

1 **ENVIRONMENTAL FEE AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kay J. Christofferson**

5 Senate Sponsor: \_\_\_\_\_

6 **LONG TITLE**7 **General Description:**

8 This bill amends provisions relating to the Environmental Quality Restricted Account.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ creates the Division of Waste Management and Radiation Control Expendable
- 12 Revenue Fund and describes the uses of the fund;
- 13 ▶ provides for transfers from the Environmental Quality Restricted Account to the
- 14 Hazardous Substances Mitigation Fund;
- 15 ▶ provides repeal dates; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**22 **AMENDS:**23 **19-1-108**, as last amended by Laws of Utah 2013, Chapter 33024 **63I-2-219**, as last amended by Laws of Utah 2016, Chapter 36925 **ENACTS:**26 **19-6-126**, Utah Code Annotated 1953

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

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

31       **19-1-108. Creation of Environmental Quality Restricted Account -- Purpose of**  
32 **restricted account -- Sources of funds -- Uses of funds.**

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

34       (2) The sources of money for the restricted account are:

35       (a) radioactive waste disposal fees collected under Sections **19-3-106** and **19-3-106.4**

36 and other fees collected under Subsection **19-3-104(5)**;

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

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

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

40       (e) the investment income derived from money in the Environmental Quality

41 Restricted Account.

42       (3) In each fiscal year[;]:

43       (a) the first ~~[\$400,000]~~ **\$200,000** collected from the waste disposal fees listed in

44 Subsection (2), collectively, shall be deposited in the ~~[General Fund as free revenue. The~~

45 ~~balance]~~ **Hazardous Substances Mitigation Fund**;

46       (b) **the second \$200,000 collected from the waste disposal fees listed in Subsection (2),**

47 **collectively, shall be deposited in the Division of Waste Management and Radiation Control**

48 **Expendable Revenue Fund created in Section **19-6-126**; and**

49       (c) **the balance of the money collected from the waste disposal fees listed in Subsection**

50 **(2), collectively, shall be deposited in the Environmental Quality Restricted Account.**

51       (4) The Legislature may annually appropriate money from the Environmental Quality

52 **Restricted Account to the department for the costs of administering:**

53       (a) ~~[the department for the costs of administering]~~ radiation control programs; **and**

54       (b) ~~[the department for the costs of administering]~~ solid and hazardous waste

55 programs[; **and**].

56       ~~[(c) subject to Subsection (6), the Hazardous Substances Mitigation Fund, up to~~

57 ~~\$400,000, to provide money to:]~~

58       **(5) Each year beginning July 1, 2018, and ending on July 1, 2021, the Division of**

59 Finance shall transfer \$400,000 from the Environmental Quality Restricted Account to the  
60 Hazard Substances Mitigation Fund, to provide money to:

61 [¶] (a) meet the state's cost share requirements for cleanup under the Comprehensive  
62 Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Sec. 9601 et seq.  
63 as amended; and

64 [¶] (b) respond to an emergency as provided in Section 19-6-309.

65 [¶] (6) After the requirements of Subsection (3) are met, sources of money for the  
66 restricted account described in Subsection (2)(a) may only be used for the purpose described in  
67 Subsection (4)(a).

68 [¶] (6) ~~An annual request for money to be appropriated from the Environmental Quality~~  
69 ~~Restricted Account to the Hazardous Substances Mitigation Fund may be made by the~~  
70 ~~department only after the executive director's review of the Environmental Quality Restricted~~  
71 ~~Account's or the Hazardous Substances Mitigation Fund's balance as of the end of the fiscal~~  
72 ~~year immediately before the general session for which the request is made.]~~

73 (7) In order to stabilize funding for the radiation control program and the solid and  
74 hazardous waste program, the Legislature shall in years of excess revenues reserve in the  
75 Environmental Quality Restricted Account sufficient money to meet departmental needs in  
76 years of projected shortages.

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

81 (9) Money appropriated under this part that is not expended at the end of the fiscal year  
82 lapses into the Environmental Quality Restricted Account.

83 (10) (a) The balance in the Environmental Quality Restricted Account may not exceed  
84 \$4,000,000 above the anticipated revenue need for the money in the restricted account for the  
85 fiscal year.

86 (b) Excess funds under Subsection (10)(a) shall be credited on a proportionate basis to  
87 each person who paid money to the fund in the previous fiscal year.

88 Section 2. Section 19-6-126 is enacted to read:

89 **19-6-126. Division of Waste Management and Radiation Control Expendable**

90 **Revenue Fund.**

91       (1) There is created the Division of Waste Management and Radiation Control  
92 Expendable Revenue Fund.  
93       (2) The fund consists of money deposited in the fund pursuant to Section 19-1-108.  
94       (3) The Division of Waste Management and Radiation Control may expend money in  
95 the fund to upgrade technology for permitting and compliance purposes, and other expenditures  
96 that will result in increased efficiency and reduced cost, as described in this section.

97       (4) The technology upgrade authorized in this section shall be designed to assist the  
98 division in the following ways:

99           (a) allowing forms to be digitized and accessible online for:

100           (i) completion and submission by a division employee; and

101           (ii) review by a regulated facility;

102           (b) tracking expenses of a division employee, including travel time to inspected  
103 facilities; and

104           (c) increasing employee efficiency and government transparency.

105       (5) Once the technology described in this section is in place, the division shall  
106 implement a method for a solid waste management facility to self-inspect as described in  
107 Section 19-6-109.

108       (6) In implementing this section, the Division of Waste Management and Radiation  
109 Control shall work with the Department of Technology Services.

110       Section 3. Section **63I-2-219** is amended to read:

111       **63I-2-219. Repeal dates -- Title 19.**

112       [(1) Subsection **19-1-403**(2)(c)(i), the language that states "minus the amount of any

113 ~~tax credit claimed under Section 59-7-605 or 59-10-1009~~ is repealed on January 1, 2017.]

114       [(2) Subsection **19-1-403**(2)(c)(ii), the language that states "minus the amount of any

115 ~~tax credit claimed under Section 59-7-605 or 59-10-1009~~ is repealed on January 1, 2017.]

116           (1) (a) Subsections **19-1-108**(3) and (6) are repealed on July 1, 2019.

117           (b) When repealing Subsections **19-1-108**(3) and (6), the Office of Legislative

118       Research and General Counsel shall, in addition to its authority under Subsection **36-12-12**(3),  
119 make necessary changes to subsection numbering and cross references.

120           (2) Section **19-6-126** is repealed on July 1, 2019.

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**