

HB0373S03 compared with HB0373S02

~~{deleted text}~~ shows text that was in HB0373S02 but was deleted in HB0373S03.

inserted text shows text that was not in HB0373S02 but was inserted into HB0373S03.

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Representative ~~{Jim Jimenez}~~Casey Snider proposes the following substitute bill:

ENVIRONMENTAL QUALITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {}Casey Snider

Senate Sponsor: { }Scott D. Sandall

LONG TITLE

General Description:

This bill addresses the Environmental Quality Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{creates an informal working group on environmental issues}~~requires meetings between the Federalism Commission and the Department of Environmental Quality;
- ▶ repeals the Air Quality Policy Advisory Board;
- ▶ addresses ~~{provisions}~~sales and use tax exemptions and certifications related to pollution control;
- ▶ addresses the powers and duties of the Board of Oil, Gas, and Mining, including rulemaking, and the Division of Oil, Gas, and Mining; and

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- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-12-102, as last amended by Laws of Utah 2018, Chapter 120

~~{19-12-201}~~ **19-12-202**, as ~~{last amended}~~ enacted by Laws of Utah ~~{2015, Chapter 154~~
~~63I-1-219}~~ 2014, Chapter 24

19-12-305, as enacted by Laws of Utah 2014, Chapter 24

40-6-5, as last amended by Laws of Utah 2022, Chapter 62

40-6-16, as last amended by Laws of Utah 2022, Chapter 108

63C-4a-303, as last amended by Laws of Utah ~~{2022}~~ 2023, Chapter ~~{194}~~ 71

ENACTS:

19-1-110, Utah Code Annotated 1953

REPEALS:

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

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

Section 1. Section **19-1-110** is enacted to read:

19-1-110. ~~{ Joint informal executive and legislative working group}~~ Department
discussions with the Federalism Commission.

(1) As used in this section, "~~{working group}~~" means the informal working group
created by this section.

~~(2) (a) There is created an informal working group to facilitate discussions between the~~
~~Legislature and the department that shall consist of:~~

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

~~(ii) two members of the House of Representatives, appointed by the speaker of the~~
~~House of Representatives;~~

~~(iii) the chief of staff of the Senate, or the chief of staff's designee;~~

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~~(iv) the chief of staff of the House of Representatives, or the chief of staff's designee;~~
and

~~(v) a leadership team from the department as selected by the executive director.~~

~~(b) The executive director may select different individuals to serve on the leadership team for different meetings.~~

~~(c) (i) A legislative member of the working group may not receive compensation, per diem, or expenses for the legislative member's service on the working group.~~

~~(ii) A member of the working group who is a state employee may not receive compensation, per diem, or expenses for service on the working group that is in addition to the member's compensation as a state employee.~~

~~(3) The working group shall determine:~~

~~(a) the time and place of meetings; and~~

~~(b) any other procedural matter not specified in this section.~~

~~(4) The working group shall meet at least monthly.~~

~~(5) The working group may discuss; commission" means the Federalism Commission created in Section 63C-4a-302.~~

(2) The department shall meet with the commission as scheduled by the chairs of the commission and consistent with the usual schedule of the commission.

(3) The commission may discuss with the department:

(a) needs of industries that are subject to regulation under this title;

(b) needs of the department;

(c) policy and rulemaking changes or implementation;

(d) United States Environmental Protection Agency regulations and other federal regulations that affect industries regulated under this title or the department; and

(e) any other issue that is related to the environment or the functioning of the department.

Section 2. Section **19-12-102** is amended to read:

19-12-102. Definitions.

As used in this chapter:

(1) "Air pollutant" means the same as that term is defined in Section 19-2-102.

(2) "Air pollutant source" means the same as that term is defined in Section 19-2-102.

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(3) "Air pollution" means the same as that term is defined in Section 19-2-102.

(4) ~~"} "Director" means:~~

~~(a) (a) ["Director] Except as provided in Subsection (4)(b), "director" means:~~

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

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

~~(b) For purposes of an application or certification under this chapter related to property within the jurisdiction of the Board of Oil, Gas, and Mining under Section 40-6-5, "director" means the director of the Division of Oil, Gas, and Mining.~~

(5) (a) "Freestanding pollution control property" means tangible personal property located in the state, regardless of whether a purchaser purchases the tangible personal property voluntarily or to comply with a requirement of a governmental entity, if:

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

(A) the disposal or elimination of, or redesign to eliminate ~~{}~~, ~~{}~~ waste ~~{}~~, and ~~{}~~

~~(B) the use of treatment works for industrial waste; {} or {}~~

~~{(B) (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air {} pollutants {} contaminants}, air pollution, or air contamination sources {}, and {}~~
~~or~~

~~(D) the use of one or more air cleaning devices; and~~

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

~~{ (b) "Freestanding pollution control property" includes an installation or addition to, or reconstruction, replacement or improvement of, tangible personal property used, erected, constructed, acquired, or installed if the primary purpose of the use, erection, construction, acquisition, or installation is the prevention, control, or reduction of air or water pollution by:~~

~~(i) the disposal, elimination of, or redesign to eliminate waste;~~

~~(ii) the use of treatment works for industrial waste;~~

~~(iii) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air contaminants, air pollution, or air contamination sources; or~~

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~~(iv) the use of one or more air cleaning devices.~~

- ~~(b)(c)~~ "Freestanding pollution control property" does not include:
- (i) a consumable:
 - (A) chemical that is not reusable;
 - (B) cleaning material that is not reusable; or
 - (C) supply that is not reusable;
 - (ii) the following used for human waste:
 - (A) a septic tank; or
 - (B) other property;
 - (iii) property installed, constructed, or used for the moving of sewage to a collection facility of a public or quasi-public sewerage system;
 - (iv) the following used for the comfort of personnel:
 - (A) an air conditioner;
 - (B) a fan; or
 - (C) an item similar to Subsection ~~(5)(b)(iv)(A) or (B)~~ ~~(5)(c)(iv)(A) or (B)~~; or
 - (v) office equipment or an office supply if the primary purpose of the office equipment or office supply is not the prevention, control, or reduction of air or water pollution by:
 - (A) the disposal ~~or~~ elimination of, or redesign to eliminate ~~or~~ waste ~~or~~, and ~~or~~

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

~~(B)(C)~~ the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air ~~pollutants~~ contaminants, air pollution, or air contamination sources ~~or~~, and ~~or~~
or

~~(D)~~ the use of one or more air cleaning devices.

(6) (a) "Pollution control facility" means real property in the state, regardless of whether a purchaser purchases the real property voluntarily or to comply with a requirement of a governmental entity, if the primary purpose of the real property is the prevention, control, or reduction of air pollution or water pollution by:

- (i) the disposal or elimination of, or redesign to eliminate, waste ~~and~~

~~(ii)~~ the use of treatment works for industrial waste; ~~or~~

~~(ii) (iii) (A) the disposal, elimination, or reduction of, or redesign to eliminate or~~

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~~reduce, air [pollutants] contaminants, air pollution, or air contamination sources; [and] or~~

~~—— [(B)] (iv) the use of one or more air cleaning devices.~~

~~—— [(b) "Pollution control facility" includes:]~~

~~—— [(i) an addition to real property described in Subsection (6)(a);]~~

~~—— [(ii) the reconstruction of real property described in Subsection (6)(a); or]~~

~~—— [(iii) an improvement to real property described in Subsection (6)(a).]~~

~~—— (b) "Pollution control facility" includes an installation or addition to, or reconstruction, replacement or improvement of, real property used, erected, constructed, acquired, or installed if the primary purpose of the use, erection, construction, acquisition, or installation is the prevention, control, or reduction of air or water pollution by:~~

~~—— (i) the disposal, elimination of, or redesign to eliminate waste;~~

~~—— (ii) the use of treatment works for industrial waste;~~

~~—— (iii) or~~

~~(ii) (A) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air {contaminants}; pollutants, air pollution, or air contamination sources; {or}; and~~

~~{(iv)} B the use of one or more air cleaning devices.~~

~~(b) "Pollution control facility" includes:~~

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

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

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

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

~~(i) a consumable:~~

~~(A) chemical that is not reusable;~~

~~(B) cleaning material that is not reusable; or~~

~~(C) supply that is not reusable;~~

~~(ii) the following used for human waste:~~

~~(A) a septic tank; or~~

~~(B) another facility;~~

~~(iii) property installed, constructed, or used for the moving of sewage to a collection facility of a public or quasi-public sewerage system;~~

~~(iv) the following used for the comfort of personnel:~~

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- (A) an air conditioner;
- (B) a fan; or
- (C) an item similar to Subsection (6)(c)(iv)(A) or (B); or
- (v) office equipment or an office supply if the primary purpose of the office equipment

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

- (A) the disposal ~~{}~~or~~{}~~ elimination of, or redesign to eliminate waste~~{}~~, and~~{}~~
~~(B)~~ the use of treatment works for industrial waste; ~~{}~~or~~{}~~
~~{}~~(B)~~{}~~~~(C)~~ the disposal, elimination, or reduction of, or redesign to eliminate or
reduce, air ~~{}~~pollutants~~{}~~ contaminants, air pollution, or air contamination sources~~{}~~, and~~{}~~
~~(D)~~ the use of one or more air cleaning devices.

(7) "Treatment works" means the same as that term is defined in Section 19-5-102.

(8) "Waste" means the same as that term is defined in Section 19-5-102.

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

Section 3. Section ~~{19-12-201}~~19-12-202 is amended to read:

~~{~~ ~~19-12-201. Sales and use tax exemption for certain purchases or leases related to pollution control.~~

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

- ~~(a) freestanding pollution control property;~~
 - ~~(b) tangible personal property if the tangible personal property is:~~
 - ~~(i) incorporated into freestanding pollution control property; or~~
 - ~~(ii) used at, used in the construction of, or incorporated into a pollution control facility;~~
 - ~~(c) a part, if the part is used in the repair or replacement of property described in Subsection (1)(a) or (b);~~
 - ~~(d) a product transferred electronically, if the property transferred electronically is:~~
 - ~~(i) incorporated into freestanding pollution control property; or~~
 - ~~(ii) used at, used in the construction of, or incorporated into a pollution control facility;~~
- or
- ~~(e) a service, if the service is performed on:~~
 - ~~(i) freestanding pollution control property;~~
 - ~~(ii) a pollution control facility; or~~

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~~— (iii) property described in Subsection (1)(b), a part described in Subsection (1)(c), or a product described in Subsection (1)(d):~~

~~— (2) A purchase or lease of the following is not exempt under this section:~~

~~— (a) a consumable chemical that is not reusable;~~

~~— (b) a consumable cleaning material that is not reusable; or~~

~~— (c) a consumable supply that is not reusable.~~

~~— (3) A purchase or lease of office equipment or an office supply is not exempt under this section if the primary purpose of the office equipment or office supply is not the prevention, control, or reduction of air or water pollution by:~~

~~— (a) the disposal [or],² elimination of, or redesign to eliminate[,], waste[, and],²~~

~~— (b) the use of treatment works for industrial waste; [or]~~

~~— [(b)] (c) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air [pollutants] contaminants, air pollution, or air pollution sources[, and],² or~~

~~— (d) the use of one or more air cleaning devices.~~

‡ 19-12-202. Certification required before claiming a sales and use tax exemption.

(1) Before a person may claim a sales and use tax exemption under Section 19-12-201, the person shall obtain certification issued in accordance with Section 19-12-303.

(2) ~~[For] Except as provided in Subsection (4), for~~ purposes of Subsection (1), if a certification relates to air pollution:

(a) a person shall submit an application under Section 19-12-301 or 19-12-302 to the director of the Division of Air Quality; and

(b) the director of the Division of Air Quality shall perform the duties described in:

(i) Section 19-12-303 related to certification; and

(ii) Section 19-12-304 related to revocation of certification.

(3) ~~[For] Except as provided in Subsection (4), for~~ purposes of Subsection (1), if a certification relates to water pollution:

(a) a person shall submit an application under Section 19-12-301 or 19-12-302 to the director of the Division of Water Quality; and

(b) the director of the Division of Water Quality shall perform the duties described in:

(i) Section 19-12-303 related to certification; and

(ii) Section 19-12-304 related to revocation of certification.

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(4) For purposes of Subsection (1), if a certification relates to property within the jurisdiction of the Board of Oil, Gas, and Mining under Section 40-6-5:

(a) a person shall submit an application under Section 19-12-301 or 19-12-302 to the director of the Division of Oil, Gas, and Mining; and

(b) the director of the Division of Oil, Gas, and Mining shall perform the duties described in:

(i) Section 19-12-303 related to certification; and

(ii) Section 19-12-304 related to revocation of certification.

Section 4. Section 19-12-305 is amended to read:

19-12-305. Rulemaking authority.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for purposes of a certification related to air pollution, other than air pollution related to property described in Subsection (3), the Air Quality Board may make rules establishing procedures for:

- (a) processing and evaluating an application for certification; and
- (b) the issuance and revocation of a certification.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for purposes of a certification related to water pollution, other than water pollution related to property described in Subsection (3), the Water Quality Board may make rules establishing procedures for:

- (a) processing and evaluating an application for certification; and
- (b) the issuance or revocation of a certification.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for purposes of a certification related to property within the jurisdiction of the Board of Oil, Gas, and Mining under Section 40-6-5, the Board of Oil, Gas and Mining may make rules establishing procedures for:

- (a) processing and evaluating an application for certification; and
- (b) the issuance or revocation of a certification.

Section 5. Section 40-6-5 is amended to read:

40-6-5. Jurisdiction of board -- Rules.

(1) The board has jurisdiction over all persons and property necessary to enforce this chapter. The board shall make rules in accordance with Title 63G, Chapter 3, Utah

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Administrative Rulemaking Act.

(2) The board shall make rules and orders as necessary to administer the following provisions:

(a) Ownership of all facilities for the production, storage, treatment, transportation, refining, or processing of oil and gas shall be identified.

(b) Well logs, directional surveys, and reports on well location, drilling, and production shall be made and filed with the division. Logs of wells marked "confidential" shall be kept confidential for one year after the date on which the log is required to be filed, unless the operator gives written permission to release the log at an earlier date. Production reports shall be:

(i) filed monthly;

(ii) accurate; and

(iii) in a form that reasonably serves the needs of state agencies and private fee owners.

(c) Monthly reports from gas processing plants shall be filed with the division.

(d) Wells shall be drilled, cased, cemented, operated, and plugged in such manner as to prevent:

(i) the escape of oil, gas, or water out of the reservoir in which they are found into another formation;

(ii) the detrimental intrusion of water into an oil or gas reservoir;

(iii) the pollution of fresh water supplies by oil, gas, or salt water;

(iv) blowouts;

(v) cavings;

(vi) seepages;

(vii) fires; and

(viii) unreasonable:

(A) loss of a surface land owner's crops on surface land;

(B) loss of value of existing improvements owned by a surface land owner on surface land; and

(C) permanent damage to surface land.

(e) The drilling of wells may not commence without an adequate and approved supply of water as required by Title 73, Chapter 3, Appropriation. This Subsection (2)(e) is not

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intended to impose additional legal requirements, but to assure that existing legal requirements concerning the use of water have been met before the commencement of drilling.

(f) Subject to Subsection (9), an operator shall furnish a reasonable performance bond or other good and sufficient surety, conditioned for the performance of the duty to:

- (i) plug each dry or abandoned well;
- (ii) repair each well causing waste or pollution;
- (iii) maintain and restore the well site; and
- (iv) except as provided in Subsection (8), protect a surface land owner against

unreasonable:

- (A) loss of a surface land owner's crops on surface land;
- (B) loss of value of existing improvements owned by a surface land owner on surface land; and
- (C) permanent damage to surface land.

(g) Production from wells shall be separated into oil and gas and measured by means and upon standards that are prescribed by the board and reflect current industry standards.

(h) Crude oil obtained from any reserve pit, disposal pond or pit, or similar facility, and any accumulation of nonmerchantable waste crude oil shall be treated and processed, as prescribed by the board.

(i) Any person who produces, sells, purchases, acquires, stores, transports, refines, or processes oil or gas or injects fluids for cycling, pressure maintenance, secondary or enhanced recovery, or salt water disposal in this state shall maintain complete and accurate records of the quantities produced, sold, purchased, acquired, stored, transported, refined, processed, or injected for a period of at least six years. The records shall be available for examination by the board or the board's agents at any reasonable time. Rules enacted to administer this Subsection (2)(i) shall be consistent with applicable federal requirements.

(j) Any person with an interest in a lease shall be notified when all or part of that interest in the lease is sold or transferred.

(k) The assessment and collection of administrative penalties is consistent with Section 40-6-11.

(3) The board has the authority to regulate:

(a) all operations for and related to the production of oil or gas including:

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- (i) drilling, testing, equipping, completing, operating, producing, and plugging of wells; and
- (ii) reclamation of sites;
- (b) the spacing and location of wells;
- (c) operations to increase ultimate recovery, such as:
 - (i) cycling of gas;
 - (ii) the maintenance of pressure; and
 - (iii) the introduction of gas, water, or other substances into a reservoir;
- (d) the disposal of salt water and oil-field wastes;
- (e) the underground and surface storage of oil, gas, or products; and
- (f) the flaring of gas from an oil well.
- (4) For the purposes of administering this chapter, the board may designate:
 - (a) wells as:
 - (i) oil wells; or
 - (ii) gas wells; and
 - (b) pools as:
 - (i) oil pools; or
 - (ii) gas pools.
- (5) The board has exclusive jurisdiction over:
 - (a) class II injection wells, as defined by the federal Environmental Protection Agency or a successor agency;
 - (b) pits and ponds in relation to these injection wells;
 - (c) when granted primacy by the Environmental Protection Agency, class VI injection wells, as defined by the Environmental Protection Agency or a successor agency; and
 - (d) storage facilities, as that term is defined in Section 40-11-1.
- (6) The board has jurisdiction:
 - (a) to hear questions regarding multiple mineral development conflicts with oil and gas operations if there:
 - (i) is potential injury to other mineral deposits on the same lands; or
 - (ii) are simultaneous or concurrent operations conducted by other mineral owners or lessees affecting the same lands; and

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(b) to enter the board's order or rule with respect to those questions.

(7) The board has enforcement powers with respect to operators of minerals other than oil and gas as are set forth in Section 40-6-11, for the sole purpose of enforcing multiple mineral development issues.

(8) Subsection (2)(f)(iv) does not apply if the surface land owner is a party to, or a successor of a party to:

(a) a lease of the underlying privately owned oil and gas;

(b) a surface use agreement applicable to the surface land owner's surface land; or

(c) a contract, waiver, or release addressing an owner's or operator's use of the surface land owner's surface land.

(9) (a) The board shall review rules made under Subsection (2)(f) to determine whether the rules provide adequate fiscal security for the fiscal risks to the state related to oil and gas operations.

(b) During the board's review under this Subsection (9), the board may consider the bonding schemes of other states.

(10) The board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, related to procedures under Title 19, Chapter 12, Pollution Control Act, for certification by the director of the division.

Section 6. Section 40-6-16 is amended to read:

40-6-16. Duties of division.

In addition to the duties assigned by the board, the division shall:

(1) develop and implement an inspection program that will include ~~but not be limited to~~ production data, pre-drilling checks, and site security reviews;

(2) publish a monthly production report;

(3) publish a monthly gas processing plant report;

(4) review and evaluate, ~~prior to~~ before a hearing, evidence submitted with the petition to be presented to the board;

(5) require adequate assurance of approved water rights in accordance with rules and orders enacted under Section 40-6-5;

(6) notify the county executive of the county in which the drilling will take place in writing of the issuance of a drilling permit;

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(7) complete the verification of natural gas to hydrogen conversion plants required by Section 59-5-102; ~~and~~

(8) issue tax credit certificates in accordance with Section 40-6-24~~[-]; and~~

~~(9) through the division's director, implement Title 19, Chapter 12, Pollution Control Act.~~

Section 7. Section 63C-4a-303 is amended to read:

63C-4a-303. Federalism Commission to evaluate federal law -- Curriculum on federalism -- Environment discussions.

(1) (a) In accordance with Section 63C-4a-304, the commission may evaluate a federal law:

- (i) as agreed by a majority of the commission;
- (ii) submitted to the commission by a council member; or
- (iii) reported to the commission in accordance with Subsection (1)(b).

(b) (i) To assist the commission in the evaluation of federal law as required in this section and Section 63C-4a-304, the commission may contract with a third party that is a Utah institution of higher education to monitor federal law for possible implications on the principles of federalism.

(ii) A third party contracted to monitor federal law as described in Subsection (1)(b)(i) shall:

(A) monitor federal law for possible implications on the principles of federalism and state sovereignty; and

(B) report to the commission any law or action by the federal government that may implicate the principles of federalism or state sovereignty.

(c) (i) As used in this Subsection (1)(c), "interim committee" means the same as that term is defined in Section 36-12-1.

(ii) The commission shall provide an annual report to each interim committee concerning any law or action by the federal government that implicates the principles of federalism or state sovereignty.

(iii) The commission may notify the appropriate interim committee of any law or action by the federal government that implicates the principles of federalism or state sovereignty.

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(2) The commission may request information regarding a federal law under evaluation from a United States senator or representative elected from the state.

(3) If the commission finds that a federal law is not authorized by the United States Constitution or violates the principle of federalism as described in Subsection 63C-4a-304(2), a commission cochair or the commission may:

(a) request from a United States senator or representative elected from the state:

(i) information about the federal law; or

(ii) assistance in communicating with a federal governmental entity regarding the federal law;

(b) (i) give written notice of an evaluation made under Subsection (1) to the federal governmental entity responsible for adopting or administering the federal law; and

(ii) request a response by a specific date to the evaluation from the federal governmental entity;

(c) request a meeting, conducted in person or by electronic means, with the federal governmental entity, a representative from another state, or a United States Senator or Representative elected from the state to discuss the evaluation of federal law and any possible remedy; or

(d) give written notice of an evaluation and the conclusions of the commission to any other relevant entity.

(4) The commission may recommend to the governor that the governor call a special session of the Legislature to give the Legislature an opportunity to respond to the commission's evaluation of a federal law.

(5) A commission cochair may coordinate the evaluation of and response to federal law with another state as provided in Section 63C-4a-305.

(6) The commission shall keep a current list on the Legislature's website of:

(a) a federal law that the commission evaluates under Subsection (1);

(b) an action taken by a cochair of the commission or the commission under Subsection (3);

(c) any coordination undertaken with another state under Section 63C-4a-305; and

(d) any response received from a federal government entity that was requested under Subsection (3).

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(7) (a) The commission shall develop curriculum for a seminar on the principles of federalism.

(b) The curriculum under Subsection (7)(a) shall be available to the general public and include:

(i) fundamental principles of federalism;

(ii) the sovereignty, supremacy, and jurisdiction of the individual states, including their police powers;

(iii) the history and practical implementation of the Tenth Amendment to the United States Constitution;

(iv) the authority and limits on the authority of the federal government as found in the United States Constitution;

(v) the relationship between the state and federal governments;

(vi) methods of evaluating a federal law in the context of the principles of federalism;

(vii) how and when challenges should be made to a federal law or regulation on the basis of federalism;

(viii) the separate and independent powers of the state that serve as a check on the federal government;

(ix) first amendment rights and freedoms contained therein; and

(x) any other issues relating to federalism the commission considers necessary.

(8) The commission may apply for and receive grants, and receive private donations to assist in funding the creation, enhancement, and dissemination of the curriculum.

(9) The commission shall submit a report on or before November 30 of each year to the Government Operations Interim Committee and the Natural Resources, Agriculture, and Environment Interim Committee that:

(a) describes any action taken by the commission under Section 63C-4a-303; and

(b) includes any proposed legislation the commission recommends.

~~{Section 4. Section 63I-1-219 is amended to read:~~

~~63I-1-219. Repeal dates: Title 19.~~

~~(1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.~~

~~[(2) Section 19-2a-102 is repealed July 1, 2026.]~~

~~[(3)] (2) Section 19-2a-104 is repealed July 1, 2022.~~

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~~[(4)] (3) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.~~

~~(b) Notwithstanding Subsection [(4)(a)] (3)(a), Section 19-4-115, Drinking water quality in schools and child care centers, is repealed July 1, 2027.~~

~~[(5)] (4) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.~~

~~[(6)] (5) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1, 2029.~~

~~[(7)] (6) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July 1, 2030.~~

~~[(8)] (7) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1, 2028.~~

~~[(9)] (8) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.~~

~~[(10)] (9) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2029.~~

~~[(11)] (10) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2030.~~

~~[(12)] (11) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1, 2027.~~

~~Section 5; (10) The commission shall comply with Section 19-1-110 in discussions with the Department of Environmental Quality on issues related to the environment or the functioning of the Department of Environmental Quality.~~

Section 8. Repealer.

This bill repeals:

Section 19-2a-102, Air Quality Policy Advisory Board created -- Composition --

Responsibility -- Terms of office -- Compensation.

Section ~~{6}~~9. **Effective date.**

This bill takes effect on May 1, 2024.