

1 H.549

2 Introduced by Representative Marcotte of Coventry

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; underground and aboveground

6 storage tanks; Petroleum Cleanup Fund

7 Statement of purpose of bill as introduced: This bill proposes to extend from
8 the year 2021 until the year 2031 the repeal of the licensing fees on motor fuel
9 and heating oil, kerosene, or other dyed diesel fuel that are deposited in the
10 Petroleum Cleanup Fund. The bill also extends from the year 2019 to the year
11 2029 the repeal of the assessment of underground storage tanks that is
12 deposited into the Petroleum Cleanup Fund.

13 An act relating to the Petroleum Cleanup Fund

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 10 V.S.A. § 1941(b) is amended to read:

16 (b) The Secretary may authorize disbursements from the Fund for the
17 purpose of the cleanup and restoration of contaminated soil and groundwater
18 caused by releases of petroleum from underground storage tanks and
19 aboveground storage tanks, including air emissions for remedial actions, and
20 for compensation of third parties for injury and damage caused by a release.

1 This Fund shall be used for no other governmental purposes, nor shall any
2 portion of the Fund ever be available to borrow from by any branch of
3 government; it being the intent of the General Assembly that this Fund and its
4 increments shall remain intact and inviolate for the purposes set out in this
5 chapter. Disbursements under this section may be made only for uninsured
6 costs incurred after January 1, 1987 and for which a claim is made prior to
7 July 1, ~~2019~~ 2029 and judged to be in conformance with prevailing industry
8 rates. This includes:

9 * * *

10 Sec. 2. 10 V.S.A. § 1942 is amended to read:

11 § 1942. PETROLEUM DISTRIBUTOR LICENSING FEE

12 (a) There is hereby established a licensing fee of one cent per gallon of
13 motor fuel sold by a distributor or dealer or used by a user in this State, ~~which~~
14 that will be assessed against every distributor, dealer, or user as defined in
15 23 V.S.A. chapters 27 and 28, and ~~which~~ that will be deposited into the
16 Petroleum Cleanup Fund established pursuant to subsection 1941(a) of this
17 title. The Secretary, in consultation with the Petroleum Cleanup Fund
18 Advisory Committee established pursuant to subsection 1941(e) of this title,
19 shall annually report to the General Assembly on the balance of the Motor Fuel
20 Account and shall make recommendations, if any, for changes to the program.
21 The Secretary shall also determine the unencumbered balance of the Motor

1 Fuel Account as of May 15 of each year, and if the balance is equal to or
2 greater than \$7,000,000.00, then the licensing fee shall not be assessed in the
3 upcoming fiscal year. The Secretary shall promptly notify all sellers assessing
4 this fee of the status of the fee for the upcoming fiscal year. This fee ~~will~~ shall
5 be paid in the same manner, at the same time, and subject to the same
6 restrictions or limitations as the tax on motor fuels. The fee ~~will~~ shall be
7 collected by the Commissioner of Motor Vehicles and deposited into the
8 Petroleum Cleanup Fund. This fee requirement shall terminate on April 1,
9 ~~2021~~ 2031.

10 (b) There is assessed a licensing fee of one cent per gallon for the bulk
11 retail sale of heating oil, kerosene, or other dyed diesel fuel sold in this State.
12 This fee shall be subject to the collection, administration, and enforcement
13 provisions of 32 V.S.A. chapter 233, and the fees collected under this
14 subsection by the Commissioner of Taxes shall be deposited into the
15 Petroleum Cleanup Fund established pursuant to subsection 1941(a) of this
16 title. The Secretary, in consultation with the Petroleum Cleanup Fund
17 Advisory Committee established pursuant to subsection 1941(e) of this title,
18 shall annually report to the General Assembly on the balance of the Heating
19 Fuel Account and shall make recommendations, if any, for changes to the
20 program. The Secretary shall also determine the unencumbered balance of the
21 Heating Fuel Account as of May 15 of each year, and if the balance is equal to

1 or greater than \$3,000,000.00, then the licensing fee shall not be assessed in
2 the upcoming fiscal year. The Secretary shall promptly notify all sellers
3 assessing this fee of the status of the fee for the upcoming fiscal year. This fee
4 provision shall terminate on April 1, ~~2024~~ 2031.

5 Sec. 3. 10 V.S.A. § 1943(c) is amended to read:

6 (c) This tank assessment shall terminate on July 1, ~~2019~~ 2029.

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on July 1, 2018.