

2017 Regular Session

SENATE BILL NO. 160

BY SENATOR WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENTAL QUALITY. Provides relative to the Motor Fuels Underground Storage Tank Trust Fund. (8/1/17)

1 AN ACT

2 To amend and reenact R.S. 30:2195(D), the introductory paragraph of 2195.2(A) and 2195.6

3 and to enact R.S. 30:2195.2(A)(7), relative to the Motor Fuels Underground Storage

4 Tank Trust Fund; to provide for monies deposited into the Tank Trust Fund; to

5 provide certain prohibitions; to provide for certain disbursements; to allow

6 reimbursement of certain administrative and personnel expenses; to provide

7 appropriation notification requirements; to provide terms, conditions, and

8 requirements; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2195(D), the introductory paragraph of 2195.2(A), and 2915.6 are

11 hereby amended and reenacted and R.S. 30:2195.2(A)(7) are hereby enacted to read as

12 follows:

13 §2195. Motor Fuels Underground Storage Tank Trust Fund

14 * * *

15 D. The funds placed in the Tank Trust Fund shall only be used in accordance

16 with the terms and conditions of ~~R.S. 30:2194 through 2195.9~~ **R.S. 30:2195 through**

17 **2195.12** and shall not be placed in the general fund but shall be subject to the

1 appropriation process of the legislature. The monies in the Tank Trust Fund shall be
 2 invested by the state treasurer in the same manner as monies in the state general
 3 fund, **and interest earnings shall be deposited and credited to the fund and only**
 4 **be used as provided in Subsection F of this Section and R.S. 30:2195.12(E). All**
 5 **unexpended and unencumbered monies in this fund at the end of the fiscal year**
 6 **shall remain in the fund.**

7 * * *

8 §2195.2. Uses of the Tank Trust Fund

9 A. The department shall administer the Tank Trust Fund and shall make
 10 disbursements from the fund for all necessary and appropriate expenditures. Pursuant
 11 to the authorization in R.S. 30:2195, the secretary of the Department of
 12 Environmental Quality shall **only** use the Tank Trust Fund as follows:

13 * * *

14 **(7) The Tank Trust Fund may be used to reimburse the administrative**
 15 **and personnel expenses incurred by the department in the maintenance or**
 16 **administration of the fund or the implementation of enforcement of R.S.**
 17 **30:2195 through 2195.12 provided that such reimbursement shall not exceed**
 18 **\$2,500,000 in any fiscal year without the written approval of the advisory board.**

19 * * *

20 §2195.6. Ownership of Tank Trust Fund

21 The Tank Trust Fund shall be used only for the purposes set forth in R.S.
 22 30:2194 through 2195.11 and for no other governmental purposes, nor shall any
 23 portion thereof ever be available to borrow from by any branch of government; it
 24 being the intent of the legislature that this trust and its increments shall remain intact
 25 and inviolate. Any interest or earnings of the trust shall be credited only to the Tank
 26 Trust Fund. **Any state agency or political subdivision seeking an appropriation**
 27 **from the fund or proposing expenditures utilizing money from the fund must**
 28 **notify the advisory board in writing before submitting the appropriation**
 29 **request to the legislature.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by McHenry Lee.

DIGEST

SB 160 Original 2017 Regular Session Walsworth

Present law provides for the use of monies deposited into the Motor Fuels Underground Storage Tank Trust Fund, which includes the administration of registration and certification of underground storage tanks.

Proposed law retains present law and provides additional uses of monies in the fund.

Proposed law requires that all monies, including any interest incurred, in the fund at the end of the fiscal year to remain in the fund.

Proposed law provides that monies in the fund may be used to reimburse administrative and personnel expenses incurred by the department in the maintenance or administration of the fund or the implementation of the program. Further provides that such reimbursements will not exceed \$2,500,000.

Proposed law requires any state agency or political subdivision seeking an appropriation from the fund or proposing expenditures utilizing money from the fund to notify the advisory board in writing before submitting the appropriation to the legislature.

Effective August 1, 2017.

(Amends R.S. 30:2195(D), 2195.2(A)(intro para), and 2195.6; adds R.S. 30:2195.2(A)(7))