections 33.614 and 33.615 to read as

1 follows:

2 Sec. 33.614. COMMERCIAL VESSEL DOCKING FEE. (a) Each port
3 authority or navigation district shall impose a fee of \$2 for each
4 foot of vessel length on each owner or operator of a commercial
5 vessel with a draft of at least 18 feet each time the vessel docks at
6 the port operated by the port authority or navigation district.

7 (b) A port authority or navigation district that collects a
8 fee under Subsection (a) shall remit the amount of the fee to the
9 comptroller.

10 (c) A port authority or navigation district that makes a
11 timely payment to the comptroller of the amount of a fee collected
12 under Subsection (a) is entitled to retain an amount equal to one
13 percent of the amount of the fee collected to cover the port
14 authority's or navigation district's administrative expenses.

15 (d) The comptroller shall deposit the amount of the fees
16 collected to the credit of the account as provided by Section
17 33.604.

18 (e) The comptroller shall adopt rules necessary for the
19 administration, collection, reporting, and payment of the fee.

20 Sec. 33.615. DEDICATION OF OUTER CONTINENTAL SHELF LANDS
21 ACT REVENUE. One-sixth of the revenue received by this state under
22 Section 8(g), Outer Continental Shelf Lands Act (43 U.S.C. Section
23 1337(g)), being one-half of that portion of the revenue credited to
24 the general revenue fund and not otherwise deposited to the credit
25 of the permanent school fund pursuant to the Agreed Judgment in
26 Cause No. 395,483 in the 299th Judicial District Court of Travis
27 County on file in the Travis County District Clerk's records at

1 Volume 1396, Page 479, may be appropriated only to the commissioner
2 for the purpose of implementing this subchapter.

3 SECTION 6. Section 162.502(c), Tax Code, is amended to read
4 as follows:

5 (c) Of the money [~~Money~~] deposited to the credit of the
6 general revenue fund under Subsection (b)(2):

7 (1) 33-1/3 percent may be appropriated only to the
8 commissioner of the General Land Office for the purpose of
9 implementing Subchapter H, Chapter 33, Natural Resources Code; and

10 (2) 66-2/3 percent may be appropriated only to the
11 Parks and Wildlife Department for any lawful purpose.

12 SECTION 7. Section 33.614, Natural Resources Code, as added
13 by this Act, applies only to a vessel that docks at a port on or
14 after the effective date of this Act.

15 SECTION 8. This Act takes effect September 1, 2011.