

INCOME TAX CONTRIBUTION FOR CLEAN AIR

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions relating to the Individual Income Tax Contribution Act.

Highlighted Provisions:

This bill:

- ▶ creates the Clean Air Fund;
- ▶ allows a resident or nonresident individual who files an individual income tax return to designate on the resident or nonresident individual's income tax return a contribution to the Clean Air Fund;
- ▶ establishes criteria for the distribution of funds from the Clean Air Fund; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

59-10-1304, as last amended by Laws of Utah 2015, Chapters 30 and 41

ENACTS:

59-10-1319, Utah Code Annotated 1953



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

29 Section 1. Section **59-10-1304** is amended to read:

30 **59-10-1304. Removal of designation and prohibitions on collection for certain**
31 **contributions on income tax return -- Conditions for removal and prohibitions on**
32 **collection -- Commission publication requirements.**

33 (1) (a) If a contribution or combination of contributions described in Subsection (1)(b)
34 generate less than \$30,000 per year for three consecutive years, the commission shall remove
35 the designation for the contribution from the individual income tax return and may not collect
36 the contribution from a resident or nonresident individual beginning two taxable years after the
37 three-year period for which the contribution generates less than \$30,000 per year.

38 (b) The following contributions apply to Subsection (1)(a):

39 (i) the contribution provided for in Section [59-10-1306](#);

40 (ii) the sum of the contributions provided for in Subsection [59-10-1307](#)(1);

41 (iii) the contribution provided for in Section [59-10-1308](#);

42 (iv) the contribution provided for in Section [59-10-1310](#);

43 (v) the contribution provided for in Section [59-10-1315](#);

44 (vi) the sum of the contributions provided for in:

45 (A) Section [59-10-1316](#); and

46 (B) Section [59-10-1317](#); [~~or~~]

47 (vii) the contribution provided for in Section [59-10-1318](#)~~[-];~~ or

48 (viii) the contribution provided for in Section [59-10-1319](#).

49 (2) If the commission removes the designation for a contribution under Subsection (1),
50 the commission shall report to the Revenue and Taxation Interim Committee that the
51 commission removed the designation on or before the November interim meeting of the year in
52 which the commission determines to remove the designation.

53 (3) (a) Within a 30-day period after making the report required by Subsection (2), the
54 commission shall publish a list in accordance with Subsection (3)(b) stating each contribution
55 that the commission will remove from the individual income tax return.

56 (b) The list shall:

57 (i) be published on:

58 (A) the commission's website; and

- 59 (B) the public legal notice website in accordance with Section [45-1-101](#);
- 60 (ii) include a statement that the commission:
- 61 (A) is required to remove the contribution from the individual income tax return; and
- 62 (B) may not collect the contribution;
- 63 (iii) state the taxable year for which the removal described in Subsection (3)(a) takes
- 64 effect; and
- 65 (iv) remain available for viewing and searching until the commission publishes a new
- 66 list in accordance with this Subsection (3).

67 Section 2. Section **59-10-1319** is enacted to read:

68 **59-10-1319. Contribution to Clean Air Fund.**

69 (1) (a) There is created an agency fund known as the "Clean Air Fund."

70 (b) The fund shall consist of all amounts deposited into the fund in accordance with
71 Subsection (2).

72 (2) Except as provided in Section [59-10-1304](#), for a taxable year beginning on or after
73 January 1, 2017, a resident or nonresident individual who files an individual income tax return
74 under this chapter may designate on the resident or nonresident individual's individual income
75 tax return a contribution as provided in this section to be:

76 (a) deposited into the Clean Air Fund; and

77 (b) expended as provided in Subsection (3).

78 (3) (a) At least once each year, the commission shall disburse from the Clean Air Fund
79 all money deposited into the fund since the last disbursement.

80 (b) The commission shall disburse money under Subsection (3)(a) to Utah Clean Air
81 PartnershipUCAIR Inc. for the purpose of:

82 (i) providing money for grants to individuals or organizations in the state to fund
83 activities intended to improve air quality in the state; or

84 (ii) enhancing programs designed to educate the public about the importance of air
85 quality to the health, well-being, and livelihood of individuals in the state.