

**AIR QUALITY PROGRAMS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: J. Stuart Adams**

House Sponsor: Gregory H. Hughes

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to the funding and establishment of air quality programs.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to the governing body of certain Utah interlocal entities;
- ▶ requires a program utility to collect a charge less than or equal to \$1 per month from a utility customer and remit the collection to an interlocal entity;
- ▶ authorizes the interlocal entity to retain a portion of the collected charges and remit a portion of the charges to the Air Quality Board and one or more entities that represent public and private interests in improving air quality within the state;
- ▶ requires the entities that retain funds to use the funds for air quality public

education ~~§~~, ~~§~~

~~§~~ [or] ~~§~~ grant ~~§~~ [program or] programs, ~~§~~ research ~~§~~, or other programs ~~§~~ ;

- ▶ requires the interlocal entity to report to the governor and Legislative Management Committee each year that it collects the charge;
- ▶ permits a customer of a program utility to opt out of the charge;
- ▶ requires the Division of Finance to establish an expendable special revenue fund if the board receives funds from the interlocal entity;
- ▶ provides a repeal date; and
- ▶ makes technical corrections.

S.B. 243



59 Part 8, Public Transit District Act, with the largest budget of all public transit districts in the  
60 state;

61 (h) an individual, appointed by the governor, who is employed by a gas corporation in  
62 the state~~[, appointed by the governor, and] that:~~

63 (i) is a public utility as defined in Section 54-2-1; and

64 (ii) is regulated by the commission;

65 (i) an individual, appointed by the governor, who is an employee of ~~§~~ → **[a] an**  
65a **electrical** ~~←~~ ~~§~~ corporation, as

66 defined in Section 54-2-1;

67 (j) a representative, appointed by the governor, from a municipal electric utility; and

68 ~~[(i)]~~ (k) a representative of the Utah Petroleum Marketers and Retailers Association,  
69 appointed by the governor.

70 (3) A Utah interlocal entity described in Subsection (2):

71 (a) may contribute toward the funding required for the construction, operation, and  
72 maintenance of facilities for alternative fuel vehicles that are used by or benefit the interlocal  
73 entity; and

74 (b) shall participate with the commission in proceedings the commission conducts  
75 under Section 54-1-13.

76 Section 2. Section 11-13-225 is enacted to read:

77 **11-13-225. Interlocal entity air quality funding -- Charge -- Collection and**  
78 **remittance -- Disbursements -- Charge opt out.**

79 (1) As used in this section:

80 (a) "Alternative fuel vehicle interlocal entity" means an entity described in Section  
81 11-13-224 that existed on January 1, 2014.

82 (b) "Distribution electrical cooperative" is as defined in Section 54-2-1.

83 (c) (i) "Electrical corporation" is as defined in Section 54-2-1.

84 (ii) "Electrical corporation" does not include an electrical corporation with fewer than  
85 2,000 customers in the state and headquarters located in another state.

86 (d) (i) "Gas corporation" means a business or other entity that provides a retail natural  
87 gas service.

88 (ii) "Gas corporation" does not include a business or other entity that provides a retail  
89 natural gas service that is limited to refueling a vehicle with natural gas.

90 (e) "Municipal electric utility" is as defined in Section 10-19-102.

91 (f) "Program utility" means one of the following with ~~5~~ **[fewer than]** ~~50~~ **5** or

91a **more ~~5~~ customers:**

92 (i) a distribution electrical cooperative;

93 (ii) an electrical corporation;

94 (iii) a gas corporation; or

95 (iv) a municipal electric utility.

96 (2) An alternative fuel vehicle interlocal entity may collect funds for the purpose of

97 funding programs and research to improve air quality in accordance with this section.

98 (3) The alternative fuel vehicle interlocal entity may collect a charge equal to or less

99 than \$1 per month from each customer of a program utility.

100 (4) Before an alternative fuel vehicle interlocal entity may collect a charge under

101 Subsection (3):

102 (a) the alternative fuel vehicle interlocal entity shall:

103 (i) agree to collect the charge by majority vote of the governing body;

104 (ii) at least ~~5~~ **[45] 60 ~~5~~** days before collecting a charge, provide notice to a program

104a utility from

105 which a charge will be collected that the alternative fuel vehicle interlocal entity intends to

106 collect the charge;

107 (iii) inform each program utility that the program utility shall collect the charge in

108 accordance with Subsection (5) from each customer unless the customer opts out of the charge

109 in accordance with Subsection (10); and

110 (iv) prepare and distribute to each program utility marketing information about:

111 (A) the purpose of the charge, including a general description of the types of air quality

112 programs and research funded by the charge; and

113 (B) the opportunity for a customer to opt out of the charge; and

114 (b) a program utility shall:

115 (i) notify its customers ~~5~~ **[in writing]** , in bold text on the program utility's website and

115a **in its billing statements:**

115b **(A) of the creation and purpose of the program for which the charge is imposed;**

115c **(B) potential use of the money collected from the charge;**

115d **(C) ~~5~~ that the customer may opt out of the charge in**

116 accordance with Subsection (10); and

116a **~~5~~ (D) the method by which the customer may opt out of the charge in accordance~~5~~**

116b ~~§~~→with Subsection (10); and ←~~§~~

117 (ii) provide to each customer the information prepared by the alternative fuel vehicle  
118 interlocal entity in accordance with Subsection (4)(a)(iv).

119 (5) (a) A program utility shall:

120 (i) pass through to its customers in the state an amount equal to the charge the

121 alternative fuel vehicle interlocal entity claims for each month; and

122 (ii) except as provided in Subsection (5)(b), each month remit payment of all charges  
 123 received in accordance with Subsection (5)(a) to the alternative fuel vehicle interlocal entity in  
 124 a manner provided for by the alternative fuel vehicle interlocal entity's governing body.

125 (b) A program utility subject to Subsection (5)(a) may retain each month from the  
 126 amount the seller is required to remit to the alternative fuel vehicle interlocal entity a portion  
 127 for the program utility's administration of the charge collection and the collection opt-out as  
 128 described in Subsection (10).

129 (6) An alternative fuel vehicle interlocal entity that receives funds in accordance with  
 130 Subsection (5)(b) shall:

131 (a) (i) retain 70% of the funds;

132 (ii) remit 20% of the funds to the Air Quality Board created in Title 19, Chapter 2, Air  
 133 Conservation Act, for use in accordance with Section 19-2-128; and

134 (iii) remit 10% of the funds to one or more entities that represent public and private  
 135 interests in improving air quality within the state; and

136 (b) except as provided in Subsection (8)(b), retain or remit the funds in accordance  
 137 with Subsection (6)(a) only for an approved public education or grant program or research  
 138 described in Subsection (7)(a).

139 (7) (a) Before disbursing the funds in accordance with Subsection (6), the alternative  
 140 fuel vehicle interlocal entity governing body shall:

141 (i) review and approve an air quality public education ~~§~~ → [or] , ← ~~§~~ grant program

141a ~~§~~ → [or] , ← ~~§~~ air quality

142 research ~~§~~ → , or other program that implements measures to improve air quality that is ← ~~§~~

142a proposed or administered by the alternative fuel vehicle interlocal entity, the Air

143 Quality Board, or an entity that represents public and private interests in improving air quality,

144 respectively; and

145 (ii) ensure that the public education ~~§~~ → [or] , ← ~~§~~ grant program ~~§~~ → [or] , ← ~~§~~ air quality

145a research ~~§~~ → , or other program that implements measures to improve air quality ← ~~§~~ increases

146 awareness of, or implements measures to improve, air quality in the state.

147 (b) The alternative vehicle interlocal entity shall review a public education ~~§~~ → [or] , ← ~~§~~

147a grant

148 program ~~§~~ → [or] , ← ~~§~~ research ~~§~~ → , or other program ← ~~§~~ that qualifies for and receives funds

148a in accordance with Subsection (7)(a)

149 at least annually to:

150 (i) ensure that the program or research complies with this section; and

151 (ii) evaluate the effectiveness and benefits of the program or research.

183 charge; and

184 (iii) notify in writing each customer at least 30 days before and no more than 45 days  
 185 before the beginning of the opt-out period described in Subsection (10)(b)(ii) that the customer  
 186 may opt out of the charge and how, in accordance with Subsection (10)(c), the customer may  
 187 contact the program utility to opt out.

188 (c) A program utility shall allow a customer to opt out of the charge in accordance with  
 189 Subsection (10)(b) by:

190 (i) mail;

191 (ii) telephone; or

192 (iii) any other electronic means the program utility considers appropriate, including the  
 193 Internet.

193a **§→ (d) If a customer opts out of the charge in accordance with this Subsection (10), the**  
 193b **customer may not be imposed the charge unless after opting out of the program, the customer**  
 193c **opts in to the program by contacting the program utility by:**

193d **(i) mail;**

193e **(ii) telephone; or**

193f **(iii) any other electronic means the program utility considers appropriate, including the**  
 193g **Internet. ←§**

194 Section 3. Section **19-2-128** is enacted to read:

195 **19-2-128. Air quality research fund.**

196 (1) (a) If an alternative fuel vehicle interlocal entity, as defined in Section [11-13-225](#),  
 197 distributes funds to the board, the Division of Finance shall:

198 (i) establish an expendable special revenue fund; and

199 (ii) deposit the funds received in accordance with Section [11-13-225](#) into the fund  
 200 described in Subsection (1)(a)(i).

201 (b) The board shall administer the fund.

202 (2) The board shall use money in the fund to fund an air quality public education or  
 203 grant program or air quality research, including:

204 (a) supplementing existing air quality monitoring efforts;

205 (b) creating mobile air quality monitoring tools; and

206 (c) other programs as approved by the board and an alternative fuel vehicle interlocal  
 207 entity in accordance with Section [11-13-225](#).

208 Section 4. Section **63I-1-211** is amended to read:

209 **63I-1-211. Repeal dates, Title 11.**

210 (1) Section [11-13-224](#) is repealed December 31, 2019.

211 (2) Section [11-14-308](#) is repealed December 31, 2020.