

UNDERGROUND STORAGE TANK AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill requires the Division of Fleet Operations to ensure that certain underground storage tanks qualify for a risk-based environmental assurance fee rebate.

Highlighted Provisions:

This bill:

- ▶ requires the Division of Fleet Operations to ensure that certain underground storage tanks qualify for a risk-based environmental assurance fee rebate;
- ▶ provides reporting requirements; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates for fiscal year 2016:

- ▶ to the Department of Administrative Services – Division of Fleet Operations, as an on-going appropriation:
 - from the General Fund, \$100,000 to pay for upgrading the condition of underground storage tanks.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63A-9-401, as last amended by Laws of Utah 2014, Chapter 190



28 **63J-1-602.4**, as last amended by Laws of Utah 2014, Chapters 37, 186, and 189

29

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

31 Section 1. Section **63A-9-401** is amended to read:

32 **63A-9-401. Division -- Duties.**

33 (1) The division shall:

34 (a) perform all administrative duties and functions related to management of state
35 vehicles;

36 (b) coordinate all purchases of state vehicles;

37 (c) establish one or more fleet automation and information systems for state vehicles;

38 (d) make rules establishing requirements for:

39 (i) maintenance operations for state vehicles;

40 (ii) use requirements for state vehicles;

41 (iii) fleet safety and loss prevention programs;

42 (iv) preventative maintenance programs;

43 (v) procurement of state vehicles, including:

44 (A) vehicle standards;

45 (B) alternative fuel vehicle requirements;

46 (C) short-term lease programs;

47 (D) equipment installation; and

48 (E) warranty recovery programs;

49 (vi) fuel management programs;

50 (vii) cost management programs;

51 (viii) business and personal use practices, including commute standards;

52 (ix) cost recovery and billing procedures;

53 (x) disposal of state vehicles;

54 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;

55 (xii) standard use and rate structures for state vehicles; and

56 (xiii) insurance and risk management requirements;

57 (e) establish a parts inventory;

58 (f) create and administer a fuel dispensing services program that meets the

59 requirements of Subsection (2);

60 (g) emphasize customer service when dealing with agencies and agency employees;

61 (h) conduct an annual audit of all state vehicles for compliance with division

62 requirements;

63 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a
64 subscriber of services other than an executive branch agency:

65 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
66 in Section 63A-1-114; and

67 (ii) obtain the approval of the Legislature as required by Section 63J-1-410; and

68 (j) conduct an annual market analysis of proposed rates and fees, which analysis shall
69 include a comparison of the division's rates and fees with the fees of other public or private
70 sector providers where comparable services and rates are reasonably available.

71 (2) The division shall operate a fuel dispensing services program in a manner that:

72 (a) reduces the risk of environmental damage and subsequent liability for leaks
73 involving state-owned underground storage tanks;

74 (b) eliminates fuel site duplication and reduces overall costs associated with fuel
75 dispensing;

76 (c) provides efficient fuel management and efficient and accurate accounting of
77 fuel-related expenses;

78 (d) where practicable, privatizes portions of the state's fuel dispensing system;

79 (e) provides central planning for fuel contingencies;

80 (f) establishes fuel dispensing sites that meet geographical distribution needs and that
81 reflect usage patterns;

82 (g) where practicable, uses alternative sources of energy; and

83 (h) provides safe, accessible fuel supplies in an emergency.

84 (3) The division shall:

85 (a) ensure that the state and each of its agencies comply with state and federal law and
86 state and federal rules and regulations governing underground storage tanks;

87 (b) coordinate the installation of new state-owned underground storage tanks and the
88 upgrading or retrofitting of existing underground storage tanks; ~~and~~

89 (c) by no later than June 30, 2025, ensure that an underground storage tank qualifies for

90 a rebate, provided under Subsection 19-6-410.5(5)(d), of a portion of the environmental
91 assurance fee described in Subsection 19-6-410.5(4), if the underground storage tank is owned
92 by:

- 93 (i) the state;
- 94 (ii) a state agency; or
- 95 (iii) a county, municipality, school district, local district, special service district, or
96 federal agency that has subscribed to the fuel dispensing service provided by the division under
97 Subsection (6)(b);

98 (d) report to the Natural Resources, Agriculture, and Environmental Quality
99 Appropriations Subcommittee by no later than:

- 100 (i) November 30, 2020, on the status of the requirements of Subsection (3)(c); and
- 101 (ii) November 30, 2024, on whether:
102 (A) the requirements of Subsection (3)(c) have been met; and
103 (B) additional funding is needed to accomplish the requirements of Subsection (3)(c);

104 and

105 ~~(e)~~ (e) ensure that counties, municipalities, school districts, local districts, and special
106 service districts subscribing to services provided by the division sign a contract that:

- 107 (i) establishes the duties and responsibilities of the parties;
- 108 (ii) establishes the cost for the services; and
- 109 (iii) defines the liability of the parties.

110 (4) In fulfilling the requirements of Subsection (3)(c), the division may give priority to
111 underground storage tanks owned by the state or a state agency under Subsections (3)(c)(i) and
112 (ii).

113 ~~(4)~~ (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
114 Act, the director of the Division of Fleet Operations:

- 115 (i) may make rules governing fuel dispensing; and
- 116 (ii) shall make rules establishing standards and procedures for purchasing the most
117 economically appropriate size and type of vehicle for the purposes and driving conditions for
118 which the vehicle will be used, including procedures for granting exceptions to the standards
119 by the executive director of the Department of Administrative Services.

120 (b) Rules made under Subsection ~~(4)~~ (5)(a)(ii):

- 121 (i) shall designate a standard vehicle size and type that shall be designated as the
122 statewide standard vehicle for fleet expansion and vehicle replacement;
- 123 (ii) may designate different standard vehicle size and types based on defined categories
124 of vehicle use;
- 125 (iii) may, when determining a standard vehicle size and type for a specific category of
126 vehicle use, consider the following factors affecting the vehicle class:
- 127 (A) size requirements;
- 128 (B) economic savings;
- 129 (C) fuel efficiency;
- 130 (D) driving and use requirements;
- 131 (E) safety;
- 132 (F) maintenance requirements;
- 133 (G) resale value; and
- 134 (H) the requirements of Section [63A-9-403](#); and
- 135 (iv) shall require agencies that request a vehicle size and type that is different from the
136 standard vehicle size and type to:
- 137 (A) submit a written request for a nonstandard vehicle to the division that contains the
138 following:
- 139 (I) the make and model of the vehicle requested, including acceptable alternate vehicle
140 makes and models as applicable;
- 141 (II) the reasons justifying the need for a nonstandard vehicle size or type;
- 142 (III) the date of the request; and
- 143 (IV) the name and signature of the person making the request; and
- 144 (B) obtain the division's written approval for the nonstandard vehicle.
- 145 ~~[(5)]~~ (6) (a) (i) Each state agency and each higher education institution shall subscribe
146 to the fuel dispensing services provided by the division.
- 147 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,
148 systems, or products other than those provided by the division.
- 149 (b) Counties, municipalities, school districts, local districts, special service districts,
150 and federal agencies may subscribe to the fuel dispensing services provided by the division if:
- 151 (i) the county or municipal legislative body, the school district, or the local district or

152 special service district board recommends that the county, municipality, school district, local
153 district, or special service district subscribe to the fuel dispensing services of the division; and

154 (ii) the division approves participation in the program by that government unit.

155 ~~[(6)]~~ (7) The director, with the approval of the executive director, may delegate
156 functions to institutions of higher education, by contract or other means authorized by law, if:

157 (a) the agency or institution of higher education has requested the authority;

158 (b) in the judgment of the director, the state agency or institution has the necessary
159 resources and skills to perform the delegated responsibilities; and

160 (c) the delegation of authority is in the best interest of the state and the function
161 delegated is accomplished according to provisions contained in law or rule.

162 Section 2. Section **63J-1-602.4** is amended to read:

163 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**

164 (1) Funds paid to the Division of Real Estate for the cost of a criminal background
165 check for a mortgage loan license, as provided in Section [61-2c-202](#).

166 (2) Funds paid to the Division of Real Estate for the cost of a criminal background
167 check for principal broker, associate broker, and sales agent licenses, as provided in Section
168 [61-2f-204](#).

169 (3) Certain funds donated to the Department of Human Services, as provided in
170 Section [62A-1-111](#).

171 (4) Appropriations from the National Professional Men's Basketball Team Support of
172 Women and Children Issues Restricted Account created in Section [62A-1-202](#).

173 (5) Certain funds donated to the Division of Child and Family Services, as provided in
174 Section [62A-4a-110](#).

175 (6) Appropriations from the Choose Life Adoption Support Restricted Account created
176 in Section [62A-4a-608](#).

177 (7) Appropriations to the Division of Services for People with Disabilities, as provided
178 in Section [62A-5-102](#).

179 (8) Appropriations to the Division of Fleet Operations for the purpose of upgrading
180 underground storage tanks under Section [63A-9-401](#).

181 ~~[(8)]~~ (9) A portion of the funds appropriated to the Utah Seismic Safety Commission,
182 as provided in Section [63C-6-104](#).

183 ~~[(9)]~~ (10) Certain money payable for commission expenses of the Pete Suazo Utah
184 Athletic Commission, as provided under Section [63C-11-301](#).

185 ~~[(10)]~~ (11) Funds appropriated or collected for publishing the Division of
186 Administrative Rules' publications, as provided in Section [63G-3-402](#).

187 ~~[(11)]~~ (12) The Immigration Act Restricted Account created in Section [63G-12-103](#).

188 ~~[(12)]~~ (13) Money received by the military installation development authority, as
189 provided in Section [63H-1-504](#).

190 ~~[(13)]~~ (14) Appropriations to fund the Governor's Office of Economic Development's
191 Enterprise Zone Act, as provided in Title 63M, Chapter 1, Part 4, Enterprise Zone Act.

192 ~~[(14)]~~ (15) The Motion Picture Incentive Account created in Section [63M-1-1803](#).

193 Section 3. **Appropriation.**

194 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
195 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
196 are appropriated from resources not otherwise appropriated, or reduced from amounts
197 previously appropriated, out of the funds or accounts indicated. These sums of money are in
198 addition to any amounts previously appropriated for fiscal year 2016.

199 To the Department of Administrative Services - Division of Fleet Operations
200 From General Fund, Ongoing \$100,000

201 Schedule of Programs:

202 Fuel Dispensing Program \$100,000

203 Under Section [63J-1-603](#) the Legislature intends that appropriations provided under this
204 section not lapse at the close of fiscal year 2016. The use of any nonlapsing funds is limited to
205 fulfilling the requirements of Subsection [63A-9-401\(3\)\(e\)](#).

206 The Legislature intends that the appropriation under this section be used to carry out the
207 requirements of Subsection [63A-9-401\(3\)\(c\)](#).

208 Section 4. **Effective date.**

209 This bill takes effect on July 1, 2015.

Legislative Review Note
as of 2-16-15 5:04 PM

Office of Legislative Research and General Counsel