

**TIRE RECYCLING FUND AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: Joel Ferry

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**LONG TITLE**

**General Description:**

This bill makes changes related to the administration and composition of the Waste Tire Recycling Fund.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires a municipality that owns or operates a landfill more than 10 miles outside the municipality's jurisdictional boundaries to deposit all revenue from the landfill into the Waste Tire Recycling Fund;
- ▶ requires the Division of Finance to disburse revenue received from municipal landfill operators to the county within whose boundary the landfill is located; and
- ▶ provides for the disbursement of surplus amounts in the Waste Tire Recycling Fund to qualified recyclers.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-6-807**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

ENACTS:

29 [19-6-808.5](#), Utah Code Annotated 1953

30 [19-6-816.5](#), Utah Code Annotated 1953

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

33 Section 1. Section **19-6-807** is amended to read:

34 **19-6-807. Special revenue fund -- Creation -- Deposits.**

35 (1) There is created an expendable special revenue fund entitled the "Waste Tire  
36 Recycling Fund."

37 (2) The fund shall consist of:

38 (a) the proceeds of the fee imposed under Section [19-6-805](#); ~~[and]~~

39 (b) penalties collected under this part~~[-];~~ and

40 (c) money paid into the account under Section [19-6-808.5](#).

41 (3) Money in the fund shall be used for:

42 (a) partial reimbursement of the costs of transporting, processing, recycling, or  
43 disposing of waste tires as provided in this part; ~~[and]~~

44 (b) payment of administrative costs of local health departments as provided in Section  
45 [19-6-817](#)~~[-];~~ and

46 (c) payment to a county pursuant to Section [19-6-808.5](#).

47 (4) The Legislature may appropriate money from the fund to pay for:

48 (a) the costs of the Department of Environmental Quality in administering and  
49 enforcing this part; and

50 (b) other operational costs of the Department of Environmental Quality, if the  
51 Legislature estimates there is a deficit in the Department of Environmental Quality's budget for  
52 the current or next fiscal year.

53 Section 2. Section **19-6-808.5** is enacted to read:

54 **19-6-808.5. Municipal landfill deposits.**

55 (1) As used in this section, "municipal landfill operator" means a municipality:

- 56 (a) in a county of the third class;
- 57 (b) that contains a land grant university within the municipality's jurisdictional
- 58 boundaries; and
- 59 (c) that owns or operates a landfill that has its permitted boundary more than 10 miles
- 60 from the municipality's jurisdictional boundaries.

61 (2) Beginning on July 1, 2023, a municipal landfill operator shall pay to the Division of  
62 Finance for deposit into the fund:

- 63 (a) all reimbursements that the municipality receives under Section 19-6-812; and
- 64 (b) all revenue collected by the municipality in relation to the landfill.

65 (3) A municipality's payment under Subsection (2) shall be accompanied by a form  
66 prescribed by the Division of Finance.

67 (4) The Division of Finance shall pay amounts received from a landfill under this  
68 section quarterly to the county in whose jurisdictional boundaries the landfill is located.

69 Section 3. Section **19-6-816.5** is enacted to read:

70 **19-6-816.5. Fund balance maintenance.**

71 (1) As used in this section:

72 (a) "Qualified recycler" means a recycler who is qualified to receive a partial  
73 reimbursement under Section 19-6-809 during a fiscal year for which there are surplus funds.

74 (b) "Surplus funds" means, at the end of a fiscal year, money in the fund in excess of  
75 \$2,000,000 after all partial reimbursements and payments to local health departments, and all  
76 payments to a county as provided in this part have been paid.

77 (2) At the end of a fiscal year, the Division of Finance shall use surplus funds to make  
78 payments to qualified recyclers equal to \$10 for each ton of waste tires, material derived from  
79 waste tires, or chipped tires, for which the recycler received a partial reimbursement under  
80 Subsection 19-6-809(2).

81 (3) If the surplus funds are insufficient to make the payments described in Subsection  
82 (2), the Division of Finance shall prorate the amount per ton that is paid to each qualified

83 recycler.

84 (4) The Division of Finance may not make any payment under this section that would

85 cause the balance of the fund to be less than \$2,000,000.