



Dedicated Fund Review Subcommittee
Joint Legislative Committee on the Budget
P. O. Box 44486, Baton Rouge, LA 70804
(225) 342-1964

Representative Rick Edmonds
Co-Chairman

Senator Sharon Hewitt
Co-Chairwoman

February 25, 2021
Meeting

Review of Dedicated Funds that contain Fees and Self-generated Revenues in accordance with Act 119 of the 2020 Regular Legislative Session for the following:

Fund:	Page Number:
Motor Fuels Underground Storage Tank Trust Fund Department of Environmental Quality	1
Waste Tire Management Fund Department of Environmental Quality	9
Lead Hazard Reduction Fund Department of Environmental Quality	17
LA Duck License Stamp and Print Fund Department of Wildlife and Fisheries	21
Oyster Sanitation Fund Department of Wildlife and Fisheries Louisiana Department of Health	25
Scenic Rivers Fund Department of Wildlife and Fisheries	30
Louisiana Wild Turkey Stamp Fund Department of Wildlife and Fisheries	33
Aquatic Plant Control Fund Department of Wildlife and Fisheries	37
Fisherman's Gear Compensation Fund Department of Natural Resources	43
Underwater Obstruction Removal Fund Department of Natural Resources	48
Oil and Gas Regulatory Fund Department of Natural Resources	51
Coastal Resources Trust Fund Department of Natural Resources	67
Carbon Dioxide Geologic Storage Trust Fund Department of Natural Resources	78

Motor Fuels Underground Storage Tank Trust Fund

Q05

- Creation Date: July 1988
- Authorization: R.S. 30:2195 et seq.
- Source of Funds:
1. A fee on the first sale or delivery of a motor fuel (excluding new or used motor oil) upon withdrawal from bulk of that fuel in an amount not to exceed seventy-two dollars for each separate withdrawal of nine thousand gallons as determined by the secretary. For withdrawals either greater or smaller than nine thousand gallons, the fee shall be adjusted by the cent-per-gallon conversion equivalent calculated according to the fee.
 2. All owners of motor fuel underground storage tanks storing new or used motor oil shall pay to the secretary a fee not to exceed two hundred seventy-five dollars per eligible underground motor fuel storage tank per year.

- Expenditure Usage: The monies in this fund should only be used for the following purposes:
1. Investigation and assessment of contaminated sites.
 2. Interim replacement and permanent restoration of contaminated portable water supply.
 3. Rehabilitation and remediation of contaminated sites.

These are the private funds of the private legal entity at all times and are not available to any branch of government for borrowing.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$83,488,469	\$88,362,717	\$103,816,563	\$110,559,654	\$119,240,836
Revenue	\$24,461,467	\$31,611,251	\$23,076,654	\$24,321,603	\$22,273,292
Interest Earnings	\$199,146	\$523,255	\$1,381,691	\$2,562,714	\$1,624,977
Transfers	(\$5,804,528)	(\$5,595,988)	(\$5,297,050)	(\$4,061,266)	(\$6,290,368)
Expenditures	(\$13,981,837)	(\$11,084,673)	(\$12,418,205)	(\$14,141,868)	(\$13,201,537)
Ending Balance	\$88,362,717	\$103,816,563	\$110,559,654	\$119,240,836	\$123,647,199

Motor Fuels Underground Storage Tank Trust Fund – R.S. 30:2195; 30:2195.4; 30:2195.9; 30:2195.10

§2195. Motor Fuels Underground Storage Tank Trust Fund

A. The legislature hereby finds and declares that the preservation of its groundwater is a matter of highest urgency and priority, as these waters provide a primary source of potable water in this state and that the leakage of motor fuels from underground storage tanks within the state poses threats of damage to the environment of this state, to citizens of the state, and to interests deriving livelihood from this state. It further finds and declares that such hazards have occurred in the past, are now occurring, and will continue to occur, and that remediation of contamination of surface water, groundwater, or soils should be conducted with all due haste, and to the extent possible those persons who have owned such storage tanks should bear the costs of such remediation, and that such remediation should be done under the supervision and regulation of the department. The legislature also declares that taxpayers' funds should, to the greatest extent possible, not be used for the payment of the cost of such remediation, that the state should be encouraged where possible to use assistance from private sources for the payment of these costs, that where private sources cannot obtain insurance or other means of financial assurances to pay for said remediation that a state private contractor agreement between the state and the private legal entity administered by the secretary of the department can best provide assurance of financial responsibility for remediation of leaking motor fuel underground storage tanks.

B. There is hereby established a special custodial trust fund in the state treasury to be known as the Motor Fuel Underground Storage Tank Trust Fund, hereafter referred to as the "Tank Trust Fund", 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 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 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.

D. The funds placed in the Tank Trust Fund 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 shall be invested by the state treasurer in the same manner as monies in the state general fund.

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

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

(2) The state shall have a lien or privilege against immovable property for the costs incurred for closure of abandoned motor fuel underground storage tanks and for costs incurred associated with the assessment and remediation of property contaminated by an abandoned motor fuel underground storage tank. Following the expenditure of funds by the state of Louisiana through the department, such lien or privilege may be perfected against such property by filing a notice of lien containing the name of the current record owner and the legal description of the immovable property in the mortgage records of the parish in which the immovable property is located. Except as otherwise provided in this Paragraph, the lien of the state, through the Department of Environmental Quality, shall have priority in rank over all other privileges, liens, encumbrances, or other security interest affecting the property. As to all privileges, liens, encumbrances, or other security interests affecting the property that are filed or otherwise perfected before the filing of the notice of lien of the state authorized by this Section, such prior recorded security interests shall have priority over the state lien, but only to the extent of the fair market value that the property had prior to closure, assessment, or remedial action by the state, and prior recorded security interests shall be subordinate to the state lien for any amount in excess of the fair market value of the property prior to such closure, assessment, or remediation.

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

(a) It has received motor fuels in an underground storage tank.

(b) The motor fuel underground storage tank was not closed or the site was not assessed or remediated in accordance with the requirements of this Subtitle and the regulations adopted hereunder.

(c) It constitutes or may constitute a danger or potential danger to the public health or the environment.

(d) It has no financially responsible owner or operator who can be located, or such person has failed or refused to undertake action ordered by the secretary pursuant to R.S. 30:2194 and the regulations adopted thereunder.

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

Acts 1985, No. 493, §1, eff. July 12, 1985; Acts 1995, No. 336, §1, eff. June 16, 1995; Acts 1997, No. 27, §1; Acts 1999, No. 303, §1, eff. June 14, 1999; Acts 1999, No. 348, §1, eff. June 16, 1999; Acts 2001, No. 1121, §1; Acts 2002, 1st Ex. Sess., No. 134, §1, eff. July 1, 2002; Acts 2004, No. 692, §1, eff. July 6, 2004; Acts 2008, No. 580, §2; Acts 2016, No. 451, §1; Acts 2016, No. 521, §1; Acts 2018, No. 612, §9, eff. July 1, 2020; Acts 2019, No. 404, §1, eff. July 1, 2020.

§2195.4. Procedures for disbursements from the Tank Trust Fund

A. Monies held in the Tank Trust Fund established hereunder shall be disbursed by the secretary in the following manner:

(1) Payments shall be made in reasonable amounts to motor fuel underground storage tank owners for reimbursement of payment to approved response action contractors for response actions taken when authorized by the secretary or his designee only after the amounts required by R.S. 30:2195.9 and 2195.10 have been paid by the underground motor fuels storage tank owner or those authorized to act for the owner. The secretary may substitute a lien with the same ranking as that authorized by R.S. 30:2195(F)(2) for the amount required by R.S. 30:2195.9 and 2195.10, but such lien shall not be substituted on behalf of an owner or operator who continues to operate the system. An underground motor fuel storage tank owner who is an eligible participant and a response action contractor will not be reimbursed for response actions, excluding emergency response actions performed during the first seventy-two hours following a release, performed at his own site. Underground motor fuel storage tank owners will not be reimbursed for response actions, excluding emergency response actions performed during the first seventy-two hours following a release, performed by a response action contractor who is known to have performed actions which contributed to or resulted in the release.

(2) The owner or the owner's authorized agent and response action contractor shall file a sworn application with the department indicating fair and reasonable value of the cost of site assessment and remediation, subject to those regulations and limitations as set by the department. Proof of payment of the financial responsibility amounts required by R.S. 30:2195.9 and 2195.10, or a certified copy of the lien authorized in this Section, shall be provided with the initial application for reimbursement.

(3)(a) Except in cases of emergency, no disbursement from the Tank Trust Fund may be made by the secretary until such time that the secretary obtains verification that the owner applicant is an eligible participant in compliance with the law.

(b) No disbursements from the Motor Fuels Underground Storage Tank Trust Fund may be made by the secretary when the application for reimbursement is filed with the department more than two years after the date that the response action work is performed.

(c) Initial assessments shall be initiated within two years from the receipt of a request for assessment made by the secretary to be eligible for disbursement from the Tank Trust Fund.

(d) When the department's action results in a reimbursement application not being submitted within two years of the date the work was performed, the applicant will have ninety days from the date the issue is resolved to submit the reimbursement application.

B.(1) Payments shall be made to third parties who bring suit against the secretary in his official capacity as representative of the Tank Trust Fund and the owner of an underground motor fuel storage tank, who is an eligible participant as stated in R.S. 30:2194(B)(3), and such third party obtains a final judgment for a third-party claim which is enforceable in this state.

(2) The attorney general of the state of Louisiana is hereby responsible to appear in said suit for and in behalf of the secretary as representative of the Tank Trust Fund. The secretary, as representative of the Tank Trust Fund, is a necessary party in any suit that is brought by any third party which would allow that third party to collect from this trust, and must be made a party to the initial proceedings. Payment shall be made to the third party claimant if and only if the judgment is against the secretary and an owner who was an eligible participant on the date the incident occurred which gave rise to the claim.

(3) The costs of defending these suits by the attorney general or those assistants employed by the secretary, or appointed by the attorney general to assist, shall be recovered from the Tank Trust Fund. In the event the Tank Trust Fund is insufficient to make payments at the time the claim is filed, such claims shall be paid in the order of filing at such time as monies are paid into the Tank Trust Fund. Neither the amount of money in this trust, the method of collecting the Tank Trust Fund, nor any of the particulars involved in setting up this trust shall be admissible as evidence in any trial where suit is brought when the judgment rendered could affect the trust.

(4) If the attorney general declines to appear in a suit for and on behalf of the secretary as representative of the trust, or does not respond to the secretary's request for representation within sixty days of such request and agree to appear on behalf of the secretary, an attorney from the department may, with the concurrence of the attorney general, appear in said suit for and on behalf of the secretary as representative of the trust.

C.(1) For any month during which the collection of fees assessed pursuant to R.S. 30:2195.3 is suspended, the treasurer shall transfer an amount equal to twenty percent of the average monthly fee amount collected according to the schedule specified in R.S. 30:2195.3(A)(1) from the trust into the Environmental Trust Account for use as provided by R.S. 30:2015.

(2) If the secretary determines that the funds deposited on a monthly basis into the Environmental Trust Account pursuant to R.S. 30:2195(B) are insufficient relative to the legislatively approved fiscal appropriation for the department during a given year, the secretary may order the treasurer to transfer from the Tank Trust Fund to the Environmental Trust Account only that amount necessary to reach the authorized ceiling.

Acts 1988, No. 767, §2, eff. July 15, 1988; Acts 1989, No. 513, §1; Acts 1990, No. 1014, §1, eff. Sept. 1, 1990; Acts 1995, No. 336, §1, eff. June 16, 1995; Acts 1995, No. 1160, §1; Acts 1997, No. 27, §1; Acts 1999, No. 303, §1, eff. June 14, 1999; Acts 1999, No. 602, §1, eff. June 30, 1999; Acts 2004, No. 692, §1, eff. July 6, 2004; Acts 2006, No. 447, §1; Acts 2016, No. 521, §1; Acts 2018, No. 612, §9, eff. July 1, 2020; Acts 2019, No. 404, §1, eff. July 1, 2020.

§2195.9. Financial responsibility

A. The financial responsibility requirements for taking response actions and third-party judgments by motor fuel underground storage tank owners who are eligible participants in the Tank Trust Fund are hereby established as follows:

(1) Ten thousand dollars per occurrence for cleanup and an additional ten thousand dollars per occurrence for third-party judgments for the period following July 15, 1988 through the year 1989.

(2) Fifteen thousand dollars per occurrence for cleanup and an additional fifteen thousand dollars per occurrence for third-party judgments for the period from January 1, 1990 through July 14, 1992.

(3) For the period from July 15, 1992 through June 15, 1995:

(a) Five thousand dollars per occurrence for cleanup and an additional five thousand dollars for third-party judgments for owners with one to twelve tanks in Louisiana.

(b) Ten thousand dollars per occurrence for cleanup and an additional ten thousand dollars for third-party judgments for owners with thirteen to ninety-nine tanks in Louisiana.

(c) Fifteen thousand dollars per occurrence for cleanup and an additional fifteen thousand dollars for third-party judgments for owners with one hundred or more tanks in Louisiana.

(4) Five thousand dollars per occurrence for cleanup and an additional five thousand dollars per occurrence for third-party judgments, beginning on June 16, 1995, and continuing through December 31, 2001.

(5) Thereafter the advisory board shall review the financial responsibility requirements on an annual basis and may recommend to the secretary adjusting the requirements. The secretary shall determine and set the financial responsibility requirements annually.

(6) A lien filed by the department with the same ranking and privilege as that authorized by R.S. 30:2195(F)(2) may be substituted for the financial responsibility requirement of this Section, but in no case shall the lien be substituted on behalf of an owner or operator who continues to operate the system. The department shall promulgate regulations to provide for the use of this lien that ensures the fiscal stability of the fund. Such regulations shall provide that the use of the funds in the Tank Trust Fund in any fiscal year on sites for which the lien authorized by this Section has been used to substitute for the financial responsibility amount shall not exceed twenty percent of the amounts collected in the previous fiscal year. The secretary is authorized to exceed the twenty percent limitation contained in this Paragraph upon recommendation of the Motor Fuels Underground Storage Tank Trust Fund Advisory Board. Upon recommendation of the board to exceed the twenty percent limitation as provided for in this Paragraph, the secretary shall send written notice to the Senate Committee on Environmental Quality and the House Committee on Natural Resources and Environment listing the project name, project location, and the amount of the project that exceeds the twenty percent limitation.

B. Financial responsibility required by the United States Environmental Protection Agency may be established by any one or combination of the following: insurance, participation in the Tank Trust Fund, guarantee, surety bond, letter of credit, or qualification as a self-insurer. A person may qualify as a self-insurer by showing tangible net worth in the amount established by the U.S. Environmental Protection Agency.

Acts 1988, No. 767, §2, eff. July 15, 1988; Acts 1995, No. 336, §1, eff. June 16, 1995; Acts 2001, No. 550, §1; Acts 2004, No. 692, §1, eff. July 6, 2004; Acts 2006, No. 447, §1; Acts 2008, No. 580, §2; Acts 2016, No. 521, §1.

§2195.10. Financial responsibility for noncompliance

A. Releases at sites that have been determined eligible for funds from the Motor Fuels Underground Storage Tank Trust Fund prior to July 6, 2004 are not subject to the financial responsibility amounts for noncompliance specified in this Section.

B. After August 1, 2006, for sites that are determined to be noncompliant with regulations promulgated by the department providing for release reporting, release detection installation

operating recordkeeping, release detection reporting, spill and overfill operating requirements, cathodic protection construction, cathodic protection operation maintenance recordkeeping or proper assessing at closure or change in service, the financial responsibility amount is ten thousand dollars.

C. The secretary or his designee may exclude from coverage by the Tank Trust Fund any underground storage tank system whose owner or operator has been found to have consistently failed to comply with the requirements enumerated in Subsection B of this Section as determined by the secretary after consultation with the board. Notwithstanding any provision to the contrary, the secretary or his designee may prohibit the delivery of fuel to any underground storage tank excluded from coverage under this provision until such time as the owner operator secures financial assurance that satisfies the federal petroleum underground storage tank financial responsibility requirements.

D. Annually the advisory board shall review the financial responsibility requirements for noncompliance and may recommend adjustments to the requirements to the secretary. The secretary shall determine and set the financial responsibility amounts for noncompliance annually. Adjustments to the financial responsibility for noncompliance shall be no less than the amounts currently established by law.

Acts 1988, No. 767, §2, eff. July 15, 1988; Acts 2004, No. 692, §1, eff. July 6, 2004; Acts 2006, No. 447, §1; Acts 2016, No. 521, §1.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Motor Fuels Underground Tank (Q05)

Agency Name: Department of Environmental Quality

Point of Contact: Theresa Delafosse POC Phone: 225-219-3865

POC Email: theresa.delafosse@la.gov Date: 9/30/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$24,660,613	\$32,134,506	\$24,458,345	\$26,884,317	\$23,898,269	
Revenue Description:	Revenues are derived from bulk distribution fees and annual assessment fees. These revenues are used to reimburse eligible participants for the remediation of contaminated sites, to pay third party settlement claims, and to pay minor contracts for example Associated Reporters & Legislative Auditors. Revenues are also derived from interest earnings and proceeds from settlements/cost recovery efforts. These revenues are used for the closure of abandoned motor fuel underground storage tanks (MFUST) and assessment and remediation of property contaminated by abandoned MFUST, and the loans authorized by R.S.30:2195.12(E).					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$18,962,708	\$17,044,660	\$17,715,690	\$19,703,134	\$19,491,905	\$22,649,485

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Payments to Response Action Contractors (RACs)					
Activity Description:	Amount paid to RACs for work performed on sites with known releases of motor fuels from underground storage tanks (UST), amount paid for third party settlement claims, and minor contract payments.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$13,981,837	\$11,084,673	\$12,389,205	\$14,065,671	\$12,913,959	\$16,649,485
Total Expended for Activity from all Means of Finance:	\$13,981,837	\$11,084,673	\$12,389,205	\$14,065,671	\$12,913,959	\$16,649,485
Activity Outcomes/ Performance Information:	This represents amounts paid to Response Action Contractors (RACs) for work performed on sites with known releases of motor fuels from underground storage tanks. Without these expenditures, the site's contamination could spread potentially contaminating drinking water aquifers, surface water bodies and neighboring property's subsurface soils. If not remediated this contamination could negatively impact the health and well-being of Louisiana citizens. This fund was established in 1989 with the primary purpose of remediating these sites using the funds collected. The fund serves as an insurance mechanism for owners of the underground storage tanks, and fees are paid into the fund based on the gallons of fuel delivered. This program assists Louisiana tank owners by providing a mechanism to meet the federally mandated environmental coverage for underground motor fuel storage tanks. Also, includes minor contact costs such as court reporting & legislative auditor fees as well as third party settlement claims.					
Cost of Service Offset by Fee (if applicable):	N/A					

Waste Tire Management Fund

Q06

Creation Date: July 1992
Authorization: R.S. 30:2418
Source of Funds: This fund contains fees collected on the sale of new tires and any other appropriations, gifts, grants, or other monies received.
Expenditure Usage: The monies in the fund shall be administered by the secretary of DEQ solely for the purpose of solving the state's waste tire problem and disposal of waste tires.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$471,168	\$3,145,804	\$1,243,758	\$0	\$1,093,789
Revenue	\$11,511,342	\$11,764,455	\$11,619,598	\$12,562,200	\$12,080,717
Interest Earnings	\$6,557	\$16,297	\$9,662	\$19,289	\$19,980
Transfers	(\$512,625)	(\$764,734)	(\$435)	\$0	(\$17,794)
Expenditures	(\$8,330,638)	(\$12,918,064)	(\$12,872,583)	(\$11,487,700)	(\$11,299,824)
Ending Balance	\$3,145,804	\$1,243,758	\$0	\$1,093,789	\$1,876,869

Waste Tire Management Fund – R.S. 30:2418; 33:4885

§2418. Waste tires

A. The owner or operator of a waste tire collection center shall provide the department with a notification of the site's location, size, and the approximate number of waste tires that are accumulated at the site.

B. It is unlawful for any person to dispose knowingly and intentionally of waste tires in the state, unless the waste tires are disposed of for processing, or collected for processing, at a permitted solid waste disposal facility, a permitted waste tire processing facility, or a waste tire collection center.

C. Waste tires that are not subjected to processing or recycling may not be deposited knowingly and intentionally in a landfill as a method of ultimate disposal. However, notwithstanding any other law or rule to the contrary, waste tires that have been prepared for disposal by cutting, separating, shredding, or other means in accordance with the rules or standards of the department may be disposed of in a landfill.

D. The department shall by rule encourage the voluntary establishment of waste tire collection centers at all retail outlets that are engaged in the sale of tires. Such centers shall be open to the public and programs to encourage the return of waste tires to collection centers shall be undertaken by the department.

E. Nothing herein shall be construed to prohibit the collection, transportation, or disposal of waste tires mixed or commingled with solid waste by any person engaged in the collection, transportation, or disposal of solid waste, unless it can be demonstrated that such person knew that such waste tires had been mixed or commingled with the solid waste collected, transported, and/or disposed and unless it can be demonstrated that it is economically and environmentally feasible to remove and recover such waste tires from the solid waste collected, transported, and/or disposed.

F. An owner or operator of a waste tire collection center may store waste tires for up to one year provided that such storage is solely for the purpose of accumulation of such quantities of waste tires as are necessary to facilitate proper recovery, processing, or disposal.

G. There is hereby established a fund in the state treasury to be known as the "Waste Tire Management Fund". Any fees collected, pursuant to the secretary's rules and regulations, on the sale of tires, and any other appropriations, gifts, grants, or other monies received by the Department of Environmental Quality for the credit of the Waste Tire Management Fund, shall be remitted to the state treasury and credited to the Bond Security and Redemption Fund, as provided by the laws of this state and the Constitution of Louisiana. After a sufficient amount is allocated from the Bond Security and Redemption Fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay into the Waste Tire Management Fund an amount equal to the total amount previously deposited into the treasury. All interest earned on money from this fund and invested by the state treasurer shall be credited to the fund. The monies of the fund shall be administered by the secretary solely for the purposes of solving the state's waste tire problem. No monies from the fund shall be used to provide payments to waste tire processors for processing tires that are generated in Louisiana when those tires are processed in any other state.

H. The secretary shall promulgate rules, regulations, and guidelines for the administration and enforcement of the waste tire program provided for in this Chapter, which shall be subject to legislative review and approval by the Senate Committee on Environmental Quality and the House

Committee on Natural Resources and Environment. The rules, regulations, and guidelines shall provide for but not be limited to:

(1) Establishing standards, requirements, and permitting procedures for waste tire transporters, collection sites, and processors. Requirements shall include proof of commercial liability insurance in a sufficient amount and other evidence of financial responsibility as determined by the secretary. For waste tire transporters, financial responsibility shall include a surety bond in a minimum amount of ten thousand dollars, as determined by the secretary.

(2) Encouraging local governing authorities to establish advisory councils to advise the secretary regarding waste tire clean up.

(3) Providing technical assistance and incentives to encourage market research and development projects.

(4) Providing incentives and assistance for those persons who collect and remit the fee imposed on the sale of tires.

(5) Providing incentives and assistance for collection and transportation of waste tires including, but not limited to, incentives and assistance for local governing authorities which shall be given the highest priority. Subject to Paragraph (7) of this Subsection, this Paragraph shall not prohibit local governing authorities from splitting, slicing, shredding, or baling tires as part of the disposal process or other beneficial use.

(6) Establishing a procedure for accepting voluntary payments from tire retailers to defray the costs of transporting and recycling tires collected at those facilities.

(7) Providing incentives and assistance to waste tire processing facilities, but only if such facilities use, consume, or process the tires so that they may be reused as a raw material, product, or fuel source. No incentives shall be provided to persons who transport waste tires generated in Louisiana and process those tires in any other state.

(8) Remediating environmental and public health problems caused by such waste tires.

(9) Establishing a procedure and criteria for local governing authorities to apply for and receive funds to remediate waste tire problems in their respective jurisdictions. Payment of funds to local governing authorities for waste remediation tire problems shall commence May 1, 1993.

(10) Establishing standards and requirements for expedited approval of customary end-market uses including but are not limited to those recognized by the Environmental Protection Agency, the Rubber Manufacturers Association, or previously approved by the department. Such standards and requirements shall not include disposal as an end market use of eligible waste tire material. No such standard or requirement shall contravene Subsection C or E of this Section.

I.(1)(a) The fee on tires authorized to be levied pursuant to R.S. 30:2413(A)(8) shall not exceed the following:

(i) Beginning October 1, 2018, through July 31, 2022, two dollars and twenty-five cents per passenger/light truck/small farm service tire. Beginning on August 1, 2022, two dollars per passenger/light truck/small farm service tire.

(ii) Five dollars per medium truck tire.

(iii) Ten dollars per off-road tire.

(b) The secretary may provide for exemptions from the fees levied on the sale of tires pursuant to this Chapter in the regulations provided for in Subsection H of this Section for the sale of tires sold at wholesale and certain tires which are de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires. After June 1, 2004, the secretary may provide for the exemption of certain tire sales from the fee which tires were not previously exempted only

through the department's rulemaking authority, including legislative oversight as provided in R.S. 30:2413(A)(8).

(2) A permitted waste tire processing facility shall be paid a minimum of seven and a half cents per pound of waste tire material that is recycled or that reaches end market uses or per pound of whole waste tires that are recycled or that reaches end market uses. This payment shall be made to the facility on or before the twelfth day of the month following the submission of the request for payment and shall be conditioned on the facility providing to the department any documentation, including but not limited to manifests, statements, or certified scale-weight tickets, required by law or by rules and regulations promulgated by the department.

(3)(a) In the event the balance of the fund is insufficient to meet the obligations to waste tire processors provided for in Paragraph (2) of this Subsection, the department, after meeting all payments required by law, shall pay any undisputed obligations in a pro rata share to waste tire processors having a standard permit when the request for payment was submitted. Any remaining undisputed obligations which would have been paid to waste tire processors but for the insufficiency of the Waste Tire Management Fund shall be paid from future surplus funds in the Waste Tire Management Fund as provided in Subparagraph (b) of this Paragraph. However, beginning August 1, 2013, such payments shall be applied in priority from the earliest incurred undisputed obligation to the most current undisputed obligation.

(b) In the event the fund has a surplus after meeting all obligations of the fund for the month, including any payments required by law, such surplus shall be distributed in a pro rata share to those waste tire processors having a standard permit when the request for payment was submitted and for whom there are unpaid obligations of the fund, excluding any disputed amounts. Such surplus shall be processed for payment by the department within fifteen days after the end of the month in which the surplus arose.

(c) For purposes of this Section, "undisputed obligations" means those waste tire material payments which should have been paid by the department to a waste tire processor since January 1, 2003, but which have not been paid due to the insufficiency of the Waste Tire Management Fund.

(4) If litigation relating to fund payments in dispute prior to March 1, 2004, is resolved through final judgment or settlement, the secretary shall pay from the fund the portion of such final judgment or settlement which represents previously disputed fund payments within one hundred eighty days of the judgment or settlement. This Subsection shall not be construed to limit or condition the right of the judgment creditor or obligee under the settlement agreement to obtain payment in satisfaction of the judgment or settlement from any source authorized by law.

J. The secretary or his designee shall submit an annual report to the president of the Senate, the speaker of the House of Representatives, the Senate Committee on Environmental Quality, and to the House Committee on Natural Resources and Environment and appear before a joint meeting of the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality during each regular session to present the report detailing the progress of the waste tire program for the preceding year, the current balance of the Waste Tire Management Fund, and the forecast for the fund in the following year.

K.(1) Except as provided in Paragraph (2) of this Subsection, the governing authority of each parish or municipality is hereby authorized to govern the siting of waste tire collection, processing, storage, and depository facilities within their respective jurisdictions. The department shall not issue any permit allowing the establishment of a waste tire collection, processing, storage,

or depository facility unless the governing authority of the parish or municipality in which the proposed facility is to be located is first notified by the department of the proposed permit.

(2) The permit application submitted to the department shall be accompanied by a letter of compliance and certification of premises and buildings from the state fire marshal. The applicant shall post a bond in accordance with the requirements of the department sufficient to cover the costs of removal of tires from the site in the event operations cease.

(3) Copies of the permit applications to the department shall be made available to the public at the local governmental office. The department shall hold a public hearing within sixty days of submission of an application. The applicant shall cause the notice of the hearing to be published in the official journal of the parish or municipality on two separate days preceding the hearing. The last day of publication of such notice shall be at least ten days prior to the hearing. The applicant shall post a notice of the hearing at least two weeks prior to the hearing in the courthouse, government center, and all the libraries. A public comment period of at least thirty days shall be allowed following the public hearing.

L. The secretary shall promulgate rules and regulations providing incentives, including but not limited to financial rewards, for the reporting of the unauthorized disposal of waste tires.

M.(1) No person shall, with the intent to defraud, prepare, submit, tender, sign, make an entry upon, or certify any invoice, report, manifest, request for payment, claim, or other document in connection with the origin, transportation, storage, transfer, assignment, sale, or disposal of waste tires, as defined by R.S. 30:2412.

(2) Penalties for a violation of Paragraph (1) of this Subsection shall be based on the value of the fraudulent taking. When the fraudulent taking results from a number of distinct acts by the offender, the aggregate amount of the payments, subsidies, credits, other disbursements, or things of value obtained shall determine the grade of the offense. Penalties shall be as follows:

(a) If the fraudulent taking amounts to a value of five hundred dollars or more, the offender shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(b) When the fraudulent taking amounts to a value of three hundred dollars or more, but less than five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

(c) When the fraudulent taking amounts to less than three hundred dollars the offender shall be imprisoned for not more than six months, or may be fined not more than five hundred dollars, or both. However, if such a conviction is the offender's third or subsequent conviction for violations of this Subsection, the offender shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

(3) A waste tire processor shall not request or receive payments from the Waste Tire Management Fund for any waste tires unless the waste tires are generated and processed in Louisiana, the generator and transporter have signed a statement swearing under penalty of law that the tires were not generated outside the state of Louisiana and are Louisiana-eligible tires, and the processor has signed a statement swearing under penalty of law that he has no knowledge contrary to the representations of the generator and transporter. The department shall provide a standard form to be used by generators, transporters, and processors to comply with this Paragraph.

(4) In addition to any other penalties provided for in this Subsection, any person convicted of violating Paragraph (1) of this Subsection may be barred from participating in the program, including requesting and receiving payments or reimbursements from the Waste Tire Management Fund, and any license or registration issued by the department that is required to participate in the

program may be ordered to be surrendered. Participants shall include collectors, generators, processors, and transporters. Any such person convicted may be forever barred from employment with or from contracting with any license holder under this Section. Any sentence imposed which includes the suspension or barring under this Paragraph shall be suspended until after rendition of a final conviction from which no appeal may be taken.

(5) Nothing in this Subsection shall preclude the department from promulgating rules and regulations providing for the revocation of licenses or registrations through the Administrative Procedure Act.

N. The secretary shall promulgate rules to make payments to processors on the basis of weight or tire count. Payments to a waste tire processor, or any portion thereof, shall not be temporarily or permanently withheld or terminated prior to written notification by the department of the reasons for such withholding or termination to the processor by certified mail. Any such disputed funds shall be immediately placed in escrow pending final resolution of the matter.

O.(1) Failure by any person to timely remit fees collected that are imposed in this Section shall cause the fees to become immediately delinquent, and the secretary has the authority, on motion in a court of competent jurisdiction, to take a rule to show cause in not less than two nor more than ten days, exclusive of holidays, why such person should not be ordered to cease from further pursuit of business. This rule may be tried in chambers and shall always be tried by preference. If the rule is made absolute, the order rendered thereon shall be considered a judgment in favor of the state, prohibiting the person from the further pursuit of said business until he has paid the delinquent fees and any fines, interest, penalties, and other costs in connection with the fees, and every violation of the injunction shall be considered as a contempt of court and punished according to law.

(2) The provisions of Paragraph (1) of this Subsection shall not apply if the person has entered into an installment agreement for the payment of the delinquent fees with the department and is in compliance with the terms of the agreement.

(3) Proceeds from the collection of the fees and any fines, penalties, interest, and costs collected in connection with the fees shall be deposited into the Waste Tire Management Fund to be used to administer the waste tire program authorized by this Section.

(4) The collection procedure provided for in this Subsection shall be in addition to any other collection procedure available to the department.

(5) In addition to the authority and collection procedure provided for in this Subsection, the secretary has the authority to impose upon any person failing to timely remit fees imposed by this Section, a delinquent fee of ten percent of the unpaid fee or twenty-five dollars, whichever is greater. A delinquent fee of twenty-five dollars may also be imposed upon any person failing to timely submit a monthly waste tire fee report required by any rule or regulation promulgated pursuant to this Section. Proceeds from the collection of the fees authorized by this Paragraph shall be used for special waste tire projects as determined by the secretary. Any such proceeds remaining at the end of the fiscal year that have not been used for special projects shall be deposited in the Waste Tire Management Fund.

Acts 1989, No. 185, §1, eff. Sept. 1, 1989; Acts 1992, No. 664, §1, eff. July 2, 1992; Acts 1993, No. 79, §1; Acts 1993, No. 158, §1; Acts 1996, 1st Ex. Sess., No. 36, §1, eff. May 7, 1996; Acts 1999, No. 1015, §1, eff. July 9, 1999; Acts 1999, No. 1049, §1; Acts 2001, No. 623, §1; Acts 2002, 1st Ex. Sess., No. 101, §1, eff. April 18, 2002; Acts 2003, No. 582, §1, eff. June 27, 2003; Acts 2003, No. 789, §1; Acts 2004, No. 846, §1; Acts 2006, No. 821, §1, eff. July 5, 2006, and §2, eff. July 1, 2008; Acts 2008, No. 580, §2; Acts 2010, No. 852, §1, eff. June 30, 2010; Acts 2012,

No. 817, §1; Acts 2013, No. 323, §1; Acts 2015, No. 427, §1; Acts 2016, No. 633, §1, eff. Oct. 1, 2016; Acts 2018, No. 541, §1.

NOTE: Section 2 of Act No. 323 of the 2013 R.S. requires the Dept. of Environmental Quality to implement Section 1 of the Act through rulemaking and to submit the report required pursuant to R.S. 49:968(A) by December 31, 2013.

NOTE: See Section 3 of Act No. 323 of the 2013 R.S. for the required study and report by the Waste Tire Program Task Force.

NOTE: See Section 2 of Act No. 427 of the 2015 R.S. which extends the authority of the Waste Tire Program Task Force (created by Section 3 of Act No. 323 of the 2013 R.S.), requires annual reporting by the Task Force, and provides relative to the membership of the Task Force.

NOTE: See Sections 3 and 4 of Act No. 427 of the 2015 R.S. relative to the rules, regulations, and guidelines of the Department of Environmental Quality.

§4885. Removal of waste tires

The governing authority of any municipality may adopt an ordinance regulating the accumulation of waste tires, as defined in R.S. 30:2412, on private residential property. Such an ordinance shall include fines for violations and provision for employees of the municipality or of a firm contracting with the municipality to enter private property for the purpose of removing waste tires that are in violation of the ordinance. Any fine imposed pursuant to such ordinance shall, at a minimum, be equal to the amounts provided for by the most recent Waste Tire Task Force recommendation for each tire collected and the municipality shall deposit such minimum amount into the Waste Tire Management Fund. Any waste tire collected for which the municipality has deposited the appropriate amount, shall be deemed a program eligible waste tire for the purposes of the Solid Waste Recycling and Reduction Law, R.S. 30:2411 et seq. The provisions of this Section shall expire and be null and void on July 1, 2021.

Acts 2017, No. 354, §1.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Waste Tire Management Fund (Q06)

Agency Name: Department of Environmental Quality

Point of Contact: Theresa Delafosse POC Phone: 225-219-3865

POC Email: theresa.delafosse@la.gov Date: 9/17/2020

	Historical Fund Revenues				
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Amount:	\$11,517,899	\$11,780,752	\$11,629,260	\$12,581,489	\$12,100,697
Revenue Description:	Revenues are derived from a fee collected by generators on the sale of tires, a fee for failing to timely submit collected monies and/or required monthly report, as well as fund earned interest. These revenues are used for cleanup of promiscuous waste tire disposal sites, payments to permitted waste tire processors for end-market use projects, and administration of the fund.				

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$8,309,213	\$12,918,064	\$12,873,018	\$11,487,700	\$11,299,824	\$13,000,000

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Payments to Waste Tire Processors					
Activity Description:	Processes payments to the authorized waste tire processors.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$7,592,286	\$12,209,326	\$12,111,884	\$10,638,150	\$10,423,546	\$12,241,008
Total Expended for Activity from all Means of Finance:	\$18,727,845	\$27,118,517	\$27,812,077	\$28,571,257	\$28,128,799	\$33,358,352
Activity Outcomes/ Performance Information:	The Waste Tire Management Program was created in 1989. The program's goal is to reduce or eliminate illegal tire dumps by providing subsidies to waste tire processors that receive and process eligible waste tires for use in recycling projects approved by the Department such as using tire materials for alternative fuel or playground flooring.					
Cost of Service Offset by Fee (if applicable):	N/A					

Lead Hazard Reduction Fund

Q07

Creation Date: August 1993

Authorization: R.S. 30:2351.41

Source of Funds: The fund contains fees collected from lead contractors and inspectors who are licensed to engage in lead hazard reduction activities.

Expenditure Usage: The monies in the Lead Hazard Reduction Fund shall be used solely for the purpose of funding the programs and activities provided for in this Chapter, as determined by the secretary of DEQ. This includes such activities as licensure, reporting, and public education.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$3,294	\$9,716	\$40,573	\$109,465	\$148,181
Revenue	\$106,367	\$125,735	\$160,895	\$130,736	\$132,893
Interest Earnings	\$55	\$122	\$921	\$2,980	\$2,251
Transfers	(\$5,000)	(\$7,239)	\$0	\$0	\$0
Expenditures	(\$95,000)	(\$87,761)	(\$92,924)	(\$95,000)	(\$136,092)
Ending Balance	\$9,716	\$40,573	\$109,465	\$148,181	\$147,233

Lead Hazard Reduction Fund – R.S. 30:2351.41; 30:2351.59

PART III. LEAD HAZARD REDUCTION FUND

§2351.41. Lead Hazard Reduction Fund

A. There is hereby created within the state treasury the Lead Hazard Reduction Fund. Funds received under this Part shall be deposited into the state treasury.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required by Subsection A of this Section shall be credited to a special fund hereby created in the state treasury to be known as the "Lead Hazard Reduction Fund". The monies in this fund shall be used solely as provided in Subsection C of this Section. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund.

C. The monies in the Lead Hazard Reduction Fund shall be used solely for the purpose of funding the programs and activities provided for in this Chapter, as determined by the secretary.

Acts 1993, No. 224, §1; Acts 1995, No. 1085, §1.

§2351.59. Fees

A. In accordance with the provisions of Article VII, Section 2.1 of the Constitution of Louisiana and R.S. 30:2014, the department is authorized to adopt and promulgate rules to establish the fees for licensure, certification, and training organization accreditation categories and notifications as provided for in this Section.

B. Licensure, certification, and accreditation fees shall be paid annually. Notification fees are assessed for each lead abatement project. Fees shall be paid upon application to the secretary and deposited into the Lead Hazard Reduction Fund, R.S. 30:2351.41.

C.(1) License and certification fees shall be paid as follows:

(a) License evaluation fee of five hundred fifty dollars shall be paid by lead contractors.

(b) Certification fees shall be paid for the following disciplines:

(i) Lead project supervisor \$ 275.00

(ii) Lead project designer \$ 550.00

(iii) Risk assessor \$ 275.00

(iv) Lead inspector \$ 165.00

(v) Lead worker \$ 55.00

(c) Emergency processing for licensure and certification fees shall be one and one-half times the regular processing fee.

(d) The secretary is authorized to establish subcategories within any category.

(e) A person applying for licensure under more than one category shall pay only the fee for the highest category.

(f) No fees shall be assessed to public entities or employees of public entities for certification.

(2) Accreditation fees for training organizations shall be paid as follows:

(a) In-state training organizations (Louisiana domiciliaries):

- (i) Application processing fee \$ 550.00
- (ii) Processing fee per instructor \$ 55.00
- (iii) Emergency processing 1.5 times the regular fees
- (b) Out-of-state training organizations (non-Louisiana domiciliaries):
 - (i) Application processing fee \$ 825.00
 - (ii) Processing fee per instructor \$ 110.00
 - (iii) Emergency processing 1.5 times the regular fees
- (3) Notification fees will be due upon application as follows:

(a) For the lead abatement of a building or other structure, the fee shall be based upon the projected lead-based painted areas to be abated in the abatement project. Areas of lead-contaminated soil associated with the abatement process will be included in the projected square footage for the building or structure as follows:

- (i) 2000 square feet and under \$ 220.00
- (ii) Each additional increment of 2000 square feet or portion thereof \$ 110.00
- (iii) Revisions to notification fees \$ 55.00

(b) For the lead abatement of soil only, the fee shall be based upon the projected acreage of the abatement project as follows:

- (i) Half acre or less \$ 220.00
- (ii) Each additional half acre or portion thereof \$ 110.00
- (iii) Revisions to notification fees \$ 55.00

(c) Emergency notification processing fees will be one and one-half times the regular fees.

Acts 1993, No. 224, §1; Acts 1995, No. 1085, §1; Acts 1997, No. 1253, §1; Acts 2016, No. 451, §1.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Lead Hazard Reduction Fund (Q07)

Agency Name: Department of Environmental Quality

Point of Contact: Theresa Delafosse POC Phone: 225-219-3865

POC Email: theresa.delafosse@la.gov Date: 9/30/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$106,422	\$125,857	\$161,816	\$133,716	\$135,144	
Revenue Description:	Revenues are derived from fees collected for the licensure, certification, and training organization accreditation categories and notification. Revenues are also derived from fund earned interest. These revenues are used to support the administration of the Lead Hazard Reduction Program.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$95,000	\$87,761	\$92,924	\$95,000	\$136,092	\$150,000

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Surveillance					
Activity Description:	Inspects facilities for compliance with their permits or other authorizations (regulations or enforcement actions) by the department and to respond to complaints.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$20,000	\$22,853	\$29,161	\$21,721	\$31,158	\$20,000
Total Expended for Activity from all Means of Finance:	\$12,525,759	\$12,741,447	\$12,714,848	\$13,074,102	\$13,176,924	\$13,318,599
Activity Outcomes/ Performance Information:	The Surveillance Division inspects regulated facilities related to air emissions, solid and hazardous waste, waste tires, water discharges, and asbestos statewide following procedures outlined in the Compliance Monitoring Strategy (CMS) July 1, 2017 through June 30, 2022. Facilities are selected for inspections, utilizing the procedures outlined in the CMS, to determine compliance with federal and state regulations and to ensure protection of public health and the environment. The Surveillance Division also monitors and samples approximately 25% of targeted surface water subsegments from 449 named waterbody subsegments statewide annually July 1, 2017 through June 30, 2022. The data collected on the quality of state waters can then be compared to State Water Quality Standards by sampling all ambient water subsegments in the state on a four year rotation by selecting specific watersheds each year in each region. Additionally, the Surveillance Division addresses 85% of reported environmental incidents and citizen complaints within ten business days of receipt of notification from Single Point of Contact (SPOC) July 1, 2017 through June 30, 2022 in an effort to respond to unauthorized releases in an expedient manner and ensure an acceptable level of clean up. This also provides timely response to citizen complaints of environmental problems. The Surveillance Division meets its Operational Plan Objectives on an annual basis.					
Cost of Service Offset by Fee (if applicable):	N/A					

LA Duck License Stamp and Print Fund

W08

Creation Date: September 1989
 Authorization: R.S. 56:10 and R.S. 56:151 et seq.
 Source of Funds: Fees from the sale of duck stamps and royalties from prints. A resident duck stamp shall be \$5.50. A non-resident duck stamp shall be \$25.00.

Expenditure Usage: The monies in this fund shall be used solely for the programs and purposes associated with the Louisiana Duck Licenses, Stamp, and Print Program in the amounts appropriated each year to the department by the legislature. Purposes shall include land acquisition, habitat restoration and enhancement, coastal restoration, game management, grants, and administrative costs.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$3,570,759	\$3,678,209	\$2,896,979	\$3,308,088	\$3,309,507
Revenue	\$433,240	\$398,832	\$639,935	\$316,796	\$278,659
Interest Earnings	\$8,510	\$19,662	\$39,187	\$75,676	\$45,416
Transfers	\$0	(\$434,593)	(\$2,580)	\$0	\$0
Expenditures	(\$334,301)	(\$765,130)	(\$265,433)	(\$391,052)	(\$123,163)
Ending Balance	\$3,678,209	\$2,896,979	\$3,308,088	\$3,309,507	\$3,510,419

LA Duck License Stamp and Print Fund – R.S. 56:155

§155. Louisiana Duck License, Stamp, and Print Fund; purposes

A. Funds received by the Department of Wildlife and Fisheries pursuant to the sale of duck licenses, stamps, and prints shall be placed in the Louisiana Duck License, Stamp, and Print Fund as provided by R.S. 56:10(B).

B. Subject to appropriation, the monies in the Louisiana Duck License, Stamp, and Print Fund shall be used:

(1) To acquire lands in Louisiana which have the primary and direct purpose of conserving, restoring, and enhancing migratory waterfowl habitat.

(2) To carry out migratory waterfowl habitat restoration and enhancement projects on lands under the jurisdiction of the Louisiana Department of Wildlife and Fisheries.

(3) To fulfill the purposes of Paragraphs (1) and (2) of this Subsection, when feasible and when in coastal areas, in a manner which will contribute to the protection of the coastal areas of the state from deterioration and which will enhance the productivity of the coastal marshes.

(4) To acquire lands for wildlife and game management.

C. Subject to appropriation, the monies in the Louisiana Duck License, Stamp, and Print Fund may be used:

(1) To make grants, not to exceed ten percent of the program revenues, to the North American Waterfowl Habitat Conservation Plan for the purpose of acquiring, developing, or maintaining migratory waterfowl areas within Louisiana.

(2) To cover the administrative costs associated with the implementation of the Louisiana Duck License, Stamp, and Print Program, not to exceed five percent of the program revenues.

Acts 1988, No. 632, §1, eff. Sept. 1, 1989; Acts 2001, No. 270, §1.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: LA Duck License Stamp and Print Fund

Agency Name: Office of Wildlife

Point of Contact: Bryan McClinton POC Phone: 225-765-5021

POC Email: bmcclinton@wlf.la.gov Date: 10/22/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$441,750	\$418,494	\$679,122	\$392,472	\$324,075	
Revenue Description:	Fees from sale of duck stamps, royalties from duck stamp prints, interest.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$323,851	\$754,680	\$254,983	\$380,602	\$112,713	\$729,240

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Habitat Stewardship					
Activity Description:	Through the Habitat Stewardship activity, serves to enhance and maintain the quantity and quality of wildlife habitat which ensures that there are diverse and sustainable wildlife populations in the State of Louisiana.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$230,282	\$589,981	\$525	\$237,293	\$659	\$729,240
Total Expended for Activity from all Means of Finance:	\$32,059,313	\$22,466,581	\$20,255,630	\$16,177,457	\$15,452,190	\$44,257,786
Activity Outcomes/ Performance Information:	Number of users that utilize the Department's Wildlife Management Areas and Wildlife Refuges; Number of wildlife habitat management activities and Habitat Enhancement Projects under development; Acres impacted by habitat enhancement projects and habitat management activities					
Cost of Service Offset by Fee (if applicable):						

Name of Activity Funded:	Species Management					
Activity Description:	Through the Species Management activity, to provide sound biological recommendations regarding wildlife species to develop regulations that provide for appropriate levels of outdoor experiences. Collect and analyze data on wildlife and habitat, provide sound technical recommendations and develop regulations.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$8,569	\$64,699	\$129,458	\$3,221	\$2,054	\$0
Total Expended for Activity from all Means of Finance:	\$8,835,642	\$7,407,750	\$7,761,367	\$8,286,353	\$9,624,239	\$7,984,028
Activity Outcomes/ Performance Information:	Number of habitat evaluations and population surveys; Number of new or updated Element Occurrence Records; Number of all alligators harvested; Nutria harvested; Acres impacted by nutria herbivory					
Cost of Service Offset by Fee (if applicable):						
Name of Activity Funded:	Technical Assistance					
Activity Description:	To provide assistance to private landowners to enhance wildlife resources in 80% of the habitat in Louisiana, and to gather and compile data on fish and wildlife resources, determine the requirements for conserving the resources and provide information to outside entities.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$75,000	\$100,000	\$125,000	\$100,000	\$100,000	\$0
Total Expended for Activity from all Means of Finance:	\$2,533,803	\$2,360,193	\$2,911,510	\$2,176,907	\$2,506,481	\$0
Activity Outcomes/ Performance Information:	Percentage of satisfied clients obtained from survey - Number of oral or written technical assistances provided - Number of acres in the Deer Management Assistance Program (DMAP) and Landowner Antlerless Deer Tag Program (LADT) - Number of acres in Louisiana Waterfowl Program (LWP) - Number of new or updated Element Occurrence Records (EORs) - Number of Scenic River Permits issued with mitigation requirements - Number of written comments issued on permit notices, and projects containing mitigation recommendations					
Cost of Service Offset by Fee (if applicable):						
Name of Activity Funded:	Administration					
Activity Description:	To provide leadership and establish a shared vision between all of the Office of Wildlife's Activities. These Activities are designed for the purpose of the recruitment and retention of licensed hunters in Louisiana.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$10,000	\$0	\$0	\$40,088	\$10,000	\$0
Total Expended for Activity from all Means of Finance:	\$7,245,560	\$6,689,440	\$6,786,552	\$7,374,146	\$8,372,097	\$0
Activity Outcomes/ Performance Information:	Number of all certified hunting licensed holders and commercial alligator and trapping licensed holders					
Cost of Service Offset by Fee (if applicable):						

Oyster Sanitation Fund

Q08

Creation Date: June 1993

Authorization: R.S. 40:5.10 and R.S. 30:2075.1

Source of Funds: The fund contains surcharges on discharges permitted or licensed in the Atchafalaya, Terrebonne, Barataria, Lake Pontchartrain, and Mississippi River basins pursuant to R.S. 30:2075.1. The fund may also receive appropriations, grants, and donations.

Expenditure Usage: The treasurer shall disburse monies from the fund to the Louisiana Department of Health and/or the Department of Wildlife and Fisheries for projects or measures that protect, enhance, or restore sanitary conditions directly related to the molluscan shellfish industry. Monies from the fund may not be used other than for the sanitation purposes.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$298,691	\$306,738	\$275,412	\$255,802	\$214,271
Revenue	\$373,286	\$360,805	\$381,473	\$389,774	\$359,845
Interest Earnings	\$956	\$2,414	\$4,944	\$8,414	\$4,314
Transfers	\$0	\$0	\$0	(\$0)	(\$0)
Expenditures	(\$366,195)	(\$394,545)	(\$406,027)	(\$439,718)	(\$337,088)
Ending Balance	\$306,738	\$275,412	\$255,802	\$214,271	\$241,343

Oyster Sanitation Fund – R.S. 40:5.10

§5.10. Oyster Sanitation Fund

A. There is hereby established a special fund in the state treasury to be known as the Oyster Sanitation Fund, hereinafter referred to as the "fund". The fund shall consist of monies received by virtue of the surcharge assessed pursuant to R.S. 30:2075.1, such monies as may be appropriated to it by the legislature, and monies received by the fund from grants and donations.

B. Monies in the fund shall be invested by the state treasurer in accordance with the law, and shall comply with the provisions of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund. Subject to Article VII, Section 9, the investment earnings shall be credited to the fund. The treasurer shall advise the governor and the legislature of the status of the fund thirty days prior to each regular session of the legislature and at any other time upon their request.

C. Upon request of the secretary of either department named herein, and pursuant to appropriation by the legislature, the treasurer shall disburse monies from the fund to the Louisiana Department of Health and/or the Department of Wildlife and Fisheries for projects or measures that protect, enhance, or restore sanitary conditions directly related to the molluscan shellfish industry.

D. Monies from the fund may not be used other than for the sanitation purposes authorized in Subsection C of this Section, or investment authorized in Subsection B of this Section.

Acts 1993, No. 911, §2, eff. June 23, 1993.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Oyster Sanitation Fund

Agency Name: Office of Fisheries

Point of Contact: Bryan McClinton POC Phone: 225-765-5021

POC Email: bmcclinton@wlf.la.gov Date: 10/22/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$374,242	\$363,219	\$386,417	\$398,188	\$364,159	
Revenue Description:	A surcharge at a flat rate of twenty percent of the department imposed permit fee, with a maximum of one hundred fifty dollars, shall be added to the fee for each water discharge permit issued pursuant to R.S. 30:2075 for discharges in the Atchafalaya, Terrebonne, Barataria, Lake Pontchartrain, and Mississippi River water quality management basins as defined by the department Water Quality Management Basin Plans.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$126,273	\$175,735	\$171,356	\$164,186	\$103,202	\$75,500

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Fisheries Resource Management					
Activity Description:	The Office of Fisheries collects the basic ecological data needed to efficiently and effectively manage fishery resources to benefit constituent groups, i.e., commercial and recreational users, and visitors. Marine fishery sustainability is further accomplished through interstate compacts that develop joint programs to manage common resources for the benefit of all.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$126,273	\$175,735	\$171,356	\$164,186	\$103,202	\$75,500
Total Expended for Activity from all Means of Finance:	\$23,828,007	\$26,141,979	\$24,679,211	\$23,552,464	\$23,128,317	\$40,530,959
Activity Outcomes/ Performance Information:	Number of locations added to the Community Fishing Program; Number of individuals reached at events through direct communications; Number of State managed fisheries closed due to overharvesting; Number of boating or fishing access sites initiated annually					
Cost of Service Offset by Fee (if applicable):						

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Oyster Sanitation Fund

Agency Name: Office of the Secretary

Point of Contact: Bryan McClinton POC Phone: 225-765-5021

POC Email: bmcclinton@wlf.la.gov Date: 10/22/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$374,242	\$363,219	\$386,417	\$398,188	\$364,159	
Revenue Description:	A surcharge at a flat rate of twenty percent of the department imposed permit fee, with a maximum of one hundred fifty dollars, shall be added to the fee for each water discharge permit issued pursuant to R.S. 30:2075 for discharges in the Atchafalaya, Terrebonne, Barataria, Lake Pontchartrain, and Mississippi River water quality management basins as defined by the department Water Quality Management Basin Plans.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$184,630	\$163,519	\$179,378	\$220,240	\$178,594	\$225,975

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Wildlife, Fisheries and Ecosystem Enforcement					
Activity Description:	LDWF/LED is responsible for assuring public compliance with state and federal laws, regulations, and programs which promote, manage and enhance the conservation of Louisiana's wildlife and fisheries resources and protect and sustain their supporting ecosystems. This activity is conducted through patrols of Louisiana's forest, woods and marshes, in-vessel patrols of Louisiana's in-shore and off-shore waters and investigations of relevant commercial facilities. The LDWF/LED also conducts community policing activities which publicize legal practices, encourage voluntary compliance and promote safe participation in recreational and commercial activities which use Louisiana's natural resources.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$184,630	\$163,519	\$179,378	\$220,240	\$178,594	\$225,975
Total Expended for Activity from all Means of Finance:	\$22,095,080	\$23,812,985	\$25,253,869	\$25,260,532	\$26,492,164	\$27,061,655
Activity Outcomes/ Performance Information:	Public contacts associated with wildlife, fisheries and ecosystem patrols, investigations, education and community policing/outreach; Hours worked associated with wildlife, fisheries and ecosystem patrols, investigations, education and community policing/outreach; Observed compliance - wildlife, fisheries, and ecosystem; Observed compliance - recreational fishing; Observed compliance - commercial fishing/excluding oysters; Observed compliance - oyster fishing; Observed compliance - hunting/wildlife; Observed compliance - commercial fishing					
Cost of Service Offset by Fee (if applicable):	N/A					

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Oyster Sanitation Fund

Agency Name: Office of Public Health

Point of Contact: Trina Davis POC Phone: (504)568-8414

POC Email: trina.davis@la.gov Date: 2/22/2021

	Historical Fund Revenues				
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Amount:	\$374,241	\$363,219	\$386,416	\$398,187	\$364,159
Revenue Description:	R.S.40:5.10 This is funded through the Statutory Dedication of the Oyster Sanitation Fund. The purpose of these funds is to certify (open or close) Louisiana shellfish growing areas to safeguard the health of citizens against the health hazards of contamination and pollution.				
	*Fund Balance as of 2/18/21 is \$466,830 LDH and Dept of Wildlife and Fisheries receives appropriations from this fund.				

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$55,292	\$55,292	\$55,292	\$55,292	\$55,292	\$55,292

Name of Activity Funded:	Molluscan Shellfish					
Activity Description:	Certify (open or close) Louisiana shellfish growing areas to safeguard the health of citizens against the health hazards of contamination and pollution.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$55,292	\$55,292	\$55,292	\$55,292	\$55,292	\$55,292
Total Expended for Activity from all Means of Finance:	\$1,917,241	\$1,793,213	\$2,082,294	\$1,824,870	\$1,926,004	\$1,845,292
Activity Outcomes/ Performance Information:	Safely consume Louisiana molluscan shellfish and allow product to enter into interstate commerce.					
Cost of Service Offset by Fee (if applicable):	Fees are generated from permit fees charged to oyster fisherman for the relaying of oysters. When oyster beds are in danger of being infiltrated by fresh water, the oysters have to be relocated.					

Scenic Rivers Fund

W07

Creation Date: September 1988
Authorization: R.S. 56:1844
Source of Funds: The source of monies in the fund includes donations, penalties, and permit fees.
Expenditure Usage: Funds are to be used for the acquisition of servitudes, education, and monitoring and enforcement of the provisions of the Louisiana Scenic Rivers Act.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$13,082	\$16,857	\$19,475	\$22,823	\$28,515
Revenue	\$3,775	\$3,470	\$4,250	\$6,055	\$6,730
Transfers	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	(\$852)	(\$902)	(\$363)	(\$876)
Ending Balance	\$16,857	\$19,475	\$22,823	\$28,515	\$34,369

Scenic Rivers Fund – R.S. 56:1844

§1844. Scenic Rivers Fund

A. All donations, penalties, and permit fees collected pursuant to the provisions of this Part shall be deposited immediately upon receipt into the state treasury.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required in Subsection A hereof and monies appropriated by the legislature shall be credited to a special fund hereby created in the state treasury to be known as the "Scenic Rivers Fund". The monies in this fund shall be used solely as provided in Subsection C hereof and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be placed in the state general fund.

C. The monies in the Scenic Rivers Fund shall be used by the administrator solely for acquisition of servitudes, education, and the monitoring and enforcement of the provisions of this Part and any permits issued pursuant thereto.

D. The administrator shall, by rule, adopt a schedule of fees to be charged for the issuance of permits and renewals.

Added by Acts 1970, No. 398, §1; Acts 1987, No. 606, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Scenic Rivers Fund

Agency Name: Office of Wildlife

Point of Contact: Bryan McClinton POC Phone: 225-765-5021

POC Email: bmcclinton@wlf.la.gov Date: 10/22/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$3,775	\$3,470	\$4,250	\$6,055	\$6,730	
Revenue Description:	Permit fees, donations, penalties					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$0	\$852	\$902	\$363	\$877	\$0

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Technical Assistance					
Activity Description:	To provide assistance to private landowners to enhance wildlife resources in 80% of the habitat in Louisiana, and to gather and compile data on fish and wildlife resources, determine the requirements for conserving the resources and provide information to outside entities.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$0	\$852	\$902	\$363	\$877	\$0
Total Expended for Activity from all Means of Finance:	\$2,533,803	\$2,360,193	\$2,911,510	\$2,176,907	\$2,506,481	\$0
Activity Outcomes/ Performance Information:	Percentage of satisfied clients obtained from survey - Number of oral or written technical assistances provided - Number of acres in the Deer Management Assistance Program (DMAP) and Landowner Antlerless Deer Tag Program (LADT) - Number of acres in Louisiana Waterfowl Program (LWP) - Number of new or updated Element Occurrence Records (EORs) - Number of Scenic River Permits issued with mitigation requirements - Number of written comments issued on permit notices, and projects containing mitigation recommendations					
Cost of Service Offset by Fee (if applicable):						

Louisiana Wild Turkey Stamp Fund

W16

Creation Date: August 1995
Authorization: R.S. 56:164 and R.S. 56:10
Source of Funds: Sales of wild turkey stamps, certain fees from Wild Turkey Federation license plate sales, and donations
Expenditure Usage: The funds will be used to acquire land in Louisiana which have the primary and direct purpose of conserving, restoring, and enhancing wild turkey habitat.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$637,003	\$658,320	\$701,997	\$733,547	\$790,976
Revenue	\$58,416	\$54,665	\$48,303	\$45,046	\$46,813
Interest Earnings	\$1,468	\$3,677	\$9,169	\$17,044	\$10,680
Transfers	\$0	\$0	\$0	\$0	\$0
Expenditures	(\$38,567)	(\$14,665)	(\$25,922)	(\$4,661)	(\$4,347)
Ending Balance	\$658,320	\$701,997	\$733,547	\$790,976	\$844,121

Louisiana Wild Turkey Stamp Fund – R.S. 47:463.54

§463.54. Special prestige license plates; Wild Turkey Federation

A. The secretary of the Department of Public Safety and Corrections shall establish prestige license plates for motor vehicles, restricted to passenger cars, pickup trucks, and vans, which plates shall bear a logo with a picture of a wild turkey or the Wild Turkey Federation logo.

B. The charge for this special license plate shall be twenty-six dollars, which shall be assessed every two years in addition to the regular fee charged under the provisions of R.S. 47:463.

C. The revenues realized from the additional twenty-six dollar fee imposed by Subsection B of this Section shall be deposited immediately upon receipt in the state treasury. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to money being placed in the state general fund, the state treasurer shall place an amount equal to those revenues in the Louisiana Wild Turkey Stamp Fund, after complying with the requirements of R.S. 56:10(B). Five dollars of the funds raised from the license plate sales shall be used for the purpose of advertising the license plates and the remainder of the funds shall be used solely for turkey restocking and research purposes.

D. The secretary shall adopt administrative rules to implement the provisions of this Section.

Acts 1997, No. 1158, §1; Acts 1999, No. 735, §1.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Louisiana Wild Turkey Stamp Fund
Agency Name: Office of Wildlife
Point of Contact: Bryan McClinton **POC Phone:** 225-765-5021
POC Email: bmcclinton@wlf.la.gov **Date:** 10/22/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$59,884	\$58,342	\$57,472	\$62,090	\$57,493	
Revenue Description:	Sale of Wild Turkey Stamp, Proceeds from sale of turkey license plate by Office of Motor Vehicles.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$38,567	\$14,665	\$25,922	\$4,661	\$4,347	\$51,868

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Species Management					
Activity Description:	Through the Species Management activity, to provide sound biological recommendations regarding wildlife species to develop regulations that provide for appropriate levels of outdoor experiences. Collect and analyze data on wildlife and habitat, provide sound technical recommendations and develop regulations.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$16,485	\$6,897	\$3,636	\$395	\$1,053	\$51,868
Total Expended for Activity from all Means of Finance:	\$8,835,642	\$7,407,750	\$7,761,367	\$8,286,353	\$9,624,239	\$7,984,028
Activity Outcomes/ Performance Information:	Number of habitat evaluations and population surveys; Number of new or updated Element Occurrence Records; Number of all alligators harvested; Nutria harvested; Acres impacted by nutria herbivory					
Cost of Service Offset by Fee (if applicable):						

Name of Activity Funded:	Technical Assistance					
Activity Description:	To provide assistance to private landowners to enhance wildlife resources in 80% of the habitat in Louisiana, and to gather and compile data on fish and wildlife resources, determine the requirements for conserving the resources and provide information to outside entities.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$20,090	\$0	\$20,000	\$0	\$0	\$0
Total Expended for Activity from all Means of Finance:	\$2,533,803	\$2,360,193	\$2,911,510	\$2,176,907	\$2,506,481	\$0
Activity Outcomes/ Performance Information:	Percentage of satisfied clients obtained from survey - Number of oral or written technical assistances provided - Number of acres in the Deer Management Assistance Program (DMAP) and Landowner Antlerless Deer Tag Program (LADT) - Number of acres in Louisiana Waterfowl Program (LWP) - Number of new or updated Element Occurrence Records (EORs) - Number of Scenic River Permits issued with mitigation requirements - Number of written comments issued on permit notices, and projects containing mitigation recommendations					
Cost of Service Offset by Fee (if applicable):						

Name of Activity Funded:	Habitat Stewardship					
Activity Description:	Through the Habitat Stewardship activity, serves to enhance and maintain the quantity and quality of wildlife habitat which ensures that there are diverse and sustainable wildlife populations in the State of Louisiana.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$1,992	\$7,768	\$2,286	\$4,266	\$3,294	\$0
Total Expended for Activity from all Means of Finance:	\$32,059,313	\$22,466,581	\$20,255,630	\$16,177,457	\$15,452,190	\$44,257,786
Activity Outcomes/ Performance Information:	Number of users that utilize the Department's Wildlife Management Areas and Wildlife Refuges; Number of wildlife habitat management activities and Habitat Enhancement Projects under development; Acres impacted by habitat enhancement projects and habitat management activities					
Cost of Service Offset by Fee (if applicable):						

Aquatic Plant Control Fund

W27

Creation Date: July 2002

Authorization: R.S. 56:10.1; R.S. 47:462(B)(2)(c); and R.S. 30:961

Source of Funds: Monies in the fund include boat trailer registration fees, including the annual fee of \$3.25 per boat trailer registered by OMV and fees from the sale of water pursuant to R.S. 30:961.

Expenditure Usage: To fund the aquatic plant control program and to fund cooperative research and public education efforts by the Department of Wildlife and Fisheries and the LSU Agricultural Center relative to aquatic weed control and eradication.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$42,642	\$1,664	\$7,010	\$6,112	\$374,059
Revenue	\$332,631	\$404,281	\$327,068	\$765,173	\$1,384,447
Interest Earnings	\$392	\$1,065	\$1,395	\$2,774	\$8,627
Transfers	(\$1,900)	\$0	\$0	\$0	\$0
Expenditures	(\$372,101)	(\$400,000)	(\$329,361)	(\$400,000)	(\$1,395,944)
Ending Balance	\$1,664	\$7,010	\$6,112	\$374,059	\$371,189

Aquatic Plant Control Fund – R.S. 56:10.1; 39:961; 34:851.32; 47:462(B)(2)(c)

§10.1. Aquatic Plant Control Fund; creation; uses

A. There is hereby created in the state treasury the Aquatic Plant Control Fund.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay into the Aquatic Plant Control Fund an amount equal to the monies received by the state treasury pursuant to the provisions of R.S. 47:462(B)(2)(c) and R.S. 30:961(K). The monies in this fund shall be used solely as provided in Subsection C of this Section and only in the amount appropriated by the legislature. All unexpended and unencumbered monies remaining in this fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and all returns of such investment shall be deposited to the fund.

C. Subject to an annual appropriation by the legislature, the monies in the Aquatic Plant Control Fund shall be used solely by the office of fisheries, Department of Wildlife and Fisheries, to fund the aquatic plant control program and to fund cooperative research and public education efforts by the Department of Wildlife and Fisheries and the Louisiana State University Agricultural Center relative to aquatic weed control and eradication and aquatic invasive species control and eradication. An amount not to exceed fifteen percent of the annual appropriation shall be used to fund research and public education efforts relative to aquatic weed control and eradication by the Louisiana State University Agricultural Center. The funds appropriated pursuant to the provisions of this Section shall be in addition to any other amounts appropriated by the legislature.

Acts 2002, No. 77, §2, eff. July 1, 2002; Acts 2008, No. 235, §1; Acts 2014, No. 556, §2; Acts 2018, No. 698, §2.

CHAPTER 9-B. SURFACE WATER MANAGEMENT

§961. Cooperative endeavor agreements; withdrawal of surface water; intent

A. As provided by this Chapter and except as otherwise provided by law, a person or entity may enter into a cooperative endeavor agreement to withdraw running surface water as described in this Chapter. The cooperative endeavor agreement shall prohibit the resale of withdrawn running surface water for a price greater than provided for in the agreement; however, a person or entity may receive compensation for the transportation, manufacturing, or processing of withdrawn running surface water. Unless otherwise provided by law, all cooperative endeavor agreements to withdraw running surface water, and any assignment of such agreement, shall be approved by the secretary as provided in this Chapter. No provision contained in this Chapter should be construed as a requirement for any person or entity to enter into any cooperative endeavor agreement to withdraw running surface water. This Chapter shall have no effect on the rights provided for in Civil Code Articles 657 and 658 or any rights held by riparian owners in accordance with the laws of this state. It is also the intent of the legislature that should any portion of this Chapter be found to be unconstitutional that the remaining parts shall continue in force and effect.

B. No agency or subdivision of the state otherwise authorized to enter into a cooperative endeavor agreement to withdraw running surface water, or assignment of such shall do so unless the agreement is in writing, provides for fair market value to the state, is in the public interest, and is contained on a uniform form developed and prescribed by the State Mineral and Energy Board

and approved by the attorney general. Except when water is withdrawn from bodies of water managed by the Department of Wildlife and Fisheries and determined by the office of fisheries to be negatively impacted by invasive aquatic vegetation, fair market value to the state shall include but not be limited to the economic development, employment, and increased tax revenues created by the activities associated with the withdrawal of running surface water. No such cooperative endeavor agreement to withdraw running surface water shall be valid unless and until such agreement is approved by the secretary following the submission of an application for approval, which the secretary shall develop and prescribe. The secretary shall conduct the evaluation provided for in Subsection D of this Section and take action on the application within sixty days of the application being deemed complete. If the secretary denies the application, the secretary shall provide written reasons for the denial at the time of the denial.

C. Unless otherwise provided by law, the secretary is authorized to enter into any cooperative endeavor agreement to withdraw running surface water, provided that any such agreement complies with the prohibition against gratuitous donation of state property by ensuring that the state receives fair market value for any water removed, and the substance of the agreement is contained within a written cooperative endeavor agreement as provided for in Article VII, Section 14 of the Constitution of Louisiana.

D. The secretary shall evaluate each application for a cooperative endeavor agreement to withdraw running surface water and each such cooperative endeavor that he may enter to ensure that each is in the public interest. The secretary shall ensure the proposed agreement is based on best management practices and sound science, and is consistent with the required balancing of environmental and ecological impacts with the economic and social benefits found in Article IX, Section 1 of the Constitution of Louisiana. In his evaluation, the secretary shall also ensure that all cooperative endeavor agreements to withdraw running surface water, or assignments of such, adequately consider the potential and real effects of such contracted activity on the sustainability of the water body and on navigation. Any assignment of any such cooperative endeavor agreement to withdraw running surface water may be approved by the secretary in the same manner as an agreement as provided in this Section, unless otherwise provided for by law.

E.(1) A cooperative endeavor agreement to withdraw running surface water, or an assignment of such, entered into pursuant to the provisions of this Chapter shall have an initial term not to exceed two years. Existing agreements may be renewed in two-year increments.

(2) A person or entity who has entered into a cooperative endeavor agreement to withdraw running surface waters or has obtained an assignment of such, may terminate such agreement after December 31, 2022. In order to be effective, the person or entity seeking to terminate shall provide written notice by certified mail to the secretary at least thirty days prior to termination.

F. The secretary may act to protect the natural resources of the state by reducing any withdrawal of water from the running surface waters of the state otherwise agreed to be withdrawn pursuant to an agreement entered into pursuant to this Chapter, or make other conditions, including the suspension or termination of such withdrawal of water when such an action is required to protect the resource and to maintain sustainability and environmental and ecological balance. If the secretary acts to reduce or suspend the volume of water agreed to be withdrawn, he shall do so in such a manner that the total necessary reductions are proportionally borne by all users of the running surface waters, subject to this Chapter, in the area for which a reduction is required. Prior to approval, the secretary shall ensure that each contract or agreement or assignment thereof that involved the withdrawal of the running surface waters of the state provides for the secretary's authority, without liability for damages, in this regard.

G.(1) The secretary, in deciding whether to approve or require changes in an application for a cooperative endeavor agreement to withdraw running surface water, or assignment of such, shall consider the various existing and potential users of the resource and shall give appropriate consideration and priority to the following users or uses in the following order of priority:

(a) Human consumption by means of a public water system or a private water system that provides domestic potable water service.

(b) Agricultural uses that provide sustenance to animals or irrigation to plants.

(c) Any commercial purpose or other industrial or mining activity.

(2) The secretary shall also consider the impact of any proposed contract, agreement, assignment, or use on resource planning. By way of illustration but not limitation, these would include any potential project or use that impacts:

(a) Stream or water flow energy.

(b) Sediment load and distribution.

(c) Navigation.

(d) Aquatic life.

(e) Other vegetation or wildlife.

(3) The management of cooperative endeavor agreements to withdraw running surface water shall be consistent with the comprehensive master plan for coastal restoration and protection as approved by the Coastal Protection and Restoration Authority Board and the legislature.

H. Approval of an application for a cooperative endeavor agreement to withdraw running surface water or assignment of such pursuant to this Chapter does not obviate the need for other permits or authorizations required by law for any proposed activity.

I. Any cooperative endeavor agreement approved or entered into by the secretary pursuant to the Section which provides for the withdrawal of running surface water for use outside the boundaries of the state of Louisiana shall require the approval of the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources. In determining whether to approve such agreement, the committees shall consider the reasonableness of the withdrawal, whether the withdrawal is contrary to the conservation and uses of the running surface water, and whether the withdrawal is detrimental to the environment or the public welfare.

J. The state shall be reimbursed at fair market value for all use or withdrawal of running surface water from bodies of water managed by the Department of Wildlife and Fisheries and determined by the office of fisheries to be negatively impacted by invasive aquatic vegetation. Fair market value as used in this Subsection shall be at a rate of not more than fifteen cents per thousand gallons, and shall not include the economic development, employment, and increased tax revenues created by the activities associated with the withdrawal of running surface water.

K. All monies collected by the state pursuant to this Chapter as a result of the use or withdrawal of surface water shall be deposited into the Aquatic Plant Control Fund as established in R.S. 56:10.1, and shall be used for the treatment of aquatic weed, preferably on the body of water from which revenues were generated.

Acts 2010, No. 955, §1, eff. July 2, 2010; Acts 2012, No. 261, §1; Acts 2014, No. 285, §1; Acts 2014, No. 556, §1; Acts 2016, No. 248, §1; Acts 2016, No. 430, §2; Acts 2018, No. 500, §1; Acts 2020, No. 66, §1.

§851.32. Disposition of funds

A.(1) Funds accruing to the state of Louisiana from registration fees paid by owners of motorboats and sailboats shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the State General Fund, pay into the Conservation Fund of the Louisiana Wildlife and Fisheries Commission an amount equal to the total amount, less the amounts provided in Paragraph (2) of this Subsection, of the sums recovered as fees for motorboat and sailboat registrations in R.S. 34:851.20 and 851.23 for the purpose of administering and enforcing the provisions of this Part or for such other purposes as may be determined by said commission.

(2) The treasurer shall pay an amount equal to nine dollars of every fee collected for registering a motorboat and sailboat pursuant to R.S. 34:851.20(A)(1)(d) into the Aquatic Plant Control Fund created by R.S. 56:10.1.

B. The revenues derived from the registration fees paid into the Conservation Fund pursuant to Subsection A of this Section shall be made available for the purpose of providing the necessary additional funds for the administration and enforcement of the provisions of this Part or for such other purposes as may be determined by the Louisiana Wildlife and Fisheries Commission.

C. Funds accruing to the state of Louisiana from the fees paid for the registration of houseboats shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay into the Derelict Houseboat Fund Account an amount equal to the total amount of the sums recovered as fees for houseboat registrations in R.S. 34:851.20.

Acts 1984, No. 288, §1; Acts 2018, No. 628, §1; Acts 2018, No. 698, §1; Acts 2019, No. 139, §1.

47:462(B)(2)(c) For each boat trailer registered under the provisions of this Paragraph, there shall be collected by the commissioner or through such agency as he may designate an additional annual registration or license tax of three dollars and twenty-five cents. The additional registration or license tax shall be paid every four years in the amount of thirteen dollars. The proceeds of the tax levied by this Subparagraph shall be deposited into the Aquatic Plant Control Fund created by R.S. 56:10.1. The provisions of Subparagraph (b) of this Paragraph apply to the tax levied by this Subparagraph.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Aquatic Plant Control Fund

Agency Name: Office of Fisheries

Point of Contact: Bryan McClinton POC Phone: 225-765-5021

POC Email: bmccclinton@wlf.la.gov Date: 10/22/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$333,023	\$405,346	\$328,463	\$767,947	\$1,393,074	
Revenue Description:	Additional annual fee of \$3.25 per boat trailer registered by OMV; fair market value of withdrawal of running surface water from bodies of water managed by LDWF and determined by the Office of Fisheries to be negatively impacted by invasive aquatic vegetation.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$372,101	\$400,000	\$329,361	\$400,000	\$1,395,944	\$1,400,000

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Extension					
Activity Description:	Extension of the Department of Wildlife and Fisheries Office of Fisheries (LDWF/OF) accomplishes its objective by providing and maintaining artificial reefs, responding to threats from invasive species, managing public access sites and engaging and supporting the resource's beneficiaries. This program is responsible for public accessibility to the fisheries resources of the State and the outreach to promote and educate the public on the opportunities available.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$372,101	\$400,000	\$329,361	\$400,000	\$1,395,944	\$1,400,000
Total Expended for Activity from all Means of Finance:	\$11,754,239	\$10,106,063	\$9,945,563	\$10,196,750	\$16,267,250	\$11,951,135
Activity Outcomes/ Performance Information:	Number of acres treated to control undesirable aquatic vegetation; Percentage of state mandated stock assessments completed annually					
Cost of Service Offset by Fee (if applicable):						

Fisherman's Gear Compensation Fund

N04

Creation Date: September 1979

Authorization: R.S. 56:700.2; R.S. 56:700.4; R.S. 56:700.2(A)(4)

Source of Funds: Revenues are derived from the levy of a fee upon each lessee of a state mineral lease and each grantee of a state right-of-way.

Expenditure Usage: The fund shall be available to the Secretary of the Department of Natural Resources for administrative expenses and damage claims by commercial fishermen to gear as a result of hitting or snagging an obstruction or hazard in the waters of the state.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$691,689	\$88,329	\$1,668,662	\$1,207,028	\$469,088
Revenue	\$226,028	\$2,267,625	\$254,000	\$6,000	\$2,013,000
Transfers	(\$281,641)	(\$260,235)	(\$250,000)	(\$250,000)	(\$250,000)
Expenditures	(\$547,747)	(\$427,057)	(\$465,634)	(\$493,940)	(\$493,921)
Ending Balance	\$88,329	\$1,668,662	\$1,207,028	\$469,088	\$1,738,167

Fisherman's Gear Compensation Fund – R.S. 56:700.1; 56:700.2; 56:700.3

PART XIV. FISHERMEN'S GEAR COMPENSATION FUND

§700.1. Definitions

As used in this Part, unless the context requires otherwise, the following terms shall have the following meanings:

(1) "Commercial fisherman" means any citizen of the state of Louisiana whose primary source of earnings is from the harvesting of living marine resources for commercial purposes. "Earnings" means the earnings derived solely by the personal efforts of the commercial fisherman, exclusive of the income of a spouse or of any community property interest in the income of a spouse.

(2) "Fishing gear" means (a) any vessel and (b) any equipment, whether or not attached to a vessel, which is used in the commercial handling or harvesting of living marine resources.

(3) "Secretary" means the secretary of the Department of Natural Resources or his designee.

(4) "Department" means the Department of Natural Resources.

(5) "Fund" means Fishermen's Gear Compensation Fund.

Added by Acts 1979, No. 673, §1. Acts 1983, No. 705, §6, eff. Sept. 1, 1983; Acts 1997, No. 801, §1, eff. July 10, 1997.

NOTE: See R.S. 56:700.6 regarding the termination of Part after June 30, 2022.

§700.2. Establishment, continuance, and purposes of fund; geographical coverage; assessments

A. There is hereby established in the state treasury a Fishermen's Gear Compensation Fund into which amounts paid pursuant to this Section shall be deposited. The fund shall be available to the secretary only for the following purposes:

(1) Administrative and personnel expenses of the fund.

(2) Payment of any fully justified claim made in accordance with procedures established herein for actual damages suffered by a commercial fisherman as a result of hitting or snagging an obstruction or hazard in the waters of the state resulting from natural occurrences, oil and gas activities, or other activities where the owner of said obstruction is unknown.

(3) Expenses necessary to implement an investigatory survey of existing potential underwater obstructions which might be due to past drilling, production, and transportation activities. Such survey shall be conducted in not more than three geographical areas which are known to be hazardous as a result of underwater obstructions, the locations and sizes of which shall be approved by the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment, meeting jointly, following a consensus of opinion relative thereto rendered by commercial fishermen and the secretary. The purpose of the survey shall be to reveal the location, size, and density of underwater obstructions, as well as to test investigatory procedures, so as to provide field data and information which might aid fishermen directly and which shall be used to design a program more responsive to the needs of fishermen. Withdrawals from the fund for the purposes of surveying shall be limited to the one-time application described in this Paragraph and shall not exceed one-fourth of the monies remaining in the fund at the time that this Paragraph becomes effective.

(4) On July 1, 2014, and on each July first thereafter and ending on June 30, 2022, the state treasurer shall annually deposit the amount of two hundred fifty thousand dollars into the

Underwater Obstruction Removal Fund as provided in R.S. 30:101.9. The department shall seek to match these funds with whatever federal or state funds may be available for such purposes.

B. The Fishermen's Gear Compensation Fund shall be established for Louisiana territorial waters which overlie state-owned waterbottoms which are contained within the coastal zone boundaries as described and established by R.S. 49:213.4.

C.(1) The fund shall be established within sixty days of the effective date of this Part, at a level sufficient to meet administrative and personnel expenses of the fund, including implementation of responsibilities set forth in R.S. 56:700.5, as well as payment of justified claims made pursuant to this Part.

(2)(a) To create a workable balance immediately upon establishment of the fund, the secretary shall be authorized and empowered to levy a fee upon each lessee of a state mineral lease and each grantee of a state right of way, for each lease and right of way in effect at the time of the effective date of this Part and which are located within the coastal zone boundary, in an amount of three hundred dollars. The secretary shall not be authorized and empowered to levy the fee upon a political subdivision of the state.

(b) The state treasurer shall be authorized to pay into the fund a sum in the amount of one hundred thousand dollars from proceeds remaining in the Bond Security and Redemption Fund after compliance with dedications of mineral royalties, leases, bonuses, and rights of way and other sums payable to the state as lessor of mineral leases and grantor of rights of way as required pursuant to R.S. 30:136(B) and 136.1(A), (B), and (C), after a sufficient amount has been allocated from the Bond Security and Redemption Fund to pay all obligations secured by the full faith and credit of the state which become due and payable within the fiscal year.

D. In the same fiscal year during which the fund is established, and in each fiscal year subsequent to that in which the fund is established, at any time that the balance of the fund becomes two hundred fifty thousand dollars or less and the secretary determines that additional monies are required to pay justified claims and to cover necessary administrative costs of the program, the secretary shall be authorized and empowered to replenish the fund by levying additional fees on each lessee of a state mineral lease and each grantee of a state right of way, for each lease or right of way in effect at the time of establishing the fee rate and which are located within the coastal zone boundary. However, fees levied upon leases and rights of way as provided herein shall be made on a per-unit basis at a level not to exceed one thousand dollars per lease or right of way during any fiscal year.

Added by Acts 1979, No. 673, §1. Amended by Acts 1981, No. 477, §1. Acts 1983, No. 705, §6, eff. Sept. 1, 1983; Acts 1991, No. 337, §1; Acts 1999, No. 599, §2, eff. July 1, 1999; Acts 2001, No. 705, §1, eff. July 1, 2001; Acts 2003, No. 830, §1, eff. July 1, 2003; Acts 2007, No. 167, §1, eff. June 29, 2007; Acts 2008, No. 580, §7; Acts 2012, No. 70, §1, eff. May 11, 2012; Acts 2014, No. 755, §1, eff. July 1, 2014; Acts 2018, No. 190, §1, eff. May 15, 2018.

NOTE: See R.S. 56:700.6 regarding the termination of Part after June 30, 2022.

§700.3. Rules and regulations

A. In carrying out this Part, the secretary shall prescribe, and from time to time amend, regulations for the filing, processing, and the fair and expeditious settlement of claims pursuant to this Part, including a time limitation on the filing of such claims and the appointment of hearing examiner. These regulations shall insure that the whole claim procedure is as simple as possible. Any designee of the secretary authorized to prescribe and amend such rules and regulations shall do so under the overall supervision and control of the secretary.

B. In the formulation of regulations pursuant to this Part, the secretary shall establish a procedure whereby a fisherman may recover for damages from an obstruction encountered previously.

C. Any rule, regulation, or guideline shall be proposed or adopted pursuant to the rulemaking procedures set forth in the Administrative Procedure Act and shall be subject to approval by the House Committee on Natural Resources and Environment and Senate Committee on Natural Resources. Such approval shall be presumed unless either committee submits objections in writing within fifteen days after receipt of the proposed rule, regulation, or guideline, provided that such written objections shall be subject to override by the governor within five days after receipt of the objections by the governor.

D. The department shall promulgate regulations implementing the Fishermen's Gear Compensation Fund on or before October 1, 1980. The department shall hold not less than three public hearings for the purpose of receiving public input on the development of the regulations.

Added by Acts 1979, No. 673, §1. Acts 1983, No. 705, §6, eff. Sept. 1, 1983; Acts 2008, No. 580, §7.

NOTE: See R.S. 56:700.6 regarding the termination of Part after June 30, 2022.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Fisherman's Gear Compensation Fund

Agency Name: Department of Natural Resources

Point of Contact: Benjamin Spears POC Phone: 225-342-9161

POC Email: Benjamin.Spears2@la.gov Date: 10/2/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$226,028	\$2,267,625	\$254,000	\$6,000	\$2,013,000	
Revenue Description:						

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$547,747	\$427,057	\$465,634	\$493,940	\$493,921	\$632,000

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Fisherman's Gear Compensation Program					
Activity Description:	This fund is used to compensate qualified commercial fisherman claims for losses to equipment and vessels resulting from hitting or snagging underwater obstructions in the waters of the Louisiana Coastal Zone.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$547,747	\$427,057	\$465,634	\$493,940	\$493,921	\$632,000
Total Expended for Activity from all Means of Finance:	\$547,747	\$427,057	\$465,634	\$493,940	\$493,921	\$632,000
Activity Outcomes/ Performance Information:	Objective: To maintain a process to assure that 100% of all Fish gear claims are paid within 90 days of receipt Indicators: percentage of claims paid within 90 days, number of claims paid, and number of claims denied.					
Cost of Service Offset by Fee (if applicable):						

Underwater Obstruction Removal Fund

N08

Creation Date: August 1997

Authorization: R.S. 30:101.9; R.S. 56:700.2; R.S. 56:700.2(A)(4)

Source of Funds: The only recurring source is \$250,000 transferred annually from the Fisherman's Gear Compensation Fund in accordance with R.S. 56:700.2(A)(4). This recurring revenue source ends on June 30, 2022.

Expenditure Usage: To provide for the proper and timely identification, inventory, and removal of underwater obstructions which are a hazard to navigation and commercial fishing in the state, to be administered by the assistant secretary of the Office of Conservation within the Department of Natural Resources.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$222,869	\$164,352	\$177,218	\$155,313	\$159,125
Revenue	\$0	\$0	\$0	\$0	\$0
Interest Earnings	\$326	\$930	\$2,532	\$3,812	\$2,085
Transfers	\$72,737	\$231,864	\$250,000	\$250,000	\$250,000
Expenditures	(\$131,580)	(\$219,928)	(\$274,437)	(\$250,000)	\$0
Ending Balance	\$164,352	\$177,218	\$155,313	\$159,125	\$411,210

Underwater Obstruction Removal Fund – R.S. 30:101.9

§101.9. Underwater Obstruction Removal Fund

A. There is hereby established a fund in the custody of the state treasurer to be known as the Underwater Obstruction Removal Fund into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the monies enumerated in Subsection C of this Section, after those revenues have been deposited in the Bond Security and Redemption Fund. 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 Underwater Obstruction Removal Trust Fund an amount equal to the revenues generated as provided for in Subsection C of this Section. 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.

B. The funds received shall be placed in the special trust fund in the custody of the state treasurer to be used only in accordance with this Part and shall not be placed in the general fund. The funds shall only be used for the purposes set forth in this Part and for no other governmental purposes, nor shall any portion hereof ever be available to borrow from by any branch of government. It is the intent of the legislature that this fund shall remain intact and inviolate. Any interest or earnings of the fund shall be credited only to the fund.

C. The following monies shall be placed into the Underwater Obstruction Removal Fund:

(1) Private contributions.

(2) Interest earned on the funds deposited in the fund.

(3) Any grants, donations, and sums allocated from any source, public or private, for the purposes of this Part.

(4) Any monies deposited into the fund pursuant to R.S. 56:700.2(A)(4).

D. The monies in the fund may be disbursed and expended pursuant to the authority and direction of the assistant secretary for the following purposes and uses:

(1) Any underwater obstruction identification, inventory, or removal conducted by the office of conservation pursuant to this Part.

(2) The administration of this Part by the office of conservation in an amount not to exceed two hundred thousand dollars in any fiscal year.

(3) The payment of fees and costs associated with the administration of the fund and any contract with a private legal entity pursuant to this Section.

(4) Any other expenditures determined necessary by the secretary to meet the purposes of this Part.

Acts 1997, No. 666, §2; Acts 1999, No. 599, §1, eff. July 1, 1999.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2021 Fund Review - Agency Submission

Fund Name: Underwater Obstruction Removal Fund

Agency Name: Department of Natural Resources

Point of Contact: Benjamin Spears POC Phone: 225-342-9161

POC Email: Benjamin.Spears2@la.gov Date: 10/2/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$250,326	\$250,930	\$252,532	\$253,812	\$252,085	
Revenue Description:						

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$131,580	\$219,928	\$274,437	\$250,000	\$0	\$350,000

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Underwater Obstruction Removal Program					
Activity Description:	This Program is to verify and remove underwater obstructions which pose an impediment to normal navigation and commercial fishing in navigable State waters.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$131,580	\$219,928	\$274,437	\$250,000	\$0	\$350,000
Total Expended for Activity from all Means of Finance:	\$131,580	\$219,928	\$274,437	\$250,000	\$0	\$350,000

Activity Outcomes/ Performance Information:	This program is to ensure that the state's waterbottoms are as free of obstructions to public safety and navigation as possible by removing underwater obstructions. This fund is used in conjunction with the Oilfield Site Restoration Fund for removal for underwater obstructions related to the Oilfield Site Restoration (OSR) Program.
Cost of Service Offset by Fee (if applicable):	

Oil and Gas Regulatory Fund

N09

Creation Date: July 1997
Authorization: R.S. 30:21; R.S. 30:706; R.S. 30:560-561
Source of Funds: Application, regulatory and production fees
Expenditure Usage: For the regulation of the oil and gas industry.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$726,448	\$845,321	\$2,101,667	\$2,780,190	\$2,808,058
Revenue	\$12,181,255	\$13,931,969	\$14,211,365	\$14,142,355	\$14,030,712
Interest Earnings	\$1,469	\$6,625	\$33,706	\$53,044	\$25,500
Transfers	(\$40,821)	\$232,993	\$707,278	\$958,905	\$1,418,007
Expenditures	(\$12,013,550)	(\$12,915,242)	(\$14,273,825)	(\$15,126,436)	(\$15,478,148)
Ending Balance	\$854,800	\$2,101,667	\$2,780,190	\$2,808,058	\$2,804,129

Oil and Gas Regulatory Fund – CONST 7:10.16; R.S. 30:21; 30:136.1; 30:561; 30:707; 39:100.116; 40:1749.27

§10.16. Dedications of Mineral Revenues

Section 10.16.(A) All mineral revenues as defined in Paragraph (D) of this Section received in each fiscal year by the state as a result of the production of or exploration for minerals, hereinafter referred to as "mineral revenues", shall be allocated as provided in this Section after the following allocations and deposits of mineral revenues have been made:

(1) To the Bond Security and Redemption Fund as provided in Article VII, Section 9 (B) of this constitution.

(2) To the political subdivisions of the state as provided in Article VII, Sections 4 (D) and (E) of this constitution.

(3) To the Louisiana Wildlife and Fisheries Conservation Fund as provided by the requirements of Article VII, Section 10-A of this constitution and as provided by law.

(4) To the Louisiana Wildlife and Fisheries Conservation Fund and the Oil and Gas Regulatory Fund as provided by law.

(5) To the Rockefeller Wildlife Refuge and Game Preserve Fund as provided by law.

(6) To the Marsh Island Operating Fund and the Russell Sage or Marsh Island Refuge Fund as provided by law.

(7) To the MC Davis Conservation Fund as provided by law.

(8) To the White Lake Property Fund as provided by law.

(9) To the Louisiana Education Quality Trust Fund and Louisiana Quality Education Support Fund as provided in Article VII, Section 10.1 of this constitution.

(10) To the Coastal Protection and Restoration Fund as provided in Article VII, Section 10.2 of this constitution and as provided by law.

(11) To the Mineral Revenue and Audit Settlement Fund as provided in Article VII, Section 10.5 of this constitution and as provided by law.

(12) To the Budget Stabilization Fund as provided in Article VII, Section 10.3 of this constitution and as provided by law.

(13) An amount equal to the state general fund deposited into the Transportation Trust Fund and the Louisiana State Transportation Infrastructure Fund as provided by law.

(B) Allocation of Mineral Revenues. After the allocations and deposits provided in Paragraph (A) of this Section, the mineral revenues received in each year in excess of six hundred sixty million dollars and less than nine hundred fifty million dollars shall be allocated as follows:

(1) Thirty percent shall be appropriated to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana for application to the balance of the unfunded accrued liability of such systems existing as of June 30, 1988, in proportion to the balance of such unfunded accrued liability of each such system, until such unfunded accrued liability has been eliminated. Any such payments to the public retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems.

(2) The remainder shall be deposited into the Revenue Stabilization Trust Fund.

(C) Mineral revenues in excess of the base which would otherwise be deposited into the Budget Stabilization Fund under Subparagraph (A)(2) of Section 10.3 of this constitution, but are prohibited from being deposited into the fund under Subparagraph (C)(4) of Section 10.3 of this constitution, shall be distributed as follows:

(1) Thirty percent shall be appropriated to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana for application to the balance of the unfunded accrued liability of such systems existing as of June 30, 1988, in proportion to the balance of such unfunded accrued liability of each such system, until such unfunded accrued liability has been eliminated. Any such payments to the public retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems.

(2) The remainder shall be deposited into the Revenue Stabilization Trust Fund.

(D) For purposes of this Section, "mineral revenues" shall include severance taxes, royalty payments, bonus payments, or rentals, with the following exceptions:

(1) Revenues designated as nonrecurring, pursuant to Article VII, Section 10(B) of this constitution.

(2) Revenues received by the state as a result of grants or donations when the terms or conditions thereof require otherwise.

(3) Revenues derived from any tax on the transportation of minerals.

Acts 2016, No. 679, approved Nov. 8, 2016, eff. Dec. 13, 2016.

§21. Fees and charges of the commissioner of conservation; revisions; exceptions; collections; Oil and Gas Regulatory Fund; creation; amounts; requirements

A. The commissioner of conservation of the office of conservation shall periodically review the fees collected by his office, and, in addition to other statutory authorization, may revise such fees pursuant to the rulemaking provisions of the Administrative Procedure Act.

B.(1)(a) There shall be an annual fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, by oil and gas operators on capable oil wells and capable gas wells based on a tiered system to establish parity on a dollar amount between the wells. The tiered system shall be established annually by rule on capable oil and capable gas production, including nonexempt wells reporting zero production during the annual base period, such that the amount generated does not exceed three million six hundred seventy-five thousand dollars for each fiscal year beginning with Fiscal Year 2015-2016. Incapable oil, stripper oil, incapable gas well gas, and incapable oil well gas shall be exempt from the fee. For the purposes of this Subsection, "capable oil" means crude oil and condensate not classified as incapable oil or stripper oil by the Department of Revenue. "Capable gas" means natural and casing head gas not classified as incapable gas well gas or incapable oil well gas by the Department of Revenue.

(b) There shall be an annual fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, on Class I wells in an amount not to exceed one million dollars for Fiscal Year 2015-2016 and thereafter.

(c) There shall be an annual regulatory fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, on Class II wells, Class III wells, storage wells, Type A facilities, and Type B facilities in an amount not to exceed two million one hundred eighty-seven thousand five hundred dollars for Fiscal Year 2015-2016 and thereafter. No fee shall be imposed on a Class II well of an operator who is also an operator of a stripper crude oil well or incapable gas well certified pursuant to R.S. 47:633 by the severance tax division of the Department of Revenue and located in the same field as such Class II well.

(d) There shall be an application fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, by industries under the jurisdiction of the office of conservation. In addition to any other fee that is on the schedule on July 1, 2015, the commissioner may collect the following fees:

(i)	Application for alternate unit well, exception to 29-E, exception to 29-B, severance tax relief, downhole combinations, well product reclassification, selective completion, pilot projects, waiver of production test, or critical date order	\$ 504
(ii)	Application for work permit - minerals	\$ 75
(iii)	Application to amend permit to drill - minerals (lease unit well, stripper, incapable, other)	\$ 50
(iv)	Operator registration	\$ 105
(v)	Annual compliance review fee - class III solution mining cavern	\$ 2,000
(vi)	Annual compliance review fee - class II hydrocarbon storage and exploration and production waste cavern	\$ 2,000
(vii)	Class II carbon dioxide enhanced recovery project	\$ 5,000
(viii)	Community saltwater disposal system initial notification	\$ 125
(ix)	Application for work permit - injection or other	\$ 125
(x)	Work permit to plug and abandon a well utilized for naturally occurring radioactive waste disposal	\$ 500
(xi)	Requests to modify well permit	\$ 300
(xii)	Class V permit waiver or exemption request	\$ 250
(xiii)	Witnessed verification of mechanical integrity tests	\$ 250
(xiv)	Repealed by Acts 2016, No. 277, §2.	
(xv)	Request to transport exploration and production waste to commercial facilities or transfer stations	\$ 150
(xvi)	Repealed by Acts 2016, No. 277, §2.	
(xvii)	Exploration and production waste determination	\$ 300
(xviii)	Repealed by Acts 2016, No. 277, §2.	
(xix)	Commercial facility application exclusive of an associated well	\$ 3,000
(xx)	Repealed by Acts 2016, No. 277, §2.	
(xxi)	Repealed by Acts 2016, No. 277, §2.	
(xxii)	Reuse material applications not associated with a commercial facility	\$ 400

(e) For the purposes of this Paragraph, exploration and production waste shall not include produced brine, produced water, or salvageable hydrocarbons bound for permitted salvage oil operators. There shall be a monthly fee payable to the office of conservation of two cents per barrel of exploration and production waste delivered, as reported on a form prescribed by the department

to collect commercial facilities monthly report of waste receipts, from the original generator of the waste to the following facilities:

- (i) Office of conservation permitted off-site commercial facilities.
- (ii) Transfer stations permitted by the office of conservation for waste transfer to out-of-state treatment or disposal facilities.
- (iii) Any other legally permitted Louisiana off-site waste storage, treatment, or disposal facilities also approved by the office of conservation for the receipt of exploration and production waste.

(2)(a) There is hereby established a special fund in the state treasury to be known as the Oil and Gas Regulatory Fund, hereafter referred to as the "fund". After deposit in the Bond Security and Redemption Fund and 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 fund an amount equal to the monies generated from collection of the fees provided for in this Title, R.S. 40:1749.11 et seq., or Title 47 of the Louisiana Revised Statutes of 1950, the rules and regulations promulgated thereunder, any fines and civil penalties or any other provision of law relative to fees, fines, or civil penalties attributable to the office of conservation, and fifty percent of any annual assessment paid by an operator who chooses not to plug a well classified as inactive with the remainder being deposited into the Oilfield Site Restoration Fund.

(b) The monies credited to the fund shall be appropriated by the legislature and dedicated solely to the use of the office of conservation for the regulation of the oil and gas industry and other industries under the jurisdiction of the office of conservation and shall be used solely for the purposes of that program. Any monies remaining in the fund at the end of any fiscal year shall remain with the fund and shall not revert to the state general fund. All interest or earnings of the fund shall be credited to the fund. All fees and self-generated revenue remaining on deposit for the office of conservation at the end of any fiscal year shall be deposited into the fund. The amount appropriated from the fund to the office of conservation shall be subject to appropriation by the legislature.

(c) The provisions of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 shall apply to the administration, collection, and enforcement of the fees imposed in this Section, and the penalties provided by that Subtitle shall apply to the person who fails to pay or report the fee. Proceeds from the fee, including any penalties collected in connection with the fee, shall be deposited into the fund.

C. Nothing contained herein shall authorize the charging of inspection fees for shut-in oil wells or temporarily abandoned oil wells in stripper fields.

Acts 1989, No. 227, §1, eff. June 26, 1989; Acts 1991, No. 778, §1, eff. July 1, 1991; Acts 1991, No. 811, §1; Acts 1997, No. 826, §1, eff. July 1, 1997; Acts 1998, 1st Ex. Sess., No. 47, §1, eff. April 24, 1998; Acts 2000, 1st Ex. Sess., No. 88, §1; Acts 2001, No. 260, §1; Acts 2002, 1st Ex. Sess., No. 97, §1, eff. July 1, 2002; Acts 2002, 1st Ex. Sess., No. 105, §1; Acts 2015, No. 362, §1; Acts 2016, No. 277, §§1, 2; Acts 2016, No. 582, §1, eff. June 17, 2016; Acts 2017, No. 218, §1, eff. June 14, 2017.

§136.1. Proceeds from mineral royalties, leases, and bonuses; payment into the Bond Security and Redemption Fund; payment into the Louisiana Investment Fund for Enhancement (L.I.F.E.)

A. The proceeds of all royalties from all mineral leases to be granted, as well as all mineral leases heretofore granted, by the state of Louisiana on state-owned land, lake and river beds, and other water bottoms belonging to the state remaining after complying with dedication of such revenues heretofore made and after deductions of any appropriations of such revenues made by law for the payment of the expenses of the State Mineral and Energy Board, shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund.

B. The proceeds of all leases and bonuses, including annual delay rentals under said leases to be granted as well as all proceeds from mineral leases and delay rentals thereunder heretofore granted, by the state of Louisiana on state-owned land, lake and river beds, and other water bottoms belonging to the state remaining after complying with dedications of such revenues heretofore made and after deduction of any appropriations of such revenues made by law for the payment of the expenses of the State Mineral and Energy Board, shall be paid into the state treasury for credit to the Bond Security and Redemption Fund.

C. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, in each fiscal year, shall pay into the Louisiana Investment Fund for Enhancement that amount required to be deposited therein by R.S. 30:301 et seq.

D. After deposit to the Bond Security and Redemption Fund as required under the provisions of Article VII, Section 9(B) of the Constitution of Louisiana, an additional fifteen dollars per acre shall be collected from the mineral lessees and deposited into the Louisiana Wildlife and Fisheries Conservation Fund, and an additional fifteen dollars per acre shall be collected from the mineral lessees and deposited into the Oil and Gas Regulatory Fund created by R.S. 30:21. The funds deposited under the provisions of this Subsection shall be used to supplement funds available to the recipient agencies and shall not be used to supplant other funds available to those recipient agencies.

Added by Acts 1975, No. 511, §1. Amended by Acts 1976, No. 244, §1, eff. July 1, 1977; Acts 1979, No. 454, §1; Acts 1979, No. 577, §2; Acts 1979, No. 791, §2, eff. July 18, 1979; Acts 1981, Ex.Sess., No. 41, §1, eff. Nov. 23, 1981; Acts 1986, 1st Ex. Sess., No. 25, §1, eff. Dec. 24, 1986; Acts 1992, No. 984, §§9, 18; Acts 2000, 2d Ex. Sess., No. 8, §1; Acts 2005, No. 89, §1; Acts 2009, No. 196, §2, eff. July 1, 2009; Acts 2015, No. 362, §1.

§561. Collection of inspection fees

A. The annual fees imposed by R.S. 30:560 shall be paid to the office of conservation no later than January fifteenth of each year on forms to be prescribed by the commissioner of conservation.

B. If any person fails to pay the fees imposed by R.S. 30:560, the commissioner of conservation may proceed to enforce the collection thereof by utilizing the remedies and procedures set forth in Chapter 1 of this Subtitle, specifically including any authority to obtain and audit information and authority to impose interest and penalties.

C. All money received or collected by the commissioner of conservation under R.S. 30:560 and this Section shall be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Fund.

Acts 1985, No. 250, §2, eff. July 6, 1985; Acts 1992, No. 984, §9; Acts 1997, No. 658, §2; Acts 2003, No. 879, §1, eff. July 1, 2003.

§707. Collection of fees

A. The annual fees imposed by R.S. 30:706 shall be paid to the office of conservation no later than January fifteenth of each year on forms to be prescribed by the commissioner of conservation. If any person fails to pay the fees imposed by this Part, the commissioner of conservation may proceed to enforce the collection thereof by utilizing the remedies and procedures set forth in Chapter 1 of this Title, specifically including any authority to obtain and audit information and authority to impose interest and penalties.

B. All money received or collected by the commissioner of conservation under R.S. 30:706 and this Section shall be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Fund.

Acts 1987, No. 794, §1; Acts 1992, No. 984, §9; Acts 1997, No. 658, §2; Acts 2003, No. 711, §1, eff. June 27, 2003.

SUBPART P-5. DEDICATION OF MINERAL REVENUES

§100.116. Dedication of mineral revenues

A. All mineral revenues as defined in Subsection D of this Section received in each fiscal year by the state as a result of the production of or exploration for minerals, hereinafter referred to as mineral revenues, shall be allocated as provided in this Section after the following allocations and deposits of mineral revenues have been made:

(1) To the Bond Security and Redemption Fund as provided by Article VII, Section 9(B) of the Constitution of Louisiana.

(2) To the political subdivisions of the state as provided in Article VII, Sections 4(D) and (E) of the Constitution of Louisiana.

(3) To the Louisiana Wildlife and Fisheries Conservation Fund as provided by the requirements of Article VII, Section 10-A of the Constitution of Louisiana and R.S. 47:324, R.S. 56:799, and 799.3.

(4) To the Louisiana Wildlife and Fisheries Conservation Fund and the Oil and Gas Regulatory Fund as provided in R.S. 30:136.1(D).

(5) To the Rockefeller Wildlife Refuge and Game Preserve Fund as provided in R.S. 56:797.

(6) To the Marsh Island Operating Fund and the Russell Sage or Marsh Island Refuge Fund as provided in R.S. 56:798.

(7) To the MC Davis Conservation Fund as provided in R.S. 56:799.

(8) To the White Lake Property Fund as provided in R.S. 56:799.3.

(9) To the Louisiana Education Quality Trust Fund and Louisiana Quality Education Support Fund as provided in Article VII, Section 10.1 of the Constitution of Louisiana.

(10) To the Coastal Protection and Restoration Fund as provided in Article VII, Section 10.2 of the Constitution of Louisiana and R.S. 49:214.5.4.

(11) To the Mineral Revenue Audit and Settlement Fund as provided in Article VII, Section 10.5 of the Constitution of Louisiana and R.S. 39:97.

(12) To the Budget Stabilization Fund as provided in Article VII, Section 10.3 of the Constitution of Louisiana and R.S. 39:94.

(13) An amount equal to the state general fund deposited into the Transportation Trust Fund as provided in R.S. 48:77.

B. After the allocations and deposits provided in Subsection A of this Section, the mineral revenues received in each year in excess of six hundred sixty million dollars and less than nine hundred fifty million dollars shall be allocated as follows:

(1) Thirty percent shall be appropriated to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana for application to the balance of the unfunded accrued liability of such systems existing as of June 30, 1988, in proportion to the balance of such unfunded accrued liability of each such system, until such unfunded accrued liability has been eliminated. Any such payments to the public retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems.

(2) The remainder shall be deposited into the Revenue Stabilization Trust Fund.

NOTE: Subsection (C)(intro. para.) eff. until ratification of the const. amend. proposed by Acts 2020, No. 367.

C. Mineral revenues in excess of the base which would otherwise be deposited into the Budget Stabilization Fund under R.S. 39:94(A)(2), but are prohibited from being deposited into the fund under R.S. 39:94(C)(4), shall be distributed as follows:

NOTE: Subsection (C)(intro. para.) eff. upon ratification of the const. amend. proposed by Acts 2020, No. 367.

C. Mineral revenues in excess of the base which would otherwise be deposited into the Budget Stabilization Fund under R.S. 39:94(A)(2), but are prohibited from being deposited into the fund under R.S. 39:94(C)(5), shall be distributed as follows:

(1) Thirty percent shall be appropriated to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana for application to the balance of the unfunded accrued liability of such systems existing as of June 30, 1988, in proportion to the balance of such unfunded accrued liability of each such system, until such unfunded accrued liability has been eliminated. Any such payments to the public retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems.

(2) The remainder shall be deposited into the Revenue Stabilization Trust Fund.

D. For purposes of this Section, "mineral revenues" shall include severance taxes, royalty payments, bonus payments, or rentals, with the following exceptions:

(1) Revenues designated as nonrecurring, pursuant to Article VII, Section 10(B) of the Constitution of Louisiana.

(2) Revenues received by the state as a result of grants or donations when the terms or conditions thereof require otherwise.

(3) Revenues derived from any tax on the transportation of minerals.

Acts 2016, No. 639, §1, special eff. date; Acts 2019, No. 434, §5(B), eff. June 30, 2019; Acts 2020, No. 182, §1.

§1749.27. Enforcement for the prevention of damage to pipelines; authority of the commissioner; administration; violations; penalties; disposition of monies

A.(1) Notwithstanding the provisions of R.S. 40:1749.23, the commissioner shall have exclusive authority to enforce the provisions of this Part as it applies to the prevention of damage to pipelines.

(2) The provisions of this Section shall not be construed in any manner to limit or otherwise restrict either of the following:

(a) The general powers of the commissioner as authorized by Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950.

(b) The authority of the Department of Public Safety and Corrections as established pursuant to the Hazardous Materials Information Development, Preparedness, and Response Act, R.S. 30:2361 et seq. or the Hazardous Materials Transportation and Motor Carrier Safety Act, R.S. 32:1501 et seq.

B. For the prevention of damage to pipelines, the powers of the commissioner shall include but are not limited to the following:

(1) Monitoring any excavation or demolition, including requests for the excavator or demolisher to provide the locate request number issued by a regional notification center.

(2) Issuing citations or ordering other penalties or remedies.

(3) Seeking restraining orders, injunctions, or any other available civil remedies.

(4) Utilizing any other enforcement powers that may be provided by law.

C. The commissioner or his designee shall promulgate rules and regulations in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950

et seq., for the necessary and proper implementation and administration of the provisions of this Part, including the implementation of a procedure to report and investigate any reasonable complaint regarding a violation of this Part. The procedure shall include all of the following:

(1) Establishing a centralized complaint reporting point using a toll-free phone number that is available to contractors, excavators, pipeline owners or operators, and the general public. The centralized complaint reporting system shall neither be combined with nor in conflict with the Hazardous Incidents Tracking System hazardous material hotline.

(2) Establishing a uniform complaint form to record the complainant's name and identifying information, the nature and details of the complaint, the geographic location of the complaint, any information about parties involved in the complaint or incident, the date and time of the complaint, the date and time of the complaint report, and whether any collateral damage or off-site impact incurred, including information about the impact or damage. The uniform complaint form shall neither replace nor conflict with the uniform complaint form provided for in R.S. 40:1749.23(D).

(3) Investigating the validity of any complaint using any relevant information, including but not limited to any information provided by excavators, pipeline owners or operators, or a regional notification center with jurisdiction in the reported geographic area.

(4) Obtaining all information needed to issue a citation, order any other appropriate remedy, or otherwise adjudicate any complaint determined to be valid.

D.(1)(a) The commissioner shall adjudicate all violations involving the prevention of damage to pipelines and assess civil penalties or other civil remedies for those violations of this Part.

(b) All civil penalties or other civil remedies assessed by the commissioner pursuant to this Part shall be assessed in the same manner as prescribed by R.S. 30:544, including consideration of all of the following factors:

(i) The nature, circumstances, and gravity of the relevant violation.

(ii) The degree of culpability, history of prior violations, the effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and

such other matters as justice requires with respect to the person found to have committed the violation.

(c) Damage prevention education shall be a component of each penalty or remedy imposed by the commissioner.

(2) All monies received or collected by the commissioner pursuant to his enforcement of the provisions of this Part as they apply to the prevention of damage to pipelines shall be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Fund, R.S. 30:21.

Acts 2017, No. 218, §2, eff. June 14, 2017.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2021 Fund Review - Agency Submission

Fund Name: Oil and Gas Regulatory Fund

Agency Name: Department of Natural Resources

Point of Contact: Benjamin Spears POC Phone: 225-342-9161

POC Email: Benjamin.Spears2@la.gov Date: 10/2/2020

	Historical Fund Revenues				
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Amount:	\$12,182,703	\$13,938,594	\$14,245,071	\$14,195,399	\$14,056,212
Revenue Description:					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$12,013,550	\$12,915,242	\$14,273,825	\$15,126,436	\$15,478,148	\$16,266,859

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Field Inspections					
Activity Description:	Perform statewide inspections of drilling operations, operational well sites, production facilities, production pits, reserve pits, orphaned oilfield sites for more than 60,000 active well sites throughout the state, and an average of 60 active drilling sites at any given time; directly observe critical activities such as cementing of well casings and plugging of oil and gas wells; respond to complaints by the public and local government; cite operators for facilities or operations that appear out of compliance with Conservation regulations; ensure compliance orders have been properly carried out; provide technical assistance to emergency responders during accidents; and monitor Oilfield Site Restoration projects to ensure compliance with Conservation regulations.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$1,775,430	\$1,908,687	\$2,109,466	\$2,235,470	\$2,240,539	\$2,354,709
Total Expended for Activity from all Means of Finance:	\$2,114,917	\$2,138,003	\$2,291,677	\$2,374,980	\$2,327,098	\$2,464,678
Activity Outcomes/ Performance Information:	Objective: Through the Oil and Gas Administration Activity, to ensure 80% of Field Violation Compliance Orders are resolved by the specified date, and that 100% of all active wells are inspected pursuant to one of the risk-based schedules (annually, 3 years, or 5 years) to ensure compliance with OC regulations, annually.					
Cost of Service Offset by Fee (if applicable):						

Name of Activity Funded:	Pipeline Safety-Natural Gas					
Activity Description:	Transportation and distribution of natural gas and other gases (hydrogen, ethylene and chlorine gases) can threaten public safety and the environment. The program provides regulation and enforcement activities to ensure the safety of the public, integrity of the environment, and sound operation and maintenance of the State's pipelines. This program is primarily funded by a Federal Grant (up to 80%) and industry user fees.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2020

Amount from Dedicated Fund Expended for Activity:	\$1,525,252	\$1,639,732	\$1,812,219	\$1,920,467	\$986,647	\$1,036,923
Total Expended for Activity from all Means of Finance:	\$3,127,497	\$3,161,636	\$3,388,885	\$3,364,195	\$2,619,564	\$2,753,047
Activity Outcomes/ Performance Information:	Objective: Ensure the level of protection to the public and compliance in the pipeline transportation of crude oil, natural gas and related products by ensuring that at least the Federal required number of inspections are performed on regulated pipeline facilities, annually. Performance Indicators:Percentage of current units in compliance with regulations; and Number of inspections performed.					
Cost of Service Offset by Fee (if applicable):						

Name of Activity Funded:	Injection & Mining - Underground Injection Control					
Activity Description:	The Underground Injection Control (UIC) Section administers a regulatory and permit program to protect underground sources of drinking water from endangerment by the subsurface emplacement of both hazardous and non-hazardous fluids through deep well injection, and other oilfield waste disposal techniques. It is a primacy program receiving approximately 20% funding from and subject to oversight from the US Environmental Protection Agency and is responsible for the permitting, inspection, compliance, and enforcement activities associated with: 1) Class I Hazardous and Non-Hazardous (Industrial) Injection Wells, 2) Class II Saltwater Disposal and Enhanced Recovery (Exploration and Production) Injection Wells, 3) Class III Solution Mining and Class II Hydrocarbon Storage (Salt Dome Cavern) Wells, and 4) Class V Injection (Remediation) Wells.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$1,406,001	\$1,511,530	\$1,670,531	\$1,770,316	\$2,474,781	\$2,600,887
Total Expended for Activity from all Means of Finance:	\$1,811,985	\$1,831,764	\$1,963,426	\$1,949,121	\$2,750,475	\$3,140,629
Activity Outcomes/ Performance Information:	Objective: Ensure the protection of underground sources of drinking water, public health, and the environment from degradation by regulating subsurface injection of waste, other fluids and gases, and surface coal mining resulting in zero verified unauthorized releases from injection waste wells and zero off-site impacts from surface coal mining, annually through 2022.					
Cost of Service Offset by Fee (if applicable):						

Name of Activity Funded:	Well Operations					
Activity Description:	Perform initial review of applications for permits to drill oil and gas wells, and well permit amendments to determine if designs are appropriate for regional geology; review and issue work permits for well completions, working over wells or changes to drilling plans; assist in responding to/investigating complaints and concerns made to district offices by the public or local government about well/facility operations; assist in ensuring compliance actions are taken in cases of violation of regulations. Ensures receipt and accuracy of required well activity documents from well operators, and maintains associated records.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$1,067,426	\$1,147,543	\$1,268,256	\$1,344,012	\$1,421,924	\$1,494,380
Total Expended for Activity from all Means of Finance:	\$1,598,810	\$1,616,262	\$1,732,435	\$1,719,812	\$1,752,489	\$1,891,790
Activity Outcomes/ Performance Information:	Objective: Through the Oil and Gas Administration activity, to ensure that 95% of permits for new oil and gas well drilling applications are issued within 30 days of receipt resulting in a permitting process that is efficiently and effectively conducted to serve the public and industry while protecting citizens' rights, safety, and the production and conservation of the state's non-renewable					
Cost of Service Offset by Fee (if applicable):						

Name of Activity Funded:	Environmental - Legacy Sites Remediation Program					
Activity Description:	This program is responsible for implementing applicable site evaluation and remediation plan approval and inspections for sites under litigation subject to ACT 312 of 2006 and other environmentally impacted site evaluation and remediation efforts requiring agency approval and oversight.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$279,579	\$323,080	\$388,623	\$429,757	\$305,532	\$321,101
Total Expended for Activity from all Means of Finance:	\$552,741	\$563,141	\$602,369	\$624,847	\$311,413	\$477,282
Activity Outcomes/ Performance Information:	Objective: Ensure protection of public health, safety, welfare, and the environment through the evaluation and remediation of E&P waste impacted sites resulting in 85% of Act 312 of lawsuit settlement notices submitted to the office being processed by the Division and legal staff within 60 days of receipt, annually through 2025. Subject to the provisions of R.S. 30:29.					

Cost of Service Offset by Fee (if applicable):	
---	--

Name of Activity Funded:	Geological Oil & Gas					
Activity Description:	To protect the correlative rights of oil and gas mineral owners and conserve the natural resources of the State. Provide the Commissioner technical geological advice on matters relating to oil and gas production oversight, unitization hearing matters (including review and cross examination of expert testimony of professional geologists, engineers, and other hearing participants). Provide support for all Conservation Divisions regarding geological matters related to environmental and groundwater programs within the Environmental and Injection and Mining Divisions. Provide technical and paralegal review of proposed Field Orders prior to Commissioner's approval. Provides geological evaluations of oil and gas wells for the Engineering Administrative Division to determine and/or verify that completions in wells are within defined unit intervals. Provides the technical geological review of Solicitation of Views correspondence from other state, federal and local agencies as well as project contractors to inform stakeholders of possible hazards associated with oil and gas exploration and production infrastructure. Assists the public, industry and other government agencies with updated digital maps and access to historic hard copy maps, digital images of well logs and other related documents necessary for those interested parties to protect correlative rights.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$740,527	\$796,108	\$879,853	\$932,408	\$915,390	\$962,035
Total Expended for Activity	\$830,259	\$839,322	\$899,650	\$932,408	\$946,917	\$995,169
Activity Outcomes/ Performance Information:	Objective: to demonstrate success in protecting the correlative rights of all parties involved in oil and gas exploration and production by ensuring that 90% of Conservation Orders issued as a result of oil and gas hearings are issued within 30 days of the hearing date annually.					
Cost of Service Offset by Fee						

Name of Activity Funded:	Production Audit					
Activity Description:	Responsibilities include management of annual registration of new and/or renewal of well operators, transporters, plants and refineries; tracking and auditing of oil and gas mineral production data and information for all producers in the state; revocation and reinstatement of operators' ability to transport oil as a means of ensuring compliance with Conservation regulations.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$721,347	\$775,488	\$857,064	\$908,258	\$874,107	\$918,649
Total Expended for Activity	\$721,347	\$775,488	\$857,064	\$908,258	\$906,865	\$953,076
Activity Outcomes/ Performance Information:	Objective: Through the Oil and Gas Administration activity, to ensure that 95% of permits for new oil and gas well drilling applications are issued within 30 days of receipt resulting in a permitting process that is efficiently and effectively conducted to serve the public and industry while protecting citizens' rights, safety, and the production and conservation of the state's non-renewable resources. General Performance Indicators: Percent of annual production fee revenue collected of the total amount invoiced and Production from permitted wells.					
Cost of Service Offset by Fee						

Name of Activity Funded:	Inspection/Enforcement (Includes OSR)					
Activity Description:	Responsible for ensuring that wells, facilities and pits are operated and closed in accordance with rules and regulations; reviewing inspection reports filed by District Office Inspectors to identify violations and determine severity of violations; issuing Compliance Orders, Civil Penalties or other regulatory sanctions for violations reported on inspection reports. Approves unit survey plats, applications for Site Clearance of state water bottom proposals and post clearance Verification Surveys. This section has the oversight of the Oilfield Site Restoration Program which is to properly plug and abandon orphan wells and to restore sites to approximate pre-wellsite conditions suitable for redevelopment.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$491,183	\$528,049	\$583,596	\$618,456	\$776,916	\$816,505
Total Expended for Activity	\$601,190	\$607,752	\$651,436	\$646,690	\$810,852	\$2,311,953
Activity Outcomes/ Performance Information:	Objective: to ensure 80% of Field Violation Compliance Orders are resolved by the specified date, and that 100% of all active wells are inspected pursuant to one of the risk-based schedules (annually, 3 years, or 5 years) to ensure compliance with OC regulations, annually. Objective: To perform the organized plugging, abandonment, and restoration of 160 orphaned wells per year over a 5 year period, thus a total of 800 orphaned wells by June 30, 2025; to thereby protect the environment and render previously unusable oilfield sites suitable for redevelopment.					
Cost of Service Offset by Fee						

Name of Activity Funded:	Permit-Reservoir
---------------------------------	-------------------------

Activity Description:	Permitting, Records and Reservoir is responsible for issuing Permits to Drill for Oil and Gas; issuing amended permits and tracking changes in operators; review and approval of applications for the Severance Tax Relief Program, Enhanced Recovery Program and Surface Commingling; tracking and update well status for all active wells; maintaining and updating well records for approximately 250,000 wells permitted since record-keeping began; Imaging of all documents for availability online (Well Files, Office of Conservation Field Orders, Unit Survey Plats)					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$512,865	\$551,359	\$609,357	\$645,756	\$539,404	\$566,890
Total Expended for Activity	\$512,865	\$551,359	\$609,357	\$645,756	\$559,146	\$587,638
Activity Outcomes/ Performance Information:	Objective: to ensure that 95% of permits for new oil and gas well drilling applications are issued within 30 days of receipt resulting in a permitting process that is efficiently and effectively conducted to serve the public and industry while protecting citizens' rights, safety, and the production and conservation of the state's non-renewable resources Performance Indicator: Percentage of permits to drill oil and gas wells issued within 30 days.					
Cost of Service Offset by Fee						

Name of Activity Funded:	Engineering - Administrative Division -Baton Rouge					
Activity Description:	Engineering-Administrative manages enforcement of regulatory responsibilities associated with the scheduling and holding of unitization hearings, and is responsible for oversight and analysis of well location, spacing and other engineering aspects of determining appropriate boundaries of drilling/production units and spacing of wells and oversight of the commingling of oil and gas from multiple drilling/production units.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$365,260	\$392,675	\$433,981	\$459,904	\$421,798	\$443,292
Total Expended for Activity	\$410,455	\$414,935	\$444,760	\$459,904	\$429,053	\$450,916
Activity Outcomes/ Performance Information:	Objective: to ensure that 95% of permits for new oil and gas well drilling applications are issued within 30 days of receipt resulting in a permitting process that is efficiently and effectively conducted to serve the public and industry while protecting citizens' rights, safety, and the production and conservation of the state's non-renewable resources. Performance Indicators: Percentage of permits to drill oil and gas wells issued within 30 days; General Performance Indicators: Percent of annual production fee revenue collected of the total amount invoiced and Production from permitted wells.					
Cost of Service Offset by Fee						

Name of Activity Funded:	Pipeline Safety-Hazardous Liquid					
Activity Description:	Transportation and distribution of crude oil and other products (HVL's, anhydrous ammonia, ethanol, and carbon dioxide) can threaten public safety and the environment. The program provides regulation and enforcement activities to ensure the safety of the public, integrity of the environment, and sound operation and maintenance of the State's pipelines. This program is primarily funded by a Federal Grant (up to 80%) and industry user fees.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$161,782	\$173,925	\$192,220	\$203,702	\$170,270	\$178,947
Total Expended for Activity	\$508,627	\$514,179	\$551,137	\$547,122	\$441,724	\$464,233
Activity Outcomes/ Performance Information:	Objective: Ensure the level of protection to the public and compliance in the pipeline transportation of crude oil, natural gas and related products by ensuring that at least the Federal required number of inspections are performed on regulated pipeline facilities, annually. Performance Indicators:Percentage of current units in compliance with regulations; and Number of inspections performed.					
Cost of Service Offset by Fee						

Name of Activity Funded:	Injection & Mining - Commercial Waste-U.I.C.					
Activity Description:	This section is responsible for administering a regulatory, surveillance, enforcement, and permit program for subsurface emplacement of both hazardous and non-hazardous waste fluids through deep well injection by commercially operated companies. The program assures the protection of public health, public safety, and the environment by fully regulating all activities relating to surface storage, processing and subsurface injection.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$323,564	\$347,849	\$384,440	\$407,404	\$18,073	\$18,994
Total Expended for Activity	\$362,771	\$366,731	\$393,090	\$407,404	\$18,418	\$19,357
Activity Outcomes/ Performance Information:	Objective:Ensure the protection of underground sources of drinking water, public health, and the environment from degradation by regulating subsurface injection of waste, other fluids and gases, and surface coal mining resulting in zero verified unauthorized releases from injection waste wells and zero off-site impacts from surface coal mining, annually. Performance Indicator: Injection/disposal wells inspected as a percentage of total wells (distinct inspections).					

Cost of Service Offset by Fee						
Name of Activity Funded:	Environmental - E&P Waste Mgt. Program (Commercial Facilities)					
Activity Description:	This program is responsible for implementing applicable waste management and resource use/recovery regulatory control and enforcement duties such as, but not limited to commercial E&P waste facility and transfer station permitting and compliance inspections, off-site E&P waste manifest compliance audits, E&P waste report compliance auditing, and waste data management and statistical analyses.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$237,669	\$255,508	\$282,385	\$299,253	\$346,717	\$364,384
Total Expended for Activity	\$302,932	\$306,239	\$328,251	\$325,859	\$355,059	\$373,152
Activity Outcomes/ Performance Information:	Objective: Ensure the protection of public health, safety, welfare, the environment, and groundwater resources by managing and regulating groundwater resources resulting in zero new Areas of Ground Concern, annually. Performance Indicator: Percentage of water well withdrawal notification evaluations processed within 60 days of receipt.					
Cost of Service Offset by Fee						

Name of Activity Funded:	Environmental - Groundwater					
Activity Description:	This program is responsible to identify areas of ground water concern, address ground water emergencies, and to establish best management practices and policies for the State's ground water resources.					
	Expenditures for this Activity					Current
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$64,536	\$32,239	\$94,920	\$281,072	\$361,764	\$380,198
Total Expended for Activity	\$1,302,419	\$432,099	\$401,010	\$394,771	\$412,231	\$433,237
Activity Outcomes/ Performance Information:	Objective: Ensure the protection of public health, safety, welfare, the environment, and groundwater resources by managing and regulating groundwater resources resulting in zero new Areas of Ground Concern, annually. Performance Indicator: Percentage of water well withdrawal notification evaluations processed within 60 days of receipt.					
Cost of Service Offset by Fee						

Name of Activity Funded:	Injection & Mining - Surface Mining					
Activity Description:	The Surface Mining Section is responsible for the regulation of exploration, development, and surface mining operations for coal and lignite, and protection of state and private lands. It is a primacy program 50% funded by and subject to oversight by the Federal Office of Surface Mining and is responsible for the permitting, inspection, compliance and enforcement activities associated with lignite mining in the state of Louisiana.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$151,202	\$145,430	\$179,551	\$205,296	\$165,084	\$173,496
Total Expended for Activity	\$312,619	\$285,799	\$322,869	\$338,351	\$313,537	\$329,514
Activity Outcomes/ Performance Information:	Objective: Ensure the protection of underground sources of drinking water, public health, and the environment from degradation by regulating subsurface injection of waste, other fluids and gases, and surface coal mining resulting in zero verified unauthorized releases from injection waste wells and zero off-site impacts from surface coal mining, annually. General Performance Indicator: Number of Inspections of permitted surface mines.					
Cost of Service Offset by Fee						

Name of Activity Funded:	Pipeline Operations/Executive -					
Activity Description:	The timely review and processing of applications for Public Hearing (if warranted) for intrastate natural gas pipelines ensure the supply of energy/fuel for public needs and necessity and emergency shutdown for plants/refineries. The Commissioner prepares the Natural Gas Emergency Declaration, for the Governor's signature, in times of natural gas shortages, which sets into motion natural gas curtailment. During normal operations, energy supplies are provided for public use and operations of businesses and industries. Review and processing of carbon dioxide applications enhances the continued supply of energy by the oil and gas industry.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund	\$135,930	\$146,132	\$161,504	\$171,152	\$13,444	\$14,129
Total Expended for Activity	\$152,401	\$154,065	\$165,138	\$171,152	\$72,338	\$76,024
Activity Outcomes/ Performance Information:	Objective: Demonstrate success in ensuring adequate competitive gas supplies are available for public and industry use by ensuring that 98% of Conservation Pipeline Orders issued as a result of pipeline applications and/or hearings are issued within 30 days from the effective date or from the hearing date, annually. Performance Indicator: Percentage of pipeline orders issued within 30 days from the effective date					
Cost of Service Offset by Fee						

Name of Activity Funded:	Executive-Division					
---------------------------------	---------------------------	--	--	--	--	--

Activity Description:	This Division is responsible for the agencies Legal guidance and representation for all Divisions, managerial oversight of fiscal and performance matters, records and documentation management, regulation and enforcement of the Office of Conservation rules, regulations, and promotional/educational activities that protect the correlative rights of all parties involved, the public and environment through the regulation of exploration and production of oil, gas and other natural resources in the state.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$2,053,997	\$2,239,907	\$2,365,858	\$2,293,754	\$3,445,757	\$3,621,341
Total Expended for Activity	\$2,850,508	\$3,677,192	\$4,196,879	\$4,388,467	\$5,596,795	\$6,119,349
Activity Outcomes/ Performance Information:	This Division contains the Commissioner of Conservation who has the statutory authority to enforce all laws through regulation relating to the conservation of oil and gas and protection of the correlative rights of all parties involved in these activities. All the performance Indicators reflect the performance of the Executive Division.					
Cost of Service Offset by Fee (if applicable):						

Coastal Resources Trust Fund

N02

Creation Date: July 1989

Authorization: R.S. 49:214.40; R.S. 49:214.36; R.S. 30:2397

Source of Funds: Revenues are derived from application and other fees for coastal use permits and permitting violation fines.

Expenditure Usage: Monies in the fund shall be used for the operations of the Coastal Management program at both the state and local levels. The Coastal Resource Trust Fund is the State match for the federally funded Section 306 of The Federal Coastal Zone Management Act of 1972 as amended.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Beginning Balance	\$2,110,078	\$2,070,976	\$2,236,906	\$2,120,249	\$3,512,473
Revenue	\$418,530	\$838,984	\$484,978	\$1,733,418	\$8,114,052
Interest Earnings	\$4,952	\$12,159	\$30,235	\$58,875	\$66,309
Transfers	(\$61,605)	(\$234,487)	\$0	\$0	\$9,083
Expenditures	(\$400,979)	(\$450,725)	(\$631,870)	(\$400,069)	(\$1,416,696)
Ending Balance	\$2,070,976	\$2,236,906	\$2,120,249	\$3,512,473	\$10,285,221

Coastal Resources Trust Fund – R.S. 49:214.40; 30:2397; 49:214.30; 49:214.36

§214.40. Coastal Resources Trust Fund

A.(1) Subject to the exceptions contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected by the Louisiana coastal resources program from processing and evaluation of coastal use permit applications and consistency determinations, from any federal outercontinental shelf revenue sharing program, and from any other sources, shall be paid into the state treasury and shall be credited to 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 obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay into a special fund, which is hereby created in the state treasury and designated as the Coastal Resources Trust Fund, an amount equal to the total amount of funds paid into the treasury by the Louisiana coastal resources program.

(3) The monies in the trust fund shall be invested by the state treasurer in the same manner as monies in the state general fund. The monies in the Coastal Resources Trust Fund shall be used solely for the programs and purposes and in the amounts appropriated each year to the Louisiana coastal resources program by the legislature.

B. The Louisiana coastal resources program shall keep a set of books showing from whom every dollar is received and for what purpose and to whom every dollar is paid and for what purpose. It also shall keep in its file vouchers or receipts for all moneys paid out.

C. Any surplus funds remaining to the credit of the trust fund on July 1 of each year commencing with the fiscal year 1983-84, after all appropriations of the preceding fiscal year have been paid, and all interest earned on money from the trust fund since the creation of the fund and thereafter shall remain to the credit of the Coastal Resources Trust Fund for expenditure from year to year solely by the Louisiana coastal resources program or any uses as provided for in the federal outercontinental shelf revenue sharing legislation in accordance with appropriation made by the legislature for the purposes and functions of said program, and no part thereof shall revert to the state general fund. This provision shall not be construed to prohibit the appropriation of funds out of the state general fund to the commission.

Added by Acts 1983, No. 512, §1; Acts 1992, No. 1075, §1.

{{NOTE: SEE ACTS 1989, 2D EX. SESS., NO. 6, §7.}}

{{NOTE: PRIOR R.S. 49:213.21 WAS REPEALED BY ACTS 1989, NO. 662, §8, EFF. JULY 7, 1989. THIS REPEALED SECTION WAS ERRONEOUSLY REDESIGNATED BY ACTS 1989, 2D EX. SESS., NO. 6, §7 AS R.S. 49:214.40. THE SOURCE OF THIS SECTION IS PRIOR R.S. 49:213.22.}}

§2397. Distribution of revenue

The state treasurer shall each fiscal year deposit the revenues generated under the provisions of this Chapter, from taxes applicable to the sale of reclaimed water, or other sources as provided for by law into the Bond Security and Redemption Fund. Out of the funds from such sources remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become

due and payable within any fiscal year, the treasurer shall deposit an amount equal to one-quarter of the revenues generated from the reclaimed water program into the Clean Water State Revolving Fund, enacted in R.S. 30:2301 et seq., which shall be used for making grants to local governments to finance primary waste treatment facilities; one-quarter into the Coastal Resources Trust Fund, created in R.S. 49:214.40, and the remainder shall be used by the Department of Natural Resources for the protection of groundwater resources. Use of these funds shall be subject to an appropriation by the legislature.

Acts 2003, No. 985, §1; Acts 2010, No. 296, §1, eff. June 17, 2010.

§214.30. Coastal use permits

A.(1) No person shall commence a use of state or local concern without first applying for and receiving a coastal use permit. Decisions on coastal use permit applications shall be made by the secretary, except that the local government shall make coastal use permit decisions as to uses of local concern in areas where an approved local program is in effect. Conditions set forth in a coastal use permit shall supersede any and all variances or exceptions granted by the commissioner of conservation in accordance with R.S. 30:4(E)(1) for activities within the coastal zone as defined by R.S. 49:214.24.

(2) Prior to issuance of a coastal use permit, the secretary shall ensure that the activity for which application is being made is consistent with the state's master plan for integrated coastal protection. No activity which is not consistent with the plan shall be granted a coastal use permit. In addition, any permit granted to repair or replace a pipeline that would impact integrated coastal protection in the state's master or annual plan shall include a requirement that the pipeline owner shall be responsible for the cost to repair or replace such pipeline. The pipeline owner shall be responsible for the performance of any pipeline relocation work to accommodate the construction of any integrated coastal protection. Any incremental costs associated with such relocation work shall be reimbursed to the pipeline owner by the appropriate federal, state, or local governmental agency. As used in this Paragraph, "incremental costs" means the cost of the pipeline relocation required by the appropriate governing authority less the cost that the pipeline operator would have incurred for the maintenance project.

B. Within one hundred twenty days after the effective date of this Subpart, the secretary shall adopt, after notice and public hearing, rules and procedures consistent with this Subpart for both the state coastal management program and approved local programs regarding the form and information requirements for coastal use permit applications, the coastal use permit review process, public notice and public comments, criteria and guidelines for decision making, appeals and emergency activities.

C. The rules promulgated pursuant to this Section shall, among other things, provide that:

(1) Coastal use permit applications shall be submitted to the secretary, except that applications for uses in areas subject to an approved local program may instead be submitted to the local government. Local governments with an approved program to whom applications are submitted shall make the initial determination, subject to review by the secretary with a right of appeal, as to whether the proposed use is of state concern or local concern. Copies of all applications submitted to local governments and the local government's use-type determination shall be transmitted to the secretary within two days of receipt.

(2)(a) Within ten days of receipt of a coastal use permit application by the secretary, copies of the application shall be distributed to the local government or governments in whose parish the use is to occur and all appropriate state and local agencies, and public notice shall be given. A

public hearing on an application may be held. Concurrently with the filing of the coastal use permit application, a copy of the application shall be distributed by the applicant to the owner or owners of the land on which the proposed coastal use is to occur. The landowner and his address shall be determined by rules of the administrator. The applicant shall make every reasonable effort, which shall include a search of the public records of the parish in which the use is to occur, if necessary, to determine the identity and current address of the owner or owners of the land on which the use is to occur. The application shall not be considered complete unless the applicant attaches thereto a written affidavit of the fact that reasonable efforts have been made to determine the identity and present address of each owner and a list of the names and addresses of the owners to whom the applicant has furnished a copy of the application. If the proposed activity would be located on property owned by more than ten persons, or on property owned jointly in an undivided interest consisting of more than ten persons, the secretary may deem the application complete upon proof that fifty percent of the persons owning or having an undivided interest in the property have been provided with a copy of the application. The secretary may also approve this method of landowner notification in the case where the applicant holds a valid right-of-way, easement, or servitude for conducting the proposed activity on that property or when a government entity proposes to conduct maintenance activities on existing public works projects.

(b) Notwithstanding any other law to the contrary, the secretary shall, after notification by the department to the applicant that the application is complete, grant or deny all applications for all permits, licenses, registrations, variances, or compliance schedules within sixty days. The notification of completeness shall be issued within fourteen days, exclusive of holidays, by the department. If the application is not complete, the department shall notify the applicant in writing of the deficiencies which cause the application not to be complete. If the secretary does not grant the application, he shall provide written reasons for his decision, and copies of the decision shall be provided to all parties. The secretary may delegate the power to grant permits, licenses, registrations, variances, or compliance schedules to an assistant secretary, division administrator or other designee.

(c) If the secretary does not grant or deny the application within the time period provided for herein, the applicant may file a rule as provided for in R.S. 49:962.1.

(3) The decision to approve, approve with modifications, or otherwise condition approval, or deny the coastal use permit shall be made within thirty days after public notice or within fifteen days after a public hearing, whichever is later. The coastal use permit decision must be consistent with the state program and approved local programs for affected parishes and must represent an appropriate balancing of social, environmental and economic factors. In all instances local government comments shall be given substantial consideration.

(4) The decision to approve, approve with modifications, or otherwise condition approval, or deny the application for a coastal use permit shall be in writing and copies of the decisions shall be sent to all parties.

(5) Public notice of coastal use permit decisions shall be given.

(6) The secretary may adopt rules providing for alternate procedures for the filing of applications, distribution of copies, giving of notices, and public hearings in order to implement the coordinated coastal permitting process established pursuant to R.S. 49:214.33.

(7) Notwithstanding any contrary provisions of law in this Section, the permitting authority may deny without prejudice, or withdraw or place on inactive status, the application for a coastal use permit if the applicant fails to respond within sixty days to any request or inquiry from the permitting authority.

(8) Notwithstanding any contrary provision of law or regulation, a coastal use permit, once granted on private continuing marsh management projects, shall be valid for the life of the project or activity for which the permit is issued, unless the secretary shall thereafter modify, revoke, or suspend the permit. Unless the secretary revokes or suspends the permit, no further permits shall be necessary for activities required to operate or maintain the permitted use.

(9) The secretary shall take into consideration a permit applicant's history of compliance with the provisions of the Louisiana Coastal Resources Program prior to making a determination of whether to approve, approve with modifications or otherwise conditionally approve, or deny the application for a coastal use permit. As used in this Paragraph, "permit applicant" shall mean the specific company, individual, or entity which has made application for the permit. Any use or activity found to not comply with the Louisiana Coastal Resources Program which was conducted by a person or entity or on a property prior to the acquisition of that person, entity, or property by the permit applicant shall not be considered a part of the permit applicant's history of compliance. The applicant shall be allowed to review and comment on his compliance record as compiled by the secretary. The department shall promulgate, under the Administrative Procedure Act, guidelines for implementation of this Paragraph.

D. The applicant, the secretary, and affected local government or affected federal, state, or local agency, any aggrieved person, or any other person adversely affected by a coastal use permit decision may appeal the coastal use permit decision in accordance with R.S. 49:214.35.

E. The secretary is authorized to adopt rules and procedures for the issuance of general coastal use permits and for the issuance of variances from the normal coastal use permitting requirements. For the purposes of this Subpart, a general coastal use permit is an authorization to prospective users to perform specific uses within prescribed areas of the coastal zone without the necessity for a complete, independent review of each proposed use and allows the shortest time period of review possible. The rules and procedures which may be adopted pursuant to this Section shall provide for expeditious processing of applications for general coastal use permits and may authorize variances from the normal coastal use permit application and review procedures. General coastal use permits and variances from the normal coastal use permitting requirements may not be issued except when the issuance of such general coastal use permits or variances does not impair the fulfillment of the objectives and policies of the Subpart.

F. The secretary shall adopt rules whereby specified types of activities may be carried out under prescribed emergency conditions without the necessity of obtaining a coastal use permit in advance.

G.(1) The secretary is authorized to establish a reasonable schedule for fees to be charged to the applicant for the processing and evaluation of coastal use permit applications.

(2) The secretary is authorized to increase the fee charged to an applicant for a coastal use permit for a nonresidential coastal use to not more than one hundred dollars per application. In addition, the secretary is authorized to increase the fee charged to an applicant for a coastal use permit for a nonresidential coastal use that involves excavation or filling to not less than twenty-five dollars nor more than five thousand dollars per application, and such fee shall not exceed ten cents per cubic yard of material excavated or filled.

(3) The secretary shall waive fees authorized by this Section for any individual, state agency, or political subdivision deemed by him to be engaged in coastal restoration activity consistent with the plan as provided in R.S. 49:213.6 and for local public bodies for constructing drainage improvements.

(4) Funds generated from these fees shall be deposited in the Coastal Resources Trust Fund as provided in R.S. 49:214.40.

H.(1) In order for the state to fulfill its obligation under the public policy provisions of this Subpart, the secretary shall insure that whenever a proposed use or activity requires the dredging or disposal of five hundred thousand cubic yards or more of any waterbottom or wetland within the coastal zone, the dredged material shall be used for the beneficial purposes of wetland protection, creation, enhancement, or combinations thereof, in accordance with a long term management strategies plan for each existing or proposed channel or canal as approved by the secretary.

(2) Whenever a proposed use or activity requires a coastal use permit for the dredging or disposal of from twenty-five thousand to five hundred thousand cubic yards of any water bottoms or wetland within the coastal zone, the secretary may require the beneficial use of the dredge material for wetland and barrier island protection, creation, enhancement or combinations thereof. Consideration shall include a site specific statement reflecting estimated costs and the availability of a suitable disposal area. Long term management strategy disposal areas shall be utilized when practical. Activities not in the vicinity of long term management strategy disposal areas shall be considered on a case by case basis through the coastal use permit process. A system of mitigation credits shall be initiated to encourage the beneficial use of dredged material by dredge applicants. The secretary shall require the beneficial use of dredge material in circumstances where it is deemed economically feasible with consideration given to the value of established mitigation credits.

(3) When a proposed use or activity involves dredging to construct or maintain a channel or canal greater than one mile in length in the coastal zone and where the secretary determines that failure to maintain and stabilize the banks of such channel or canal will result in direct or indirect loss of wetlands or adverse impacts to wetlands or water bottoms, the secretary shall require that such banks be maintained and stabilized using dredged materials or structural stabilization measures, or both. In areas where the secretary determines that dredged material placement alone is insufficient to maintain and stabilize the banks along all or part of the canal or channel, the use of structural stabilization measures, including but not limited to rock breakwaters, shall also be required. Any dredged material disposal and channel bank stabilization shall be in accordance with a long term management strategies plan for each existing or proposed channel or canal as approved by the secretary. At a minimum, the plan shall address environmental and economic considerations and emergency situations.

Acts 1990, No. 98, §1; Acts 1990, No. 662, §1, eff. July 19, 1990; Acts 1990, No. 996, §2; Acts 1991, No. 637, §1; Acts 1991, No. 828, §2; Acts 1991, No. 995, §1; Acts 1992, No. 815, §2; Acts 1993, No. 194, §2; Acts 1993, No. 970, §1; Acts 1997, No. 93, §1; Acts 2000, 1st Ex. Sess., No. 147, §1; Acts 2004, No. 277, §1; Acts 2004, No. 386, §1; Acts 2004, No. 459, §1, eff. June 24, 2004; Acts 2010, No. 834, §1.

§214.36. Enforcement; injunction; penalties and fines

A. The secretary and each local government with an approved program shall initiate a field surveillance program to ensure the proper enforcement of the management program. The secretary may enter into interagency agreements with appropriate agencies to assist in the surveillance, monitoring, and enforcement activities pursuant to this Subpart.

B. The secretary, and each local government with an approved program as to uses under its jurisdiction, shall have the authority to issue cease and desist orders against any person found to be in violation of this Subpart or the rules and regulations issued hereunder.

C. The secretary, and each local government with an approved program as to coastal use permits issued by it, shall have the authority to suspend, revoke, or modify coastal use permits if the user is found to have violated any of the conditions of the coastal use permit.

D. The secretary, the attorney general, an appropriate district attorney, or a local government with an approved program may bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the coastal zone for which a coastal use permit has not been issued when required or which are not in accordance with the terms and conditions of a coastal use permit.

E. A court may impose civil liability and assess damages; order, where feasible and practical, the payment of the restoration costs; require, where feasible and practical, actual restoration of areas disturbed; or otherwise impose reasonable and proper sanctions for uses conducted within the coastal zone without a coastal use permit where a coastal use permit is required or which are not in accordance with the terms and conditions of a coastal use permit. The court in its discretion may award costs and reasonable attorney's fees to the prevailing party.

F. Any person found to have knowingly and intentionally violated the provisions of this Subpart, any of the rules and regulations issued hereunder, or the terms or conditions of any coastal use permit shall be subject to a fine of not less than one hundred dollars and not more than five hundred dollars, or imprisonment for not more than ninety days, or both. This penalty shall be in addition to any other costs or penalties assessed pursuant to this Section.

G. Any action pursuant to this Section, whether criminal or civil, must be brought in any parish in which the use or activity is situated. If the use or activity is situated in one or more parishes, then any action may be brought in either of the parishes in which the use or activity is situated.

H. In addition to the other enforcement actions authorized by this Section, whenever the secretary determines a violation of any provision of this Subpart, or any rules and regulations issued hereunder or the terms or conditions of any coastal use permit has occurred, the secretary may assess costs and penalties pursuant to Subsection I.

I. In addition to the other enforcement actions authorized by the provisions of this Section, the secretary may do any or all of the following:

(1) Assess the violator all or a portion of the costs of abatement or mitigation of damages to the coastal zone in accordance with R.S. 49:214.41.

(2) Assess the violator an administrative penalty in accordance with the following administrative penalty system:

(a) The amount of administrative penalty per violation shall be determined by a formula of $\$B(V + P + C + I) = \text{Penalty}$, where B is base assessment, V is habitat value, P is prior knowledge value, C is cooperation value, and I is impact damage value. No penalty shall be less than fifty dollars and the maximum penalty for violations shall be twelve thousand dollars.

(b) Base assessment (B) is the amount of a permit application fee and processing fee if a permit had been applied for under this Subpart or fifty dollars where no fee would have been charged.

(c) The ecological value (V) shall be assessed as follows:

(i) A value of one-half shall be applied to areas the secretary determines to be of minor value, such as streams, rivers, canals, developed cheniers, bayous, trenasses, or lakes with

insignificant public resource value or wetlands of low resource value as a result of historical disturbances or physical alterations that were not violations existing prior to the violation under consideration.

(ii) A value of one shall be applied to areas the secretary determines to be of average value such as sections of streams, rivers, cheniers, canals, bayous, or trenasses of marginal value for rearing or spawning habitat for fish and wildlife populations, marginal wetlands or beaches of marginal wildlife habitat value.

(iii) A value of one and one-half shall be applied to areas the secretary determines to be of major value, such as a significant fish and wildlife spawning area, eagle nesting areas, significant waterfowl rearing habitat, tidal salt, saline, brackish, or intermediate marshes, cheniers, tidal mudflats, freshwater wetlands with high diversity and high public resources value, beaches of significant wildlife habitat value and state scenic rivers and waterways designated under R.S. 56:1840 et seq. or administrative rules adopted thereunder.

(d) The prior knowledge value (P) shall be determined by the secretary as follows:

(i) A value of one-half shall be applied where the secretary determines the person was unaware of this Subpart, as demonstrated by the fact that the person had neither applied for any coastal use permit in the past, nor received correspondence from the Coastal Management Division concerning the commission of a possible violation.

(ii) A value of one shall be applied where the secretary determines the person had previously applied for a coastal use permit or received correspondence from the Coastal Management Division concerning the commission of a possible violation.

(iii) A value of one and one-half shall be applied where the person had previously violated this Subpart.

(e) The cooperation value (C) shall be determined as follows:

(i) A value of one-half shall be applied where the person restores resource damage as requested by the secretary without the need for an enforcement order or court action by the secretary.

(ii) A value of one and one-half shall be applied where the person is not cooperative in restoring resource damage as requested by the secretary and the secretary must issue an enforcement order or obtain a court order to restore the resource.

(f) The impact damage value (I) shall be determined by the secretary as a measure of the extent or size of the ecologically impacted area as follows:

(i) Where the secretary determines the adversely affected area of the violation would naturally restore within one year, and the impact area is less than one acre in size or an impacted waterway, shoreline, or waterfront property is less than one hundred linear feet, a value of one-half shall be applied.

(ii) Where the secretary determines the adversely affected area of the violation would naturally restore within two years, and the impact area is less than one acre in size or the impacted waterway, shoreline, or waterfront property is less than one hundred linear feet, a value of one shall be applied.

(iii) Where the secretary determines that the adversely affected area would exceed the restoration time or the impacted area criteria required in Item (i) or (ii) of this Subparagraph, a value of one and one-half shall be applied.

J. The monies collected by the state under the provisions of this Section shall be deposited as follows:

(1) The monies collected by the secretary for violations relating to use of state concern shall be used for the following purposes only in the proportions stated:

(a) Fifty percent of the monies collected shall be used to reimburse the Department of Natural Resources for the cost of enforcing the provisions of this Subpart, and shall be deposited in the Coastal Resources Trust Fund, as provided in R.S. 49:214.40.

(b) Twenty-five percent of the monies collected shall be placed in local government mitigation banks established in accordance with R.S. 49:214.41 and the rules and regulations adopted thereunder.

(c) Twenty-five percent of the monies collected shall be placed in the Wetlands Conservation and Restoration Fund established in Article VII, Section 10.2 of the Constitution of Louisiana.

(2) The monies collected by the secretary for violations relating to a use of local concern shall be placed in local government mitigation banks established in accordance with R.S. 49:214.41 and the rules and regulations adopted thereunder. Each local government's mitigation bank shall be credited one hundred percent of the monies collected for violations relating to a use of local concern occurring within its geographic borders, except that for violations occurring within the geographic borders of two or more local governments the monies shall be divided on a pro rata basis and deposited accordingly in the local government's mitigation banks. In the event there is no local government mitigation bank in the parish in which the adverse impact is located, the monies shall be deposited in the Wetlands Conservation and Restoration Fund established in Article VII, Section 10.2 of the Constitution of Louisiana, and can only be used for mitigation projects within the geographic borders of that local government.

K. In determining whether to assess, pursuant to Subsection I of this Section, costs or penalties, and the amounts of such assessments, the secretary shall consider the following factors:

(1) The monetary benefits realized by the violator due to the noncompliance.

(2) The history of previous violations or repeated noncompliance for the last five years.

(3) The nature and gravity of the violation, including the adverse impact on the coastal zone.

(4) The degree of culpability, recalcitrance, defiance, or indifference of the violator to the laws, regulations, or orders of the secretary or regulations of the local government.

(5) The cost to the department or state of bringing and prosecuting an enforcement action against the violator.

(6) Whether the person charged has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by his noncompliance or violation.

L. No penalties or costs shall be assessed without the person charged being given notice and an opportunity for an adjudicatory hearing, pursuant to the Administrative Procedure Act. The secretary shall appoint an independent hearings officer. The person charged may waive the adjudicatory hearing upon payment of the amount demanded by the secretary, and will be liable for all costs associated with the adjudicatory hearing.

M. Nothing in this Section, shall prohibit any local political subdivision, without a local coastal use permit program approved as provided for in R.S. 49:214.30 from enforcing any ordinance or regulation relating to wetlands protection or restoration.

N.(1) In addition to the other enforcement actions authorized by the provisions of this Section, for each incident resulting in an administrative penalty being assessed, the secretary shall issue an after-the-fact coastal use permit or permit modification specifying terms and conditions that must be adhered to for the unauthorized activity to remain in place. In determining the terms

and conditions to be placed on the after-the-fact permit, the secretary shall consider the following factors:

(a) The degree to which the activity complies, or fails to comply, with the coastal use guidelines.

(b) The need for compensatory mitigation to be carried out when the activity altered wetlands of the coastal zone.

(c) The need for partial restoration of the site if the coastal use could be carried out with lesser impact to coastal waters or wetlands.

(d) The need for restoration of the site upon abandonment or completion of the coastal use.

(2) Prior to issuing a final after-the-fact permit, the secretary shall provide to the person conducting the activity and to the owner of the property on which the activity occurred, a draft after-the-fact coastal use permit. The secretary shall also cause the draft after-the-fact coastal use permit to be published one time in the official state journal and allow the public time to offer comments on the proposed after-the-fact coastal use permit to the secretary. All comments must be received by the secretary within fifteen calendar days following the date of publication in the state journal. The secretary shall fully consider all comments received and issue a final after-the-fact coastal use permit five days following the end of the public comment period.

O.(1) Except as provided in this Subpart, no state or local governmental entity shall have, nor may pursue, any right or cause of action arising from any activity subject to permitting under R.S. 49:214.21 et seq., 33 U.S.C. §1344 or 33 U.S.C. §408 in the coastal area as defined by R.S. 49:214.2, or arising from or related to any use as defined by R.S. 49:214.23(13), regardless of the date such use or activity occurred.

(2) Any monies received by any state or local governmental entity arising from or related to a state or federal permit issued pursuant to R.S. 49:214.21 et seq., 33 U.S.C. §1344 or 33 U.S.C. §408, a violation thereof, or enforcement thereof, or for damages or other relief arising from or related to any of the foregoing, or for damages or other relief arising from or related to any use as defined by R.S. 49:214.23(13) shall be used for integrated coastal protection, including coastal restoration, hurricane protection, and improving the resiliency of the coastal area.

(3) Nothing in this Section shall constitute a waiver of sovereign immunity under the Eleventh Amendment of the Constitution of the United States of America.

(4) Nothing in this Section shall prevent or preclude any person or any state or local governmental entity from enforcing contractual rights or from pursuing any administrative remedy otherwise authorized by law arising from or related to a state or federal permit issued in the coastal area pursuant to R.S. 49:214.21 et seq., 33 U.S.C. §1344 or 33 U.S.C. §408.

(5) Nothing in this Section shall alter the rights of any governmental entity, except a local or regional flood protection authority, for claims related to sixteenth section school lands or claims for damage to property owned or leased by such governmental entity.

Acts 1978, No. 361, §1, eff. Jan. 1, 1979. Acts 1983, No. 705, §4, eff. Sept. 1, 1983; Acts 1993, No. 194, §1; Acts 2014, No. 544, §1, eff. June 6, 2014.

{{NOTE: SEE ACTS 1989, 2D EX. SESS., NO. 6, §7.}}

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2020 Fund Review - Agency Submission

Fund Name: Coastal Resources Trust Fund

Agency Name: Department of Natural Resources

Point of Contact: Benjamin Spears POC Phone: 225-342-9161

POC Email: Benjamin.Spears2@la.gov Date: 10/2/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$423,482	\$851,143	\$512,213	\$1,792,293	\$8,180,361	
Revenue Description:						

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$400,979	\$450,725	\$631,870	\$400,069	\$1,416,696	\$5,751,113

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Executive/Adm					
Activity Description:	Executive management provides leadership, guidance and coordination in upholding the mission of the department and agency and to implement the Governor's and Legislature's directives. Also included is Beneficial Use Funding which is used for coastal restoration and mitigation projects overseen by CPRA.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$303,504	\$342,551	\$600,221	\$304,052	\$1,316,257	\$5,594,846
Total Expended for Activity from all Means of Finance:	\$2,257,519	\$1,982,583	\$2,207,217	\$2,055,294	\$3,173,736	\$7,445,892
Activity Outcomes/ Performance Information:	Objective: To ensure that the loss of wetlands resulting from activities regulated by the Program will be offset by actions which compensate by 100% for their loss. Performance Indicator: Percentage of disturbed wetland habitat units that are mitigated by full compensation of loss.					
Cost of Service Offset by Fee (if applicable):						

Carbon Dioxide Geologic Storage Trust Fund

Creation Date: August 2009

Authorization: R.S. 30:1110

Source of Funds: Fees on operators per tonnage of carbon dioxide stored, penalties, bond forfeitures, private contributions, interest on deposited funds, civil penalties, costs recovered from responsible parties, grants, donations, and site-specific trust accounts.

Expenditure Usage: E. The fund shall be used solely for the following purposes: (1) Operational and long-term inspecting, testing, and monitoring of the site, including remaining surface facilities and wells. (2) Remediation of mechanical problems associated with remaining wells and surface infrastructure. (3) Repairing mechanical leaks at the site. (4) Plugging and abandoning remaining wells or conversion for use as observation wells. (5)(a) Administration of this Chapter by the commissioner in an amount not to exceed seven hundred fifty thousand dollars each fiscal year. (b) The Oil and Gas Regulatory Fund created by R.S. 30:21 may be used for the administration of this Chapter as authorized by this Paragraph until June 30, 2014. Any such payments from the Oil and Gas Regulatory Fund shall be repaid from the Carbon Dioxide Storage Trust Fund by June 30, 2018. (6) Payment of fees and costs associated with the administration of the fund or site-specific accounts. (7) Payment of fees and costs associated with the acquisition of appropriate insurance for future storage facility liability if it should become available, either commercially or through government funding.

5 Year History of Fund Activity					
Activity	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Expenditures	\$0	\$0	\$0	\$0	\$0
Ending Balance	\$0	\$0	\$0	\$0	\$0

Carbon Dioxide Geologic Storage Trust Fund – R.S. 30:1109; 30:1110

§1109. Cessation of storage operations; liability release

A.(1) Ten years, or any other time frame established by rule, after cessation of injection into a storage facility, the commissioner shall issue a certificate of completion of injection operations, upon a showing by the storage operator that the reservoir is reasonably expected to retain mechanical integrity and the carbon dioxide will reasonably remain emplaced, at which time ownership to the remaining project including the stored carbon dioxide transfers to the state. Upon the issuance of the certificate of completion of injection operations, the storage operator, all generators of any injected carbon dioxide, all owners of carbon dioxide stored in the storage facility, and all owners otherwise having any interest in the storage facility, shall be released from any and all duties or obligations under this Chapter and any and all liability associated with or related to that storage facility which arises after the issuance of the certificate of completion of injection operations.

(2) Provided the provisions pertaining to site-specific trust accounts are not applicable, such release from liability will not apply to the owner or last operator of record of a storage facility if the Carbon Dioxide Geologic Storage Trust Fund has been depleted of funds such that it contains inadequate funds to address or remediate any duty, obligation, or liability that may arise after issuance of the certificate of completion of injection operations.

(3) Such release from liability will not apply to the owner or operator of a storage facility, carbon dioxide transmission pipeline, or the generator of the carbon dioxide being handled by either the facility or pipeline if it is demonstrated that any such owner, operator, or generator intentionally and knowingly concealed or intentionally and knowingly misrepresented material facts related to the mechanical integrity of the storage facility or the chemical composition of any injected carbon dioxide. In addition, upon the issuance of the certificate of completion of injection operations, any performance bonds posted by the operator shall be released and continued monitoring of the site, including remediation of any well leakage, shall become the principal responsibility of the Carbon Dioxide Geologic Storage Trust Fund.

(4) It is the intent of this Section that the state shall not assume or have any liability by the mere act of assuming ownership of a storage facility after issuance of a certificate of completion of injection operations.

B.(1) In any civil liability action against the owner or operator of a storage facility, carbon dioxide transmission pipeline, or the generator of the carbon dioxide being handled by either the facility or pipeline, the maximum amount recoverable as compensatory damages for noneconomic loss shall not exceed two hundred fifty thousand dollars per occurrence, except where the damages for noneconomic loss suffered by the plaintiff were for wrongful death; permanent and substantial physical deformity, loss of use of a limb or loss of a bodily organ system; or permanent physical or mental functional injury that permanently prevents the injured person from being able to independently care for himself or herself and perform life sustaining activities. In such cases, the maximum amount recoverable as compensatory damages for noneconomic loss shall not exceed five hundred thousand dollars per occurrence.

(2) If Paragraph (1) of this Subsection, or the application thereof to any person or circumstance, is finally determined by a court of law to be unconstitutional or otherwise invalid, the maximum amount recoverable as damages for noneconomic loss shall thereafter not exceed one million dollars per occurrence. This provision shall not supersede any contractual agreement

with respect to liability between a plaintiff and an owner or operator of a storage facility, a carbon dioxide transmission pipeline, or the generator of the carbon dioxide.

C. Nothing in this Chapter shall establish or create any liability or responsibility on the part of the commissioner or the state to pay any costs associated with site restoration from any source other than the funds or trusts created by this Chapter, nor shall the commissioner or the state of Louisiana have any liability or responsibility to make any payments for costs associated with site restoration if the trusts created herein are insufficient to do so.

D. The commissioner or his agents, on proper identification, may enter the land of another for purposes of site assessment or restoration.

E. The commissioner and his agents are not liable for any damages arising from an act or omission if the act or omission is part of a good faith effort to carry out the purpose of this Chapter.

F. No party contracting with the Department of Natural Resources, office of conservation, or the commissioner under the provisions of this Chapter shall be deemed to be a public employee or an employee otherwise subject to the provisions of Parts I through IV of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

Acts 2009, No. 517, §2.

§1110. Carbon Dioxide Geologic Storage Trust Fund

A.(1) There is hereby established a fund in the custody of the state treasurer to be known as the Carbon Dioxide Geologic Storage Trust Fund, hereinafter referred to as the "fund", which shall constitute a special custodial trust fund which shall be administered by the commissioner, who shall make disbursements from the fund solely in accordance with the purposes and uses authorized by this Chapter.

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay into the fund, an amount equal to the monies received by the state treasury pursuant to this Chapter. The monies in this fund shall be used solely as provided in this Section and only in the amount appropriated by the legislature. All unexpended and unencumbered monies remaining in this fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and all returns of such investment shall be deposited to the fund. The funds received shall be placed in the special trust fund in the custody of the state treasurer to be used only in accordance with this Chapter and shall not be placed in the general fund. The funds provided to the commissioner pursuant to this Section shall at all times be and remain the property of the commissioner. The funds shall be used only for the purposes set forth in this Chapter and for no other governmental purposes, nor shall any branch of government be allowed to borrow any portion of the funds. It is the intent of the legislature that this fund and its increments shall remain intact and inviolate.

B. The following monies shall be placed into the fund:

(1) The fees, penalties, and bond forfeitures collected pursuant to this Chapter. All fees and self-generated revenue remaining on deposit for the office of conservation at the end of any fiscal year shall be deposited into the fund.

(2) Private contributions.

(3) Interest earned on the funds deposited in the fund.

(4) Civil penalties for violation of any rules or permit conditions imposed under this Chapter, or costs recovered from responsible parties for geologic storage facility closure or remediation pursuant to this Section and R.S. 30:1104, 1105, and 1106.

(5) Any grants, donations, and sums allocated from any source, public or private, for the purposes of this Chapter.

(6) Site-specific trust accounts; however, the monies of such accounts shall not be used for any geologic storage facility other than that specified for each respective account.

C. The commissioner is hereby authorized to levy on storage operators the following fees or costs for the purpose of funding the fund:

(1) A fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, for each ton of carbon dioxide injected for storage. This fee is to be determined based upon the following formula:

(a) $F \times 144 < M$.

(b) "F" is a per unit fee in dollars per ton set by the office of conservation.

(c) "144" is the minimum number of months over which a fee is to be collected.

(d) "M" is the maximum payment of five million dollars and is the total amount of fees to be collected before the payment of the fee can be suspended as provided in this Section.

(e) The fee cannot exceed five million dollars divided by one hundred forty-four divided by the total tonnage of carbon dioxide to be injected, $(\$5,000,000 / 144) / \text{total injection tonnage of carbon dioxide}$.

(f) Once a storage operator has contributed five million dollars to the trust fund, the fee assessments to that storage operator under this Section shall cease until such time as funds begin to be expended for monitoring and caretaking of any completed storage facility. The treasurer of the state of Louisiana shall certify, to the commissioner, the date on which the balance in the fund for a storage operator equals or exceeds five million dollars. The fund fees 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 commissioner 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 four million dollars for the storage operator. If at any time the balance in the trust fund exceeds an authorized amount determined by multiplying five million dollars by the number of active and completed storage facilities within the state, the collection of fees from the operators of storage facilities that have already contributed five million dollars to the trust fund will be suspended until such time as the balance in the trust fund falls below such authorized amount, at which time they will be reinstated.

(g) At the end of each fiscal year, the fee may be redetermined by the commissioner based upon the estimated cost of administering and enforcing this Chapter for the upcoming year divided by the tonnage of carbon dioxide expected to be injected during the upcoming year. The total fee assessed shall be sufficient to assure a balance in the fund not to exceed five million dollars for any active storage facility within the state at the beginning of each fiscal year. Any amount received that exceeds the annual balance required shall be deposited in the fund, but appropriate credits shall be given against future fees or fees associated with other storage facilities operated by the same storage operator.

(2) An annual regulatory fee for storage facilities that have not received a certificate of completion of injection operations payable to the office of conservation, in a form and schedule prescribed by the office of conservation, on the carbon dioxide storage facility in an amount not to exceed fifty thousand dollars for Fiscal Year 2010-2011 and thereafter. Such fee shall be based

upon the annual projected costs to the office of conservation for oversight and regulation of such storage facilities.

(3) An application fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, by industries under the jurisdiction of the office of conservation. The commissioner may, by rule in accordance with the Administrative Procedure Act, increase any application fee to an amount not in excess of eight and one-half percent above the amount charged for the fee on July 1, 2010.

D. The provisions of the Louisiana Tax Code shall apply to the administration, collection, and enforcement of the fees imposed herein, and the penalties provided by that code shall apply to any person who fails to pay or report the fees. Proceeds from the fees, including any penalties and interest collected in connection with the fees, shall be deposited into the fund.

E. The fund shall be used solely for the following purposes:

(1) Operational and long-term inspecting, testing, and monitoring of the site, including remaining surface facilities and wells.

(2) Remediation of mechanical problems associated with remaining wells and surface infrastructure.

(3) Repairing mechanical leaks at the site.

(4) Plugging and abandoning remaining wells or conversion for use as observation wells.

(5)(a) Administration of this Chapter by the commissioner in an amount not to exceed seven hundred fifty thousand dollars each fiscal year.

(b) The Oil and Gas Regulatory Fund created by R.S. 30:21 may be used for the administration of this Chapter as authorized by this Paragraph until June 30, 2014. Any such payments from the Oil and Gas Regulatory Fund shall be repaid from the Carbon Dioxide Storage Trust Fund by June 30, 2018.

(6) Payment of fees and costs associated with the administration of the fund or site-specific accounts.

(7) Payment of fees and costs associated with the acquisition of appropriate insurance for future storage facility liability if it should become available, either commercially or through government funding.

F. The commissioner is authorized to enter into agreements and contracts and to expend money in the fund for the following purposes:

(1) To fund research and development in connection with carbon sequestration technology and methods.

(2) To monitor any remaining surface facilities and wells.

(3) To remediate mechanical problems associated with remaining wells or site infrastructure.

(4) To repair mechanical leaks at the storage facility.

(5) To contract with a private legal entity pursuant to this Chapter.

(6) To plug and abandon remaining wells except for those wells to be used as observation wells.

G. The commissioner shall keep accurate accounts of all receipts and disbursements related to the administration of the fund and site-specific trust funds and shall make a specific annual report addressing the administration of the funds to the Senate Committee on Natural Resources, the House Committee on Natural Resources and Environment, and the Senate Committee on Environmental Quality before March first.

H. Every five years the commissioner shall submit a report to the Senate Committee on Natural Resources, the House Committee on Natural Resources and Environment, and the Senate Committee on Environmental Quality before March first, that assesses the effectiveness of the fund and other related provisions in this Part and provides such other information as may be requested by the legislature to allow the legislature to assess the effectiveness of this Chapter.

Acts 2009, No. 517, §2; Acts 2020, No. 61, §1.

DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

2021 Fund Review - Agency Submission

Fund Name: Carbon Dioxide Geologic Trust Fund

Agency Name: Department of Natural Resources

Point of Contact: Benjamin Spears POC Phone: 225-342-9161

POC Email: Benjamin.Spears2@la.gov Date: 10/2/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
Amount:	\$0	\$0	\$0	\$0	\$0	
Revenue Description:	HB 661(ACT 517) passed in 2009 (La. R.S. 30:22; La. R.S. 30:1101-1111), LDNR has the methodology in place to fund this program when primacy is received. A new dedicated fund named the Carbon Dioxide Geologic Storage Trust Fund) will be funded by several fees on the operator. These fees include: an annual fee of \$50,000 per site, permitting fees, and the injection fee. This will work out to be around five cents per ton, but will be slightly different for each site. It is estimated each site will average about \$416,000 per year in these fees.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount:	\$0	\$0	\$0	\$0	\$0	\$0

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

Name of Activity Funded:	Injection & Mining - Sequestration of Carbon Dioxide -U.I.C.					
Activity Description:	Class VI wells inject carbon dioxide gas underground for the long-term containment of carbon dioxide in subsurface geologic formations, ultimately limiting emissions of this greenhouse gas.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Amount from Dedicated Fund Expended for Activity:	\$0	\$0	\$0	\$0	\$0	\$0
Total Expended for Activity from all Means of Finance:	\$0	\$0	\$0	\$0	\$0	\$23,000
Activity Outcomes/ Performance Information:	Objective: Ensure the protection of underground sources of drinking water, public health, and the environment from degradation by regulating subsurface injection of waste, other fluids and gases, and surface coal mining resulting in zero verified unauthorized releases from injection waste wells and zero off-site impacts from surface coal mining, annually through 2022.					
Cost of Service Offset by Fee (if applicable):						