Funds/Funding. Provides for the transfer and use of funds from the American Rescue Plan Act to the Oilfield Site Restoration Fund. (gov sig)

AN ACT

To amend and reenact R.S. 30:86(A), (C), and the introductory paragraph of (E), and to enact R.S. 30:86(D)(9) and (E)(7), relative to the Louisiana Oilfield Site Restoration Fund; to provide for the deposit of monies from the state's allocation from the American Rescue Plan Act; to provide for the sources and uses of the Oilfield Site Restoration Fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:86(A), (C), and the introductory paragraph of (E) are hereby amended and reenacted and R.S. 30:86(D)(9) and (E)(7) are hereby enacted to read as follows:

§ 86. Oilfield Site Restoration Fund

A. (1) There is hereby established a fund in the custody of the state treasurer to be known as the Oilfield Site Restoration Fund, hereafter referred to as the "fund", into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the monies enumerated in Subsection D of this Section, after those revenues have been deposited in the Bond Security and Redemption Fund.

(2) Out of the funds remaining in the Bond Security and Redemption Fund,
after a sufficient amount is allocated from that fund to pay all the obligations secured
by the full faith and credit of the state that become due and payable within each fiscal
year, the treasurer shall pay into the Oilfield Site Restoration Trust Fund an amount
equal to the revenues generated from collection of the fees provided for in
Subsection D of this Section. The treasurer shall also transfer into the Oilfield
Site Restoration Fund the amount of thirty million dollars in federal funding
from the first funds received by the state from the American Rescue Plan Act.
Such funds shall constitute a special custodial trust fund which shall be administered
by the secretary, who shall make disbursements from the fund solely in accordance
with the purposes and uses authorized by this Part.

*          *          *

C. The treasurer of the state of Louisiana shall certify, to the secretary of the
Department of Revenue, the date on which the balance in the fund equals or exceeds
fourteen million dollars. The oilfield site restoration fees on oil and gas provided for
in R.S. 30:87 shall not be collected or required to be paid on or after the first day of
the second month following the certification, except that the secretary of the
Department of Revenue shall resume collecting the fees on receipt of a certification
from the treasurer that, based on the expenditures or commitments to expend monies,
the fund has fallen below ten million dollars. The secretary of the Department of
Revenue shall continue collecting the fees until collections are again suspended in
the manner provided by this Section. The sums in the site-specific trust accounts
within the fund, the sums collected from financial security instruments required by
rules and regulations adopted by the assistant secretary pursuant to R.S. 30:4(R) and
4.3, sums deposited from the American Rescue Plan Act pursuant to Paragraph
(D)(9) of this Section, and sums generated from the issuance of bonds pursuant to
R.S. 30:83.1 shall not be counted to determine the balance of the fund for the
purposes of this Subsection.

D. The following monies shall be placed into the Oilfield Site Restoration
Fund:

Coding: Words which are struck through are deletions from existing law;
words in boldface type and underscored are additions.
(9) The sum of thirty million dollars from the first revenues received by
the state from the American Rescue Plan Act.

E. Except as otherwise provided in this Section, the monies in the fund
may be disbursed and expended pursuant to the authority and direction of the
secretary or assistant secretary for the following purposes and uses:

(7) The monies deposited into the fund from the American Rescue Plan
shall be used only for the purposes of assessing and restoring orphan oilfield
sites.

Section 2. If it is determined that assessing and restoring orphan oilfield sites is not
an allowable use of American Rescue Plan funds, any monies transferred to the Oilfield Site
Restoration Fund shall revert to the state treasury to be used for other qualifying purposes
under the American Rescue Plan.

Section 3. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Martha S. Hess.
a specific well or wells, and sums generated from bonds. Proposed law adds $30 million of the monies deposited to the fund from the state's allocation from the American Recovery Plan Act to the list of funds not used to calculate the cap of the Fund.

Proposed law provides that if it is determined that assessing and restoring orphan oilfield sites is not an allowable use of American Recovery Plan funds, any monies transferred to the Oilfield Site Restoration Fund shall revert to the state treasury to be used for other qualifying purposes under the American Rescue Plan.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 30:86(A), (C), and (E)(intro para); adds R.S. 30:86(D)(9) and (E)(7))