

Representative John L. Valentine proposes to substitute the following bill:

1 **SALES TAX EXEMPTION FOR POLLUTION**

2 **CONTROL**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: John L. Valentine**

6 AN ACT RELATING TO THE ENVIRONMENTAL QUALITY CODE; EXTENDING THE
7 SUNSET DATE FOR CERTIFICATION AND SALES TAX EXEMPTION OF A
8 POLLUTION CONTROL FACILITY.

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

10 AMENDS:

11 **19-2-124**, as last amended by Chapter 135, Laws of Utah 1994

12 **19-2-125**, as last amended by Chapter 135, Laws of Utah 1994

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

14 Section 1. Section **19-2-124** is amended to read:

15 **19-2-124. Application for certification of pollution control facility.**

16 (1) A person who qualifies under Subsection (2) may apply to the board for certification
17 of a pollution control facility or facilities erected, constructed, or installed, or to be erected,
18 constructed, or installed in the state after December 31, 1972, or on or before January 31, 1985,
19 and after June 30, 1986, and before July 1, [~~1999~~] 2004. An application may be filed at any time
20 after a firm construction contract has been entered or construction has commenced.

21 (2) (a) A person who applies under Subsection (1) shall be the owner of a trade or business
22 that uses property in the state requiring a pollution control facility to prevent or minimize pollution
23 or a person who, as a lessee or pursuant to an agreement, conducts the trade or business that
24 operates or uses the property.

25 (b) The facility shall be owned, operated, or leased during a part of the tax year in which

1 the exemption is claimed.

2 (c) An exemption may be claimed only in those tax years that begin on or after January
3 1, 1973, and on or before January 31, 1985, and after June 30, 1986, and before July 1, [~~1999~~
4 2004].

5 (d) As used in this Subsection (2), "owner" includes a contract purchaser.

6 (3) (a) Each application shall be in writing on a form prescribed by the board, contain a
7 description of the facilities and materials incorporated in them, the machinery and equipment, the
8 existing or proposed operational procedure, and a statement of the purpose of pollution prevention,
9 control, or reduction served or to be served by the facility.

10 (b) The board may require any further information it finds necessary before issuance of
11 a certificate.

12 Section 2. Section **19-2-125** is amended to read:

13 **19-2-125. Action on application for certification.**

14 (1) (a) If the board, after consulting with the State Tax Commission, finds that a pollution
15 control facility or a part of a pollution control facility, for which application is made under Section
16 19-2-124 was or is to be erected, constructed, acquired, or installed after December 31, 1972, on
17 or before January 31, 1985, and after June 30, 1986, and before July 1, [~~1999~~] 2004, and is
18 designed and is being operated or will operate primarily to prevent, control, or reduce air or water
19 pollution, and that the applicant qualifies under Section 19-2-124, the board shall certify the
20 facility.

21 (b) If one or more facilities constitute an operational unit, the board may certify those
22 facilities under one certificate.

23 (2) (a) The board and the State Tax Commission shall act on an application under Section
24 19-2-124 before the 120th day after filing.

25 (b) Failure of the board and the State Tax Commission to timely act constitutes automatic
26 acceptance of the application and the board shall furnish a certificate to the applicant on demand.