

2018 Regular Session

SENATE BILL NO. 195

BY SENATOR WALSWORTH

FUNDS/FUNDING. Provides for a maximum fee for the Motor Fuels Underground Storage Tank Trust Fund. (8/1/18)

1 AN ACT
2 To amend and reenact R.S. 30:2195.3(A)(1)(a)(i) and 2195.8(A), and to repeal R.S.
3 30:2195.3(10), relative to the Motor Fuels Underground Storage Tank Trust Fund;
4 to provide for the powers and duties of the secretary of the Department of
5 Environmental Quality; to provide for the Motor Fuels Underground Storage Tank
6 Trust Fund Advisory Board; to provide for the fee collected by the operator of a bulk
7 facility; to provide for the fee calculation; 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. 30:2195.3(A)(1)(a)(i) and 2195.8(A) are hereby amended and
11 reenacted to read as follows:

12 §2195.3. Source of funding; limitations on disbursements from the Tank Trust Fund;
13 limit on amount in Tank Trust Fund

14 A.(1)(a) A fee is imposed on the first sale or delivery of a motor fuel upon
15 withdrawal from bulk of that fuel. This fee shall not, however, apply to new or used
16 motor oil. Each operator of a bulk facility on withdrawal from bulk of a motor fuel
17 shall either retain or collect from the person who ordered the fuel a fee in an amount

1 determined as follows:

2 (i) ~~Seventy-two~~ **An amount not to exceed seventy-two** dollars for each
3 separate withdrawal of nine thousand gallons **as determined by the secretary based**
4 **upon the recommendations of the board as provided for in R.S. 30:2195.8(A).**

5 * * *

6 §2195.8. Advisory board

7 A.**(1)** There shall be a Motor Fuels Underground Storage Tank Trust Fund
8 Advisory Board, hereinafter referred to as the "board," to advise the secretary with
9 regard to implementation of the Tank Trust Fund including investment of the trust;
10 **and** issuance of loans, ~~changing of the trust ceiling if after a reasonable time this~~
11 ~~would be deemed appropriate and with regard to the minimum level of funding.~~

12 **(2) The board shall determine the minimum level of funding of the Tank**
13 **Trust Fund by conducting an annual review of receipts from the Tank Trust**
14 **Fund from the previous fiscal year along with the projected amounts expected**
15 **to be expended in the following fiscal year for purposes of recommending**
16 **changes to the fee. Prior to the end of each fiscal year, the board shall meet to**
17 **determine its recommendation on the setting of the fee for the next fiscal year**
18 **and shall make such recommendation to the secretary.**

19 **(3)** The board shall annually review the "Louisiana Motor Fuels Underground
20 Storage Tank Trust Fund Cost Control Guidance Document" and may make
21 recommendations for changes. ~~Prior to the promulgation of any proposed~~
22 ~~underground storage tank regulations, the department shall provide proposed changes~~
23 ~~to the board for review.~~

24 **(4) The board shall review any proposed underground storage tank**
25 **regulations prior to the adoption of such regulations.**

26 **(5)** The board shall also determine the role of the Tank Trust Fund in
27 establishing financial responsibility as required by federal or state law, except that
28 such requirement shall not exceed those established by the U.S. Environmental
29 Protection Agency.

Present law provides a waiver for the fees on the first day of the second month if it is determined the fund has a balance that equals or exceeds \$40 million, and requires the fee to be reinstated on the first day of the second month if the balance in the fund falls below \$10 million.

Proposed law repeals present law.

Effective August 1, 2018.

(Amends R.S. 30:2195.3(A)(1)(a)(i) and 2195.8(A); repeals R.S. 30:2195.3(10))