

REVISIONS TO STATE GOVERNMENT

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Susan J. Koehn

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; PROVIDING FOR STATUTORILY DESIGNATED PURPOSES FOR WHICH THE PETROLEUM STORAGE TANK FUND AND THE ENVIRONMENTAL QUALITY RESTRICTED ACCOUNT MAY BE USED.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

19-1-108, as enacted by Chapter 324, Laws of Utah 1995

19-6-409, as last amended by Chapters 172 and 272, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-1-108** is amended to read:

19-1-108. Creation of environmental quality restricted account -- Purpose of restricted account -- Sources of funds -- Uses of funds.

- (1) There is created the Environmental Quality Restricted Account.
- (2) The sources of monies for the restricted account are:
 - (a) radioactive waste disposal fees collected under Section 19-3-106;
 - (b) hazardous waste disposal fees collected under Section 19-6-118;
 - (c) PCB waste disposal fees collected under Section 19-6-118.5;
 - (d) nonhazardous solid waste disposal fees collected under Section 19-6-119; and
 - (e) all investment income derived from money in the restricted account created in this section.
- (3) In each fiscal year, the first \$500,000 collected from all waste disposal fees listed in Subsection (2), collectively, shall be deposited in the General Fund as free revenue. The balance shall be deposited in the restricted account created in this section.
- (4) The Legislature may annually appropriate monies from the Environmental Quality Restricted Account to:

(a) the department for the costs of administering radiation control programs;

(b) the department for the costs of administering solid and hazardous waste programs; and

(c) the Hazardous Substances Mitigation Fund, up to \$400,000, for purposes set forth in Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act.

(5) In order to stabilize funding for the radiation control program and the solid and hazardous waste program, the Legislature shall in years of excess revenues reserve in the restricted account sufficient monies to meet departmental needs in years of projected shortages.

(6) The Legislature may not appropriate money from the General Fund to the department as a supplemental appropriation to cover the costs of the radiation control program and the solid and hazardous waste program in an amount exceeding 25% of the amount of waste disposal fees collected during the most recent prior fiscal year.

(7) The Legislature may annually appropriate not more than \$200,000 from this account to the Department of Public Safety, created in Section 53-1-103, to be used by that department solely for hazardous materials:

- (a) management training; and
- (b) response preparation and emergency response training.

(8) All funds appropriated under this part that are not expended at the end of the fiscal year lapse into the account created in Subsection (1).

(9) For fiscal year 1998-99, up to \$537,000 in the Environmental Quality Restricted Account may be appropriated by the Legislature to fund legislative priorities.

Section 2. Section **19-6-409** is amended to read:

19-6-409. Petroleum Storage Tank Trust Fund created -- Source of revenues.

(1) (a) There is created an expendable trust fund entitled the Petroleum Storage Tank Trust Fund.

- (b) The sole sources of revenues for the fund are:
- (i) petroleum storage tank fees under Section 19-6-411;
 - (ii) underground storage tank installation company permit fees under Section 19-6-411;
 - (iii) the environmental assurance fee paid under Section 19-6-410.5; and

(iv) costs recovered under this part.

(c) Interest earned on fund monies shall be deposited into the fund.

(2) Fund monies may be used to pay:

(a) costs as provided in Section 19-6-419; and

(b) for the administration of the fund and the environmental assurance program and fee under Section 19-6-410.5.

(3) Costs for the administration of the fund and the environmental assurance fee shall be appropriated by the Legislature.

(4) The executive secretary may expend monies from the fund for:

(a) legal and claims adjusting costs incurred by the state in connection with claims, judgments, awards, or settlements for bodily injury or property damage to third parties;

(b) costs incurred by the state risk manager in determining the actuarial soundness of the fund; and

(c) other costs as provided in this part.

(5) For fiscal year 1997-98, money in the Petroleum Storage Tank Trust Fund, up to a maximum of \$2,200,000, may be appropriated by the Legislature to the department as nonlapsing funds to be applied to the costs of investigation, abatement, and corrective action regarding releases not covered by the fund and not on the national priority list as defined in Section 19-6-302.

(6) For fiscal year 1998-99, up to \$5,000,000 in the Petroleum Storage Tank Fund carried forward to the Petroleum Storage Tank Trust Fund may be appropriated by the Legislature to the Centennial Highway Trust Fund.