

1 REVISIONS TO STATE GOVERNMENT

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 Sponsor: Susan J. Koehn

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

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

10 AMENDS:

11 19-1-108, as enacted by Chapter 324, Laws of Utah 1995

12 19-6-409, as last amended by Chapters 172 and 272, Laws of Utah 1997

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

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

15 19-1-108. **Creation of environmental quality restricted account -- Purpose of**
16 **restricted account -- Sources of funds -- Uses of funds.**

17 (1) There is created the Environmental Quality Restricted Account.

18 (2) The sources of monies for the restricted account are:

19 (a) radioactive waste disposal fees collected under Section 19-3-106;

20 (b) hazardous waste disposal fees collected under Section 19-6-118;

21 (c) PCB waste disposal fees collected under Section 19-6-118.5;

22 (d) nonhazardous solid waste disposal fees collected under Section 19-6-119; and

23 (e) all investment income derived from money in the restricted account created in this
24 section.

25 (3) In each fiscal year, the first \$500,000 collected from all waste disposal fees listed in
26 Subsection (2), collectively, shall be deposited in the General Fund as free revenue. The balance
27 shall be deposited in the restricted account created in this section.

1 (4) The Legislature may annually appropriate monies from the Environmental Quality
2 Restricted Account to:

- 3 (a) the department for the costs of administering radiation control programs;
- 4 (b) the department for the costs of administering solid and hazardous waste programs; and
- 5 (c) the Hazardous Substances Mitigation Fund, up to \$400,000, for purposes set forth in
6 Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act.

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

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

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

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

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

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

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

24 **19-6-409. Petroleum Storage Tank Trust Fund created -- Source of revenues.**

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

27 (b) The sole sources of revenues for the fund are:

- 28 (i) petroleum storage tank fees under Section 19-6-411;
- 29 (ii) underground storage tank installation company permit fees under Section 19-6-411;
- 30 (iii) the environmental assurance fee paid under Section 19-6-410.5; and
- 31 (iv) costs recovered under this part.

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

2 (2) Fund monies may be used to pay:

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

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

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

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

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

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

13 (c) other costs as provided in this part.

14 (5) For fiscal year 1997-98, money in the Petroleum Storage Tank Trust Fund, up to a
15 maximum of \$2,200,000, may be appropriated by the Legislature to the department as nonlapsing
16 funds to be applied to the costs of investigation, abatement, and corrective action regarding
17 releases not covered by the fund and not on the national priority list as defined in Section
18 19-6-302.

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

Legislative Review Note
as of 3-4-98 12:59 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel