

Utah Code and Constitution in Folio Format

63M-4-101. Title.

This chapter is known as the "Utah Energy Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63M-4-102. Definitions.

As used in this chapter:

- (1) "Energy advisor" means the governor's energy advisor appointed under Section 63M-4-401.
- (2) "Office" means the Office of Energy Development created in Section 63M-4-401.
- (3) "State agency" means an executive branch:
 - (a) department;
 - (b) agency;
 - (c) board;
 - (d) commission;
 - (e) division; or
 - (f) state educational institution.

Amended by Chapter 37, 2012 General Session

63M-4-201. Governor's energy advisor -- Duties.

- (1) (a) The governor shall appoint an energy advisor.
- (b) The governor's energy advisor serves at the pleasure of the governor.
- (2) The governor's energy advisor shall:
 - (a) advise the governor on energy-related matters;
 - (b) annually review and propose updates to the state's energy policy, as contained in Section 63M-4-301;
 - (c) promote as the governor's energy advisor considers necessary:
 - (i) the development of cost-effective energy resources both renewable and nonrenewable; and
 - (ii) educational programs, including programs supporting conservation and energy efficiency measures;
 - (d) coordinate across state agencies to assure consistency with state energy policy, including:
 - (i) working with the State Energy Program to promote access to federal assistance for energy-related projects for state agencies and members of the public;

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(ii) working with the Division of Emergency Management to assist the governor in carrying out the governor's energy emergency powers under Title 63K, Chapter 2, Energy Emergency Powers of the Governor Act;

(iii) participating in the annual review of the energy emergency plan and the maintenance of the energy emergency plan and a current list of contact persons required by Section 53-2-110; and

(iv) identifying and proposing measures necessary to facilitate low-income consumers' access to energy services;

(e) coordinate with the Division of Emergency Management ongoing activities designed to test an energy emergency plan to ensure coordination and information sharing among state agencies and political subdivisions in the state, public utilities and other energy suppliers, and other relevant public sector persons as required by Sections 53-2-110, 63K-2-201, 63K-2-205, and 63K-2-301;

(f) coordinate with requisite state agencies to study:

(i) the creation of a centralized state repository for energy-related information;

(ii) methods for streamlining state review and approval processes for energy-related projects; and

(iii) the development of multistate energy transmission and transportation infrastructure;

(g) coordinate energy-related regulatory processes within the state;

(h) compile, and make available to the public, information about federal, state, and local approval requirements for energy-related projects;

(i) act as the state's advocate before federal and local authorities for energy-related infrastructure projects or coordinate with the appropriate state agency; and

(j) help promote the Division of Facilities Construction and Management's measures to improve energy efficiency in state buildings.

(3) The governor's energy advisor has standing to testify on behalf of the governor at the Public Service Commission created in Section 54-1-1.

Amended by Chapter 55, 2011 General Session

Amended by Chapter 375, 2011 General Session

63M-4-202. Agency cooperation.

A state agency shall provide the state energy officer with any energy-related information requested by the governor's energy advisor if the governor's energy advisor's request is consistent with other law.

Renumbered and Amended by Chapter 382, 2008 General Session

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63M-4-203. Reports.

- (1) The governor's energy advisor shall report annually to:
 - (a) the governor; and
 - (b) the Natural Resources, Agriculture, and Environment Interim Committee.
- (2) The report required in Subsection (1) shall:
 - (a) summarize the status and development of the state's energy resources;
 - (b) address the governor's energy advisor's activities under this part; and
 - (c) recommend any energy-related executive or legislative action the governor's energy advisor considers beneficial to the state, including updates to the state energy policy under Section 63M-4-301.

Amended by Chapter 37, 2012 General Session

63M-4-301. State energy policy.

- (1) It is the policy of the state that:
 - (a) Utah have adequate, reliable, affordable, sustainable, and clean energy resources;
 - (b) Utah will promote the development of:
 - (i) nonrenewable energy resources, including natural gas, coal, oil, oil shale, and tar sands; and
 - (ii) renewable energy resources, including geothermal, solar, wind, biomass, biodiesel, hydroelectric, and ethanol;
 - (c) Utah will promote the study of nuclear power generation;
 - (d) Utah will promote the development of resources and infrastructure sufficient to meet the state's growing demand, while contributing to the regional and national energy supply, thus reducing dependence on international energy sources;
 - (e) Utah will allow market forces to drive prudent use of energy resources, although incentives and other methods may be used to ensure the state's optimal development and use of energy resources in the short- and long-term;
 - (f) Utah will pursue energy conservation, energy efficiency, and environmental quality;
 - (g) (i) state regulatory processes should be streamlined to balance economic costs with the level of review necessary to ensure protection of the state's various interests; and
(ii) where federal action is required, Utah will encourage expedited federal action and will collaborate with federal agencies to expedite review;
 - (h) Utah will maintain an environment that provides for stable consumer prices that are as low as possible while providing producers and suppliers a fair return on investment, recognizing that:
 - (i) economic prosperity is linked to the availability, reliability, and affordability of consumer energy supplies; and
 - (ii) investment will occur only when adequate financial returns can be realized; and

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(i) Utah will promote training and education programs focused on developing a comprehensive understanding of energy, including programs addressing:

- (i) energy conservation;
- (ii) energy efficiency;
- (iii) supply and demand; and
- (iv) energy related workforce development.

(2) State agencies are encouraged to conduct agency activities consistent with Subsection (1).

(3) A person may not file suit to challenge a state agency's action that is inconsistent with Subsection (1).

Renumbered and Amended by Chapter 382, 2008 General Session

63M-4-302. Legislative committee review.

The Natural Resources, Agriculture, and Environment Interim Committee and the Public Utilities and Technology Interim Committee shall review the state energy policy annually and propose any changes to the Legislature.

Renumbered and Amended by Chapter 382, 2008 General Session

63M-4-401. Creation of Office of Energy Development -- Director -- Purpose -- Rulemaking regarding confidential information.

(1) There is created an Office of Energy Development.

(2) (a) The governor's energy advisor shall appoint a director of the office.

(b) The director shall report to the governor's energy advisor and may appoint staff as funding within existing budgets allows.

(c) The office may consolidate energy staff and functions existing in the State Energy Program.

(3) The purposes of the office are to:

(a) serve as the primary resource for advancing energy development in the state; and

(b) implement:

(i) the state energy policy under Section 63M-4-301; and

(ii) the governor's energy goals and objectives.

(4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the office may:

(a) seek federal grants or loans;

(b) seek to participate in federal programs; and

(c) in accordance with applicable federal program guidelines, administer federally funded state energy programs.

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(5) The office shall perform the duties required by Sections 59-7-614.7 and 59-10-1029 and Part 5, Alternative Energy Development Tax Credit Act.

(6) (a) For purposes of administering this section, the office may make rules, by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to maintain as confidential, and not as a public record, information that the office receives from any source.

(b) The office shall maintain information the office receives from any source at the level of confidentiality assigned by the source.

Amended by Chapter 37, 2012 General Session

Amended by Chapter 410, 2012 General Session