

121 (a) for purposes of an application or certification under this chapter related to air
 122 pollution, the director of the Division of Air Quality; or

123 (b) for purposes of an application or certification under this chapter related to water
 124 pollution, the director of the Division of Water Quality.

125 (5) (a) "Freestanding pollution control property" means tangible personal property
 126 located in the state, regardless of whether a purchaser purchases the tangible personal property
 127 voluntarily or ~~H→~~ **[a governmental entity requires the purchaser to purchase the tangible personal**
 128 **property] to comply with a requirement of a governmental entity** ~~←H~~ , if:

129 (i) the primary purpose of the tangible personal property is the prevention, control, or
 130 reduction of air or water pollution by:

131 (A) the disposal or elimination of, or redesign to eliminate, waste, and the use of
 132 treatment works for industrial waste; or

133 (B) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air
 134 contaminants, air pollution, or air contamination sources, and the use of one or more air
 135 cleaning devices; and

136 (ii) the tangible personal property is not used at, in the construction of, or incorporated
 137 into a pollution control facility.

138 (b) "Freestanding pollution control property" does not include:

138a ~~H→~~ **(i) a consumable:**

138b (A) chemical that is not reusable;

138c (B) cleaning material that is not reusable; or

138d (C) supply that is not reusable;

139 ~~(i)~~ **(ii)** ~~←H~~ the following used for human waste:

140 (A) a septic tank; or

141 (B) other property;

142 ~~H→~~ **(iii)** ~~←H~~ property installed, constructed, or used for the moving of sewage to a
 142a collection

143 facility of a public or quasi-public sewerage system;

144 ~~H→~~ **(iii)** **(iv)** ~~←H~~ the following used for the comfort of personnel:

145 (A) an air conditioner;

146 (B) a fan; or

147 (C) an item similar to Subsection (5)(b) ~~H→~~ **(iii)** **(iv)** ~~←H~~ (A) or (B); or

148 ~~H→~~ **(iv)** **(v)** ~~←H~~ office equipment or an office supply if the primary purpose of the office
 148a equipment

149 or office supply is not the prevention, control, or reduction of air or water pollution by:

150 (A) the disposal or elimination of, or redesign to eliminate, waste, and the use of
 151 treatment works for industrial waste; or

152 (B) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air
 153 contaminants, air pollution, or air contamination sources, and the use of one or more air
 154 cleaning devices.

155 (6) (a) "Pollution control facility" means real property in the state, regardless of
 156 whether a purchaser purchases the real property voluntarily or ~~H→ [a governmental entity requires~~
 157 ~~the purchaser to purchase the real property]~~ **to comply with a requirement of a governmental**
 157a **entity ←H** , if the primary purpose of the real property is the
 158 prevention, control, or reduction of air pollution or water pollution by:

159 (i) the disposal or elimination of, or redesign to eliminate:

160 (A) waste; and

161 (B) the use of treatment works for industrial waste; or

162 (ii) (A) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air
 163 contaminants, air pollution, or air contamination sources; and

164 (B) the use of one or more air cleaning devices.

165 (b) "Pollution control facility" includes:

166 (i) an addition to real property described in Subsection (6)(a);

167 (ii) the reconstruction of real property described in Subsection (6)(a); or

168 (iii) an improvement to real property described in Subsection (6)(a).

169 (c) "Pollution control facility" does not include:

169a ~~H→~~**(i) a consumable:**

169b **(A) chemical that is not reusable;**

169c **(B) cleaning material that is not reusable; or**

169d **(C) supply that is not reusable;**

170 ~~(i)~~ **(ii) ←H** the following used for human waste:

171 (A) a septic tank; or

172 (B) another facility;

173 ~~H→~~ ~~(i)~~ **(iii) ←H** property installed, constructed, or used for the moving of sewage to a
 173a collection

174 facility of a public or quasi-public sewerage system;

175 ~~H→~~ ~~(i)~~ **(iv) ←H** the following used for the comfort of personnel:

176 (A) an air conditioner;

177 (B) a fan; or

178 (C) an item similar to Subsection (6)(c) ~~H→~~ ~~(i)~~ **(iv) ←H** (A) or (B); or

179 ~~H→~~ ~~(i)~~ **(v) ←H** office equipment or an office supply if the primary purpose of the office
 179a equipment

180 or office supply is not the prevention, control, or reduction of air or water pollution by:

181 (A) the disposal or elimination of, or redesign to eliminate, waste, and the use of
 182 treatment works for industrial waste; or

183 (B) the disposal, elimination, or reduction of, or redesign to eliminate, or reduce, air
 184 contaminants, air pollution, or air contamination sources, and the use of one or more air
 185 cleaning devices.

186 (7) "Treatment works" is as defined in Section 19-5-102.

187 (8) "Waste" is as defined in Section 19-5-102.

188 (9) "Water pollution" has the same meaning as "pollution" under Section 19-5-102.

189 Section 4. Section **19-12-201** is enacted to read:

190 **Part 2. Sales and Use Tax Provisions**

191 **19-12-201. Sales and use tax exemption for certain purchases or leases related to**
 192 **pollution control.**

193 (1) Except as provided in Subsection (2), a purchase or lease of the following is
 194 exempt from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act:

195 (a) freestanding pollution control property;

196 (b) tangible personal property ~~H→~~ [~~including tangible personal property that has an~~
 197 ~~economic life of less than three years;~~ ←H if the tangible personal property is:

198 (i) incorporated into freestanding pollution control property; or

199 (ii) used at, used in the construction of, or incorporated into a pollution control facility;

200 (c) a part, if the part is used in the repair or replacement of property described in
 201 Subsection (1)(a) or (b);

202 (d) a product transferred electronically, if the property transferred electronically is:

203 (i) incorporated into freestanding pollution control property; or

204 (ii) used at, used in the construction of, or incorporated into a pollution control facility;

205 or

206 (e) a service, if the service is performed on:

207 (i) freestanding pollution control property;

208 (ii) a pollution control facility; or

209 (iii) property described in Subsection (1)(b), a part described in Subsection (1)(c), or a
 210 product described in Subsection (1)(d).

210a ~~H→~~ **(2) A purchase or lease of the following is not exempt under this section:**

210b **(a) a consumable chemical that is not reusable;**

210c **(b) a consumable cleaning material that is not reusable; or**

210d **(c) a consumable supply that is not reusable.**

211 ~~(2)~~ **(3) ←H A purchase or lease of office equipment or an office supply is not exempt**
 211a **under this**

212 **section if the primary purpose of the office equipment or office supply is not the prevention,**

213 **control, or reduction of air or water pollution by:**