

28 ENACTS:

29 19-2-301, Utah Code Annotated 1953

30 19-2-302, Utah Code Annotated 1953

31 19-2-303, Utah Code Annotated 1953

32 **Utah Code Sections Affected by Coordination Clause:**

33 19-2-302, Utah Code Annotated 1953

34 19-2-303, Utah Code Annotated 1953

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

37 Section 1. Section 19-2-301 is enacted to read:

38 **Part 3. Funding Clean Air Programs**

39 **19-2-301. Title.**

40 This part is known as "Funding Clean Air Programs."

41 Section 2. Section 19-2-302 is enacted to read:

42 **19-2-302. Restricted Account created.**

43 (1) There is created a restricted account in the General Fund known as the "Funding
44 Clean Air Programs Restricted Account."

45 (2) The restricted account shall consist of:

46 (a) the proceeds described in Subsection 19-6-808(3)(b); and

47 (b) interest earned on the account.

48 (3) ~~H~~→ [The] Upon appropriation, the ~~←H~~ division may expend money in the restricted
48a account on programs described in

49 Title 19, Chapter 2, Part 2, Clean Air Retrofit, Replacement, and Off-Road Technology
50 Program.

51 Section 3. Section 19-2-303 is enacted to read:

52 **19-2-303. Reporting requirement.**

53 The division shall report to the Natural Resources, Agriculture, and Environment

54 Interim Committee on the status of expenditures authorized by Section 19-2-302 by November
55 30, 2016.

56 Section 4. Section 19-6-805 is amended to read:

57 **19-6-805. Recycling fee.**

58 (1) (a) A recycling fee is imposed upon each purchase from a tire retailer of a new tire

90 (2) The payment shall be accompanied by a form prescribed by the commission.

91 (3) (a) ~~[The]~~ Twenty-nine percent of the proceeds of the fee shall be transferred by the
92 commission to the fund for payment of partial reimbursement.

93 (b) Seventy-one percent of the proceeds of the fee shall be transferred by the
94 commission to the restricted account created in Section 19-2-302.

95 ~~[(b)]~~ (c) The commission shall retain and deposit an administrative charge in
96 accordance with Section 59-1-306 from the revenues the commission collects from a fee under
97 Section 19-6-805.

98 (4) (a) The commission shall administer, collect, and enforce the fee authorized under
99 this part in accordance with the same procedures used in the administration, collection, and
100 enforcement of the state sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act,
101 and Title 59, Chapter 1, General Taxation Policies.

102 (b) A tire retailer may retain 2-1/2% of the recycling fee collected under this part for
103 the cost of collecting the fee.

104 (c) The exemptions provided in Section 59-12-104 do not apply to this part.

105 (5) The fee imposed by this part is in addition to all other state, county, or municipal
106 fees and taxes imposed on the sale of new tires.

107 Section 7. **Effective date.**

108 This bill takes effect on July 1, 2015.

109 Section 8. **Coordinating H.B. 265 with H.B. 49 -- Technical and substantive**
110 **amendments.**

111 If this H.B. 265 and H.B. 49, Clean Fuel School Buses and Infrastructure, both pass and
112 become law, it is the intent of the Legislature that the Office of Legislative Research and
113 General Counsel shall prepare the Utah Code database for publication by:

114 (1) amending Subsection 19-2-302(3) of this bill to read:

115 "(3) (a) ~~H~~→ ~~[The]~~ **Upon appropriation, the** ~~←H~~ division may expend up to 1/3 of the
115a money, per fiscal quarter, in the

116 restricted account on programs described in Title 19, Chapter 2, Part 2, Clean Air Retrofit,
117 Replacement, and Off-Road Technology Program.

118 (b) ~~H~~→ ~~[The]~~ **Upon appropriation, the** ~~←H~~ State Board of Education may expend up to
118a 2/3 of the money, per fiscal

119 quarter, in the restricted account to fund the grant program described in Section

120 53A-17a-127.5."; and