
SENATE FLOOR AMENDMENTS

2021 Regular Session

Amendments proposed by Senator Hewitt to Reengrossed House Bill No. 515 by Representative Zeringue

AMENDMENT NO. 1

On page 1, line 4, after "(introductory paragraph)," and before "2351.41" insert "2195(B) through (E) and (F)(1) and (3)(e),"

AMENDMENT NO. 2

On page 7, at the beginning of line 2, insert "2195(B) through (E) and (F)(1) and (3)(e),"

AMENDMENT NO. 3

On page 9, after line 29, insert:

"§2195. Motor Fuels Underground Storage Tank Dedicated Trust Fund Account

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B. There is hereby established a special ~~custodial trust~~ statutorily dedicated fund account in the state treasury to be known as the Motor Fuel Underground Storage Tank Trust Dedicated Fund Account, hereafter referred to in this Chapter as the "Tank Trust ~~Fund~~ Account", into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the fees as established in R.S. 30:2195.3(A)(1)(a) and (B). The secretary is authorized pursuant to Article VII, Section 9(A) of the Constitution of Louisiana and R.S. 30:2031 to enter into an agreement with a private legal entity to receive and administer the Tank Trust ~~Fund~~ Account for the purpose of providing financial responsibility for underground motor fuel storage tanks. On an annual basis, all owners of registered tanks shall remit to the department a tank registration fee of sixty dollars for each tank. The revenue from the tank registration fees shall be deposited directly into the Environmental Trust Account as provided by R.S. 30:2015 and utilized for underground storage tank activities only, and any deviation from the aforesaid shall be documented and reported to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality. Revenues received from annual maintenance and monitoring fees, other than those established in R.S. 30:2195.3(B), shall be deposited into the Environmental Trust Account. The department shall promulgate rules and regulations for the implementation of this Section in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

C. Monies so deposited in the Environmental Trust Account shall be used to defray the cost to the state of administering the underground storage tank program and the cost of investigation, testing, containment, control, and cleanup of releases from underground storage tanks containing regulated substances. Only monies recovered pursuant to R.S. 30:2195.2(A)(2) and deposited in the Tank Trust ~~Fund~~ Account may be used for the loans authorized by R.S. 30:2195.12(E). These monies shall also be used to provide money or services as the state share of matching funds for federal grants involving underground storage tanks. At the end of each fiscal year, all monies that were deposited into the Environmental Trust Account from the fees established in R.S. 30:2195.3(A)(1)(a) and (B) which remain unspent, including all accrued interest, shall be transferred to the Tank Trust ~~Fund~~ Account.

D. The funds placed in the Tank Trust ~~Fund~~ Account shall only be used in accordance with the terms and conditions of R.S. 30:2194 through 2195.9 and shall not be placed in the general fund but shall be subject to the appropriation process of the legislature. The monies in the Tank Trust ~~Fund~~ Account shall be invested by the state treasurer in the same manner as monies in the state general fund. Monies deposited into this account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting

1 documents, and general appropriation bills and shall be available for annual
2 appropriation by the legislature.

3 E. Annually, the department shall prepare a report for the House Committee
4 on Natural Resources and Environment and the Senate Committee on Environmental
5 Quality of all disbursements of monies from the Tank Trust ~~Fund~~ Account and the
6 Environmental Trust Account. The report shall include all loans made from the Tank
7 Trust ~~Fund~~ Account, the number of sites actively seeking reimbursement from the
8 Tank Trust ~~Fund~~ Account as of June thirtieth of each year, the number of sites
9 deemed eligible for the Tank Trust ~~Fund~~ Account during the previous fiscal year, and
10 the number of sites that have been granted "No Further Action", and the department
11 has received the last application for reimbursement during the previous fiscal year.
12 Regarding disbursements from the Tank Trust ~~Fund~~ Account as provided by R.S.
13 30:2195.2, the report shall include a list of all reimbursements, all pending
14 reimbursements, the date the application was made for reimbursement, and the date
15 reimbursement was made by the department. The report shall be delivered to the
16 respective legislative committees no later than March first of each year.

17 F.(1) All interest monies earned by the ~~Motor Fuels Underground Storage~~
18 Tank Trust ~~Fund~~ Account and all monies received from payments that are the result
19 of cost recovery efforts shall be used for the closure of abandoned motor fuel
20 underground storage tanks, assessment and remediation of property contaminated by
21 abandoned motor fuel underground storage tanks, and the loans authorized by R.S.
22 30:2195.12(E).

23 * * *

24 (3) A tank may be declared to be an abandoned motor fuel underground
25 storage tank by the secretary upon a finding that all of the following apply to the site:

26 * * *

27 (e) The release at the site is not eligible for the ~~Motor Fuels Underground~~
28 ~~Storage Tank Trust Fund~~ Tank Trust Account or the secretary has determined that
29 action by the department is the most timely and efficient way to address conditions
30 at the site.

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