

SB0136S01 compared with SB0136

~~{deleted text}~~ shows text that was in SB0136 but was deleted in SB0136S01.

inserted text shows text that was not in SB0136 but was inserted into SB0136S01.

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Senator Luz Escamilla proposes the following substitute bill:

AIR QUALITY POLICY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

LONG TITLE

General Description:

This bill ~~{addresses the makeup and responsibilities of the Air Quality Policy Advisory Board and }~~ requires a study by the Department of Environmental Quality.

Highlighted Provisions:

This bill:

~~{~~ → expands the makeup of the Air Quality Policy Advisory Board;

- ~~}~~ ▶ defines terms;
- ~~}~~ ▶ requires the ~~{Air Quality Policy Advisory Board to oversee a study conducted by the }~~ Department of Environmental Quality to study and make recommendations on a diesel emissions reduction plan framework;
- ▶ provides for reporting;
- ▶ includes a repeal date; and

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- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{ 19-2a-102, as last amended by Laws of Utah 2021, Chapter 69~~

~~‡ 63I-2-219, as last amended by Laws of Utah 2021, Chapters 64 and 71~~

ENACTS:

19-2a-102.5, Utah Code Annotated 1953

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

Section 1. Section **19-2a-102.5** is ~~{amended to read:~~

~~19-2a-102. Air Quality Policy Advisory Board.~~

~~(1) There is created the Air Quality Policy Advisory Board consisting of the following [12] 13 voting members:~~

~~(a) two members of the Senate, appointed by the president of the Senate;~~

~~(b) three members of the House of Representatives, appointed by the speaker of the House of Representatives;~~

~~(c) the director;~~

~~(d) one representative of industry interests, appointed by the president of the Senate;~~

~~(e) one representative of business or economic development interests, appointed by the speaker of the House of Representatives, who has expertise in air quality matters;~~

~~(f) one representative of the academic community who has expertise in air quality matters, appointed by the president of the Senate;~~

~~(g) two representatives of the academic community, appointed by the governor, who have expertise in air quality matters; [and]~~

~~(h) one representative of a nongovernmental organization, appointed by the governor, who:~~

~~(i) represents community interests;~~

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- ~~—— (ii) does not represent industry or business interests; and~~
- ~~—— (iii) has expertise in air quality matters[.]; and~~
- ~~—— (i) the executive director of the Department of Transportation, or the executive director's designee.~~
- ~~—— (2) The Air Quality Policy Advisory Board shall:~~
 - ~~—— (a) seek the best available science to identify legislative actions to improve air quality;~~
 - ~~—— (b) identify and prioritize potential legislation and funding that will improve air quality; [and]~~
 - ~~—— (c) make recommendations to the Legislature on how to improve air quality in the state[.]; and~~
 - ~~—— (d) in accordance with Section 19-2a-102.5, oversee a study to be conducted by the department and make recommendations to the Legislature on how to implement a Utah diesel emissions reduction program.~~
- ~~—— (3) (a) Except as required by Subsection (3)(b), members appointed under Subsections (1)(d) through (h) are appointed to serve four-year terms.~~
- ~~—— (b) Notwithstanding the requirements of Subsection (3)(a), the governor, president of the Senate, and speaker of the House of Representatives shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately half of the advisory board is appointed every two years.~~
- ~~—— (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.~~
- ~~—— (4) The advisory board shall elect one member to serve as chair of the advisory board for a term of one year.~~
- ~~—— (5) (a) [Six] Seven members of the advisory board constitutes a quorum of the advisory board.~~
- ~~—— (b) The action of the majority of the advisory board when a quorum is present is the action of the advisory board.~~
- ~~—— (6) Compensation for a member of the advisory board who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.~~
- ~~—— (7) A member of the advisory board who is not a legislator may not receive~~

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~~compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

~~—— (a) Section 63A-3-106;~~

~~—— (b) Section 63A-3-107; and~~

~~—— (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~

~~—— (8) The department shall provide staff support for the advisory board.~~

~~—— Section 2. Section 19-2a-102.5 is enacted to read:~~

~~†~~ enacted to read:

19-2a-102.5. Emissions reduction plan study and recommendations.

(1) As used in this section:

~~{~~ ~~—— (a) "Advisory board" means the Air Quality Policy Advisory Board created in Section 19-2a-102.~~

~~†~~ ~~(~~f~~~~b~~~~}{a}) "Disproportionate air quality affected area" means a non-attainment area, as defined in Clean Air Act, Section 107(d)(1)(A)(i), 42 U.S.C. Sec. 7407(d)(1)(A)(i), or a geographic area that, when compared with other areas in the state, is more likely to be found to not meet air quality standards.~~~~

~~(~~f~~~~c~~~~}{b}) "Inland port" means a project area as that term is defined in Section 11-58-102.~~~~

~~(~~f~~~~d~~~~}{c}) "Inland port area" means an area in and around an inland port that bears the environmental impacts of destruction, construction, development, and operational activities within the inland port.~~~~

~~(~~f~~~~e~~~~}{d}) "Legislative interim committees" means:~~~~

~~(i) the Economic Development and Workforce Services Interim Committee;~~

~~(ii) the Natural Resources, Agriculture, and Environment Interim Committee; and~~

~~(iii) the Transportation Interim Committee.~~

~~(~~f~~~~f~~~~}{e}) (i) "Underserved or underrepresented community" means a group of people, including a municipality, county, or American Indian tribe, that is economically disadvantaged.~~~~

~~(ii) "Underserved or underrepresented community" may include an economically disadvantaged community where the people of the community have limited access to or have demonstrated a low level of use of emission reduction programs.~~

~~(2) (~~f~~~~a~~) ~~With the oversight of the advisory board, the~~ The department shall conduct a~~

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study in accordance with Subsection (3) and recommend to the ~~advisory board a Utah diesel emission reduction program:~~

~~(b) The advisory board shall recommend to the Legislature a framework for}~~ legislative interim committees a Utah diesel emission reduction program in accordance with Subsection (4).

(3) The department shall study:

(a) the Texas Emission Reduction Plan, Tex. Health & Safety Code Ann., C 386, and other examples of diesel emission reduction programs;

(b) potential diesel emission reduction goals from targeted diesel emission sources that apply to specific:

(i) on- and off-road diesel vehicles and equipment; and

(ii) geographic airsheds;

(c) potential diesel emission reduction financial incentive programs;

(d) potential revenue sources to fund incentive programs described in Subsection (3)(c); and

(e) administrative, evaluation, and reporting responsibilities.

(4) (a) The department shall recommend to the ~~advisory board and the advisory board shall recommend to the Legislature}~~ legislative interim committees a framework of the Utah diesel emission reduction program that includes:

(i) diesel emission reduction goals;

(ii) financial incentive programs to encourage the reduction of diesel emissions;

(iii) revenue sources to fund the financial incentive programs described in Subsection (4)(a)(ii); and

(iv) implementation of the Utah diesel emission reduction program, including:

(A) which one or more state agencies should administer the Utah diesel emission reduction program;

(B) evaluation processes; and

(C) reporting requirements.

(b) The framework described in this Subsection (4) shall specifically include recommendations for:

(i) registration surcharges;

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(A) related to on- or off-road diesel equipment or vehicles sold, rented, or leased; and

(B) that are deposited into and allowed to accumulate in an expendable special revenue fund for purposes related to the Utah diesel emission reduction program;

(ii) within an inland port area:

(A) a grant program that facilitates the replacement or repowering of diesel engines with the most current generation federal emissions standard engines, clean alternative fuel engines, or electric motors, including for drayage trucks, switcher engines, cargo handling equipment, or container handling equipment;

(B) offering inland port access preferences or amenities for interstate long haul trucks with the most current generation federal emissions standard engines, clean alternative fuel engines, or electric motors;

(C) use of inland port property tax differential to offer grants, low-interest loans, or other incentives for newly purchased equipment with the most current generation federal emissions standard engines, clean alternative fuel engines, or electric motors; and

(D) a program for small business fleet upgrades;

(iii) programs to foster new technology implementation, including:

(A) a grant program;

(B) the expansion of Utah's clean diesel program; or

(C) tax credits for cleaner equipment purchases;

(iv) financial incentives for the early retirement of heavy-duty diesel equipment and the potential expansion of Title 19, Chapter 2, Part 2, Clean Air Retrofit, Replacement, and Off-road Technology Program; and

(v) state construction contract incentives that are awarded to persons who predominately use equipment that has the most current generation federal emissions standard engines, clean alternative fuel engines, or electric motors.

(c) The framework described in this Subsection (4) shall provide for programs that directly benefit:

(i) rural communities;

(ii) inland port areas;

(iii) underserved or underrepresented communities; and

(iv) disproportionate air quality affected areas.

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(5) (a) The ~~advisory board~~ department shall make an interim report to the legislative interim committees on the status of the study under this section during or before the November interim meetings in 2022.

(b) The ~~advisory board~~ department shall provide a final report to the legislative interim committees of the department's study and ~~the advisory board's~~ recommendations under this section, including any recommended legislation, during or before the November interim meetings in 2023.

Section ~~3~~2. Section 63I-2-219 is amended to read:

63I-2-219. Repeal dates -- Title 19.

(1) Subsections 19-2-109.2(2) through (10), related to the Compliance Advisory Panel, are repealed July 1, 2023.

~~(2) Related to the emissions reduction plan study and recommendations, on July 1, 2024.~~

~~(a)2) Subsection Section 19-2a-102(d)5, which addresses addressing a study and recommendations for a diesel emissions emission reduction program, is repealed;~~
~~and~~

~~(b) Section 19-2a-102.5 is repealed.~~
~~July 1, 2024.~~