



28 (5) Revenue collected under this section shall be deposited in the Petroleum Storage  
29 Tank Trust Fund created in Section 19-6-409 and used solely for the purposes ~~[under]~~ listed in  
30 Section 19-6-409.

31 (6) (a) The commission is responsible for the collection of the fee and any penalties  
32 and interest imposed under this section.

33 (b) The commission shall by rule, in accordance with Title 63, Chapter 46a, Utah  
34 Administrative Rulemaking Act, establish:

35 (i) the method of payment of the environmental assurance fee;

36 (ii) the procedure for reimbursement or exemption of owners or operators who do not  
37 participate in the program, including owners and operators of above ground storage tanks; and

38 (iii) the procedure for confirming with the department those owners and operators who  
39 qualify for reimbursement or exemption under Subsection (6)(b)(ii).

40 (c) The commission may retain an amount not to exceed 2.5% of fees collected under  
41 this section for the cost to it of rendering its services.

42 (7) The person or entity responsible for payment of the fee under this section shall pay  
43 the fee to the commission ~~[on or before]~~ by the last day of the month following the month in  
44 which the sale occurs.

45 (8) The payment under this section shall be accompanied by the form prescribed by the  
46 commission.

47 (9) (a) The penalties and interest for failure to file the form required under this section  
48 or to pay the environmental assurance fee are the same as the penalties and interest under  
49 Sections 59-1-401 and 59-1-402.

50 (b) The commission shall deposit penalties and interest collected under this section in  
51 the Petroleum Storage Tank Trust Fund.

52 (10) The commission shall report to the department any person or entity who is  
53 delinquent in payment of the fee under this section.

54 (11) (a) If the cash balance of the Petroleum Storage Tank Trust Fund on June 30 of  
55 any year exceeds ~~[\$40,000,000]~~ \$20,000,000, the assessment of the environmental assurance  
56 fee as provided in Subsection (4) shall be ~~[suspended]~~ reduced to 1/4 cent per gallon beginning  
57 November 1 and the ~~[suspension]~~ reduction shall remain in effect ~~[through October 31 of the~~  
58 ~~year in which the cash balance of the fund on June 30 has decreased to below \$30,000,000]~~

59 until modified by the Legislature in a general or special session.

60 (b) The commission [~~shall be~~] is responsible for determining each year the cash  
61 balance of the fund as of June 30.

62 (c) Before September 1 of each year, the department shall provide the commission with  
63 the accounts payable of the fund as of June 30.

63a **§ Section 2. Effective Date."**

63b **"THIS ACT TAKES EFFECT ON JULY 1, 2003. §**

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**Legislative Review Note**  
**as of 8-7-02 11:41 AM**

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

**Office of Legislative Research and General Counsel**

**State Impact**

Provisions of this bill increase the environmental assurance fee for petroleum products from 1/4 cent per gallon to 1/2 cent per gallon. It is estimated that \$4,048,900 in new revenue to the Petroleum Storage Tank Trust Fund will be realized in FY 2004.

Provisions of the bill automatically drop the 1/4 cent increase when the trust fund reaches \$20,000,000.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
Trust Funds	\$0	\$0	\$4,048,900	\$4,108,900
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,048,900</b>	<b>\$4,108,900</b>

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**Individual and Business Impact**

Individuals and businesses will pay this 1/4 cent per gallon increase in increased petroleum products costs.

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**Office of the Legislative Fiscal Analyst**