

- 28 **11-13-7**, as enacted by Chapter 14, Laws of Utah 1965
- 29 **11-13-8**, as enacted by Chapter 14, Laws of Utah 1965
- 30 **11-13-11**, as enacted by Chapter 14, Laws of Utah 1965
- 31 **11-13-14**, as last amended by Chapter 5, Laws of Utah 1989, Second Special Session
- 32 **11-13-17**, as enacted by Chapter 14, Laws of Utah 1965
- 33 **11-13-18**, as last amended by Chapter 47, Laws of Utah 1977
- 34 **11-13-26**, as last amended by Chapter 5, Laws of Utah 1987
- 35 **11-13-27**, as last amended by Chapter 188, Laws of Utah 1987

36 ENACTS:

- 37 **11-13-5.7**, Utah Code Annotated 1953

38 REPEALS AND REENACTS:

- 39 **11-13-5.5**, as last amended by Chapter 337, Laws of Utah 1998

40 REPEALS:

- 41 **11-13-9**, as last amended by Chapter 188, Laws of Utah 1987
- 42 **11-13-12**, as repealed and reenacted by Chapter 188, Laws of Utah 1987

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

44 Section 1. Section **11-13-3** is amended to read:

45 **11-13-3. Definitions.**

46 As used in this chapter:

47 (1) "Additional project capacity" means electrical generating capacity provided by an
48 electrical generation unit that:

49 (a) first produces electricity on or after April 21, 1987; and

50 (b) is constructed or installed at the site of a project that first produced electricity before
51 April 21, 1987.

52 ~~(1)~~ (2) "Board" means the Permanent Community Impact Fund Board created by Section
53 9-4-304, and its successors.

54 ~~(2)~~ (3) "Candidate" means the state ~~[of Utah]~~ and any county, municipality, school
55 district, prosecution district, special district, or any other political subdivision of the state ~~[of Utah]~~
56 or its authorized agent or any one or more of them.

57 ~~(3)~~ (4) "Commercial project entity" means a project entity, defined in Subsection ~~[(7)]~~
58 ~~(9)~~, that:

59 (a) has no taxing authority; and
60 (b) is not supported in whole or in part by and does not expend or disburse tax revenues.

61 ~~[(4)]~~ (5) "Direct impacts" mean an increase in the need for any public facilities or services
62 that is attributable to the project, except impacts resulting from the construction or operation of
63 any facility owned by others that is used to furnish fuel, construction, or operation materials for
64 use in the project.

65 (6) "Energy services agency" means an entity created under Section 11-13-5.7.

66 ~~[(5)]~~ (7) (a) "Facilities," "services," or "improvements" mean facilities, services, or
67 improvements of any kind or character ~~[provided by a candidate]~~ for the purpose of or with respect
68 to any one or more of the following:

- 69 (i) flood control;
- 70 (ii) storm drainage;
- 71 (iii) government administration;
- 72 (iv) planning and zoning;
- 73 (v) buildings and grounds;
- 74 (vi) education;
- 75 (vii) health care;
- 76 (viii) parks and recreation;
- 77 (ix) police and fire protection;
- 78 (x) prosecution of violations of state criminal statutes;
- 79 (xi) defense of individuals prosecuted for violations of state criminal statutes;
- 80 (xii) transportation;
- 81 (xiii) streets and roads;
- 82 (xiv) utilities;
- 83 (xv) culinary water;
- 84 (xvi) sewage disposal;
- 85 (xvii) social services;
- 86 (xviii) solid waste disposal;
- 87 (xix) economic development or new venture investment fund; and
- 88 (xx) library.

89 (b) "Facilities" and "improvements" include entire facilities and improvements or interests

90 in facilities or improvements.

91 [~~(6)~~] (8) "Project":

92 (a) means an electric generating and transmission project owned by a legal or
93 administrative entity created under this chapter; and [~~shall include~~]

94 (b) includes any electric generating facilities, transmission facilities, fuel or fuel
95 transportation facilities, [~~or~~] water facilities, or other facilities owned by that entity and required
96 for that project, whether installed in connection with the initial construction of the generating or
97 transmission project or subsequently added to provide additional project capacity.

98 [~~(7)~~] (9) "Project entity" means a legal or administrative entity created under this chapter
99 which owns a project and which sells the capacity, services, or other benefits from it.

100 [~~(8)~~] (10) "Public agency" means:

101 (a) any political subdivision of this state including, but not limited to, cities, towns,
102 counties, school districts, and special districts of various kinds;

103 (b) the state [~~of Utah~~] or any department, division, or agency of the state [~~of Utah~~];

104 (c) any agency of the United States;

105 (d) any political subdivision or agency of another state including any interlocal cooperation
106 or joint powers agency or entity formed under the authority of the law of another state; and

107 (e) any Indian tribe, band, nation, or other organized group or community which is
108 recognized as eligible for the special programs and services provided by the United States to
109 Indians because of their status as Indians.

110 [~~(9)~~] (11) "State" means a state of the United States and the District of Columbia.

111 (12) "Utah public agency" means a public agency as defined in Subsection (10)(a) or (b).

112 Section 2. Section **11-13-4** is amended to read:

113 **11-13-4. Joint exercise of powers, privileges, or authority by public agencies**

114 **authorized -- Relationship to the Municipal Cable Television and Public**

115 **Telecommunications Services Act.**

116 (1) Any power or powers, privileges or authority exercised or capable of exercise by a
117 public agency of this state may be exercised and enjoyed jointly with any other public agency of
118 this state having the power or powers, privileges or authority, and jointly with any public agency
119 of any other state or of the United States to the extent that the laws of the other state or of the
120 United States permit such joint exercise or enjoyment. Any agency of the state government when

121 acting jointly with any public agency may exercise and enjoy all of the powers, privileges, and
122 authority conferred by this chapter upon a public agency.

123 (2) This chapter may not enlarge or expand the authority of a public agency not authorized
124 to offer and provide cable television services and public telecommunications services under Title
125 10, Chapter 18, Municipal Cable Television and Public Telecommunications Services Act, to offer
126 or provide cable television services and public telecommunications services.

127 Section 3. Section **11-13-5.5** is repealed and reenacted to read:

128 **11-13-5.5. Agreement to create separate entity.**

129 (1) (a) A Utah public agency may enter into an agreement with one or more public
130 agencies to create a separate legal or administrative entity to accomplish the purpose of their joint
131 or cooperative action, including the undertaking and financing of a facility or improvement to
132 provide the service contemplated by the agreement.

133 (b) Each entity created under this section is a body politic and corporate and a political
134 subdivision of the state.

135 (2) (a) An entity created under this section:

136 (i) may:

137 (A) adopt, amend, and repeal rules, bylaws, regulations, policies, and procedures for the
138 regulation of its affairs and the conduct of its business;

139 (B) sue and be sued;

140 (C) have an official seal and alter that seal at will;

141 (D) make and execute contracts and other instruments necessary or convenient for the
142 performance of its duties and the exercise of its powers and functions;

143 (E) acquire by purchase, eminent domain, or other means facilities, improvements, and real
144 or personal property necessary or convenient for the purposes contemplated in the agreement
145 creating the entity;

146 (F) directly or by contract with another:

147 (I) construct, operate, maintain, and repair facilities and improvements; and

148 (II) provide the services contemplated in the agreement creating the entity;

149 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
150 obligations and secure their payment by a pledge, assignment, or other conveyance of all or any
151 portion of the revenues and receipts from the facilities, improvements, or services that the entity

152 provides:

153 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
154 other obligations issued by the entity; and

155 (I) sell or contract for the sale of the services, output, product, or benefits provided by it
156 to:

157 (I) public agencies inside or outside the state; and

158 (II) with respect to an excess, any person on terms that the entity considers to be in the best
159 interest of the public agencies that are parties to the agreement creating the entity; and

160 (ii) may not levy, assess, or collect ad valorem property taxes.

161 (b) A pledge, assignment, or other conveyance under Subsection (2)(a)(i)(G) may, to the
162 extent provided by the documents under which the pledge, assignment, or other conveyance is
163 made, rank prior in right to any other obligation except taxes or payments in lieu of taxes payable
164 to the state or its political subdivisions.

165 (3) (a) Each project entity:

166 (i) shall:

167 (A) before undertaking the construction of a project, including the construction of facilities
168 to provide additional project capacity, and as provided in Subsection (3)(b), offer to sell or make
169 available at least 50% of:

170 (I) the generation output of or electric energy produced by the project; or

171 (II) in the case of construction to provide additional project capacity, the generation output
172 attributable to or electric energy produced by the additional project capacity;

173 (B) establish rules and procedures for an offer under Subsection (3)(a)(i)(A) that provide
174 at least 60 days for each prospective power purchaser to accept the offer before it is considered
175 rejected; and

176 (ii) is subject to Sections 11-13-25 through 11-13-36.

177 (b) Each project entity shall make each offer under Subsection (3)(a)(i)(A):

178 (i) under a long-term arrangement, including an undivided ownership interest, participation
179 interest, power sales agreement, or otherwise; and

180 (ii) to power purchasers in Utah that supply electric energy at wholesale or retail.

181 (c) The generation output or electric energy production available to power purchasers in
182 Utah shall be at least 5% of the total general output or electric energy production of the project.

183 (4) Notwithstanding Section 11-13-17, an agreement establishing a project entity or an
184 amendment to that agreement may provide that the agreement may continue and the project entity
185 may remain in existence until the latest to occur of:

186 (a) 50 years after the date of the agreement or amendment;

187 (b) five years after the project entity has fully paid or otherwise discharged all of its
188 indebtedness;

189 (c) five years after the entity has abandoned, decommissioned, or conveyed or transferred
190 all of its interest in its facilities and improvements; or

191 (d) five years after the facilities and improvements of the project entity are no longer useful
192 in providing the service, output, product, or other benefits of the facilities and improvements, as
193 determined by the project entity under the contract governing the sale of the service, output,
194 product, or other benefits.

195 Section 4. Section 11-13-5.6 is amended to read:

196 **11-13-5.6. Contract by public agencies to create new entities to own sewage and**
197 **wastewater facilities -- Powers and duties of new entities -- Validation of previously created**
198 **entities.**

199 (1) It is declared that the policy of the state is to assure the health, safety, and welfare of
200 its citizens, that adequate sewage and wastewater treatment plants and facilities are essential to the
201 well-being of the citizens of the state and that the acquisition of adequate sewage and wastewater
202 treatment plants and facilities on a regional basis in accordance with federal law and state and
203 federal water quality standards and effluent standards in order to provide services to public
204 agencies is a matter of statewide concern and is in the public interest. It is found and declared that
205 there is a statewide need to provide for regional sewage and wastewater treatment plants and
206 facilities, and as a matter of express legislative determination it is declared that the compelling
207 need of the state for construction of regional sewage and wastewater treatment plants and facilities
208 requires the creation of entities under the Interlocal Cooperation Act to own, construct, operate,
209 and finance sewage and wastewater treatment plants and facilities; and it is the purpose of this law
210 to provide for the accomplishment thereof in the manner provided in this section.

211 (2) Any two or more public agencies of the state may also agree to create a separate legal
212 or administrative entity to accomplish and undertake the purpose of owning, acquiring,
213 constructing, financing, operating, maintaining, and repairing regional sewage and wastewater

214 treatment plants and facilities.

215 (3) A separate legal or administrative entity created in the manner provided herein is
216 considered to be a political subdivision and body politic and corporate of the state with power to
217 carry out and effectuate its corporate powers, including, but not limited to, the power:

218 (a) to adopt, amend, and repeal rules, bylaws, and regulations, policies, and procedures for
219 the regulation of its affairs and the conduct of its business, to sue and be sued in its own name, to
220 have an official seal and power to alter that seal at will, and to make and execute contracts and all
221 other instruments necessary or convenient for the performance of its duties and the exercise of its
222 powers and functions under the Interlocal Cooperation Act;

223 (b) to own, acquire, construct, operate, maintain, repair, or cause to be constructed,
224 operated, maintained, and repaired one or more regional sewage and wastewater treatment plants
225 and facilities, all as shall be set forth in the agreement providing for its creation;

226 (c) to borrow money, incur indebtedness and issue revenue bonds, notes or other
227 obligations payable solely from the revenues and receipts derived from all or a portion of the
228 regional sewage and wastewater treatment plants and facilities which it owns, operates, and
229 maintains, such bonds, notes, or other obligations to be issued and sold in compliance with the
230 provisions of Title 11, Chapter 14, Utah Municipal Bond Act;

231 (d) to enter into agreements with public agencies and other parties and entities to provide
232 sewage and wastewater treatment services on such terms and conditions as it considers to be in the
233 best interests of its participants; and

234 (e) to acquire by purchase or by exercise of the power of eminent domain, any real or
235 personal property in connection with the acquisition and construction of any sewage and
236 wastewater treatment plant and all related facilities and rights-of-way which it owns, operates, and
237 maintains.

238 (4) The provisions of Sections 11-13-25[~~11-13-26, 11-13-27, 11-13-28, 11-13-29,~~
239 ~~11-13-30, 11-13-31, 11-13-32, 11-13-33, 11-13-34, 11-13-35, and~~] through 11-13-36 do not apply
240 to a legal or administrative entity created for regional sewage and wastewater treatment purposes
241 under this section.

242 (5) All proceedings previously had in connection with the creation of any legal or
243 administrative entity pursuant to this chapter, and all proceedings previously had by any such entity
244 for the authorization and issuance of bonds of the entity are validated, ratified, and confirmed; and

245 these entities are declared to be validly created interlocal cooperation entities under this chapter.
246 These bonds, whether previously or subsequently issued pursuant to these proceedings, are
247 validated, ratified, and confirmed and declared to constitute, if previously issued, or when issued,
248 the valid and legally binding obligations of the entity in accordance with their terms. Nothing in
249 this section shall be construed to affect or validate any bonds, or the organization of any entity, the
250 legality of which is being contested at the time this act takes effect.

251 (6) (a) The governing ~~[authority]~~ body of each entity created under this section on or after
252 May 4, 1998, shall, within 30 days of the creation, file a written notice of the creation with the
253 State Tax Commission.

254 (b) Each written notice required under Subsection (6)(a) shall:

255 (i) be accompanied by:

256 (A) a copy of the agreement creating the entity; and

257 (B) a map or plat that delineates a metes and bounds description of the area affected and
258 evidence that the information has been recorded by the county recorder; and

259 (ii) contain a certification by the governing authority that all necessary legal requirements
260 relating to the creation have been completed.

261 Section 5. Section **11-13-5.7** is enacted to read:

262 **11-13-5.7. Energy services agencies.**

263 (1) (a) Two or more Utah public agencies may enter into an agreement with one or more
264 public agencies defined in Subsection 11-13-3(10)(c) or (d) to create an energy service agency to
265 accomplish the purposes of their joint and cooperative action with respect to providing energy
266 services, including providing facilities, services, and improvements necessary or desirable with
267 respect to the acquisition, generation, transmission, management, and distribution of electric
268 energy for the use and benefit of the public agencies that enter into the agreement.

269 (b) (i) An entity created under Section 11-13-5.5 to facilitate the transmission or supply
270 of electric power may, by resolution adopted by its governing body, elect to become an energy
271 services agency under this section.

272 (ii) An election under Subsection (1)(b)(i) does not alter, limit, or affect a previously
273 executed contract, agreement, bond, or other obligation of the entity.

274 (2) An energy services agency created under this section:

275 (a) is a political subdivision of the state;

276 (b) is not a project entity;

277 (c) is not subject to Sections 11-13-25 through 11-13-36;

278 (d) has the powers set forth in Subsection 11-13-5.5(2)(a)(i); and

279 (e) may:

280 (i) own, acquire, and, by itself or by contract with another, construct, operate, and maintain
281 a facility or improvement for the generation, transmission, and transportation of electric energy or
282 fuel supplies;

283 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary
284 services, transmission, and transportation services and supplies of natural gas and fuels;

285 (iii) enter into a contract with a public agency, investor-owned or cooperative utility, and
286 others, whether located in or outside the state, for the sale of the services provided by the energy
287 services agency; and

288 (iv) adopt and implement risk management policies and strategies and enter into
289 transactions and agreements to manage the risks associated with the purchase and sale of energy
290 in competitive markets, including forward purchase and sale contracts, hedging, tolling and swap
291 agreements, and other instruments.

292 Section 6. Section **11-13-6** is amended to read:

293 **11-13-6. Agreements for joint or cooperative action -- Required provisions.**

294 [~~Any such~~] (1) Each agreement under Section 11-13-5 shall specify the following:

295 [~~(1)~~] (a) its duration;

296 [~~(2)~~] (b) the precise organization, composition and nature of any separate legal or
297 administrative entity created [~~thereby, together with~~] by the agreement, the powers delegated
298 [thereto, provided such entity may be legally created. If a separate entity or administrative body
299 is created to perform the joint functions, a majority of the governing body of such entity shall be
300 constituted by appointments made by the governing bodies of the public agencies creating the
301 entity and such appointees shall serve at the pleasure of the governing bodies of the creating public
302 agencies] to the entity, the manner in which the entity is to be governed, and the manner in which
303 the members of its governing body are to be appointed or selected;

304 [~~(3)~~] (c) its purpose or purposes;

305 [~~(4)~~] (d) the manner of financing the joint or co-operative undertaking and of establishing
306 and maintaining a budget [~~therefor~~] for it;

307 ~~[(5)]~~ (e) the permissible method or methods to be employed in accomplishing the partial
 308 or complete termination of the agreement and for disposing of property upon such partial or
 309 complete termination; and

310 ~~[(6)]~~ (f) any other necessary and proper matters ~~[, and]~~.

311 ~~[(7) the price of any product of the service or benefit to the consumer allocated to any~~
 312 ~~buyer except the participating agencies within the state shall include the amount necessary to~~
 313 ~~provide for the payments of the in lieu fee provided for in Section 11-13-25.]~~

314 (2) Each agreement under Section 11-13-5 that creates a separate legal or administrative
 315 entity shall require that Utah public agencies that are parties to the agreement have the right to
 316 appoint or select members of the entity's governing body with a majority of the voting power.

317 Section 7. Section **11-13-7** is amended to read:

318 **11-13-7. Agreement not establishing separate legal entity -- Additional provisions**
 319 **required.**

320 ~~[In the event that the]~~ If an agreement under Section 11-13-5 does not establish a separate
 321 legal or administrative entity to conduct the joint or cooperative undertaking, the agreement shall,
 322 in addition to the items specified in Section 11-13-6, ~~[contain the following]~~ provide for:

323 (1) ~~[Provision for]~~ the joint or cooperative undertaking to be administered by:

324 (a) an administrator; or

325 (b) a joint board [responsible for administering the joint or co-operative undertaking. In
 326 the case of a joint board], with representation from public agencies [party] that are parties to the
 327 agreement [shall be represented.]; and

328 (2) ~~[The]~~ the manner of acquiring, holding, and disposing of real and personal property
 329 used in the joint or cooperative undertaking.

330 Section 8. Section **11-13-8** is amended to read:

331 **11-13-8. Agreement does not relieve public agency of legal obligation or**
 332 **responsibility.**

333 ~~[No]~~ (1) Except as provided in Subsection (2), an agreement made [pursuant to this act
 334 shall] under this chapter does not relieve [any] a public agency of [any] an obligation or
 335 responsibility imposed upon it by law [except that to the extent of actual and timely performance
 336 thereof].

337 (2) If an obligation or responsibility of a public agency is actually and timely performed

338 by a joint board or ~~[other]~~ legal or administrative entity created by an agreement made ~~[hereunder,~~
 339 ~~said]~~ under this chapter, that performance may be offered in satisfaction of the obligation or
 340 responsibility.

341 Section 9. Section **11-13-11** is amended to read:

342 **11-13-11. Agreements between public agencies of state and agencies of other states**
 343 **or United States -- Status -- Rights of state in actions involving agreements.**

344 In ~~[the event that]~~ any case or controversy involving the performance or interpretation of
 345 or the liability under an agreement entered into [pursuant to] under this [act is] chapter between
 346 or among one or more public agencies of this state and one or more public agencies of another
 347 state or of the United States, ~~[said agreement shall have the status of an interstate compact, but in~~
 348 ~~any case or controversy involving performance or interpretation thereof or liability thereunder,]~~
 349 the public agencies ~~[party thereto]~~ that are parties to the agreement shall be real parties in interest
 350 and the state may maintain an action to recoup or otherwise make itself whole for any damages or
 351 liabilities which it may incur by reason of being joined as a party ~~[therein]~~ to the case or
 352 controversy. Such action shall be maintainable against any public agency or agencies whose
 353 default, failure ~~[or performance]~~ to perform, or other conduct caused or contributed to the incurring
 354 of damage or liability by the state.

355 Section 10. Section **11-13-14** is amended to read:

356 **11-13-14. Contracts between public agencies or with legal or administrative entities**
 357 **to perform governmental services, activities, or undertakings -- Facilities and improvements.**

358 (1) Any one or more public agencies may contract with each other or with a legal or
 359 administrative entity created pursuant to this chapter to perform any governmental service, activity,
 360 or undertaking which each public agency entering into the contract is authorized by law to perform,
 361 provided that the contract shall be authorized by the governing body of each party to the contract.

362 The contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of
 363 the contracting parties. In order to perform such service, activity, or undertaking, a public agency
 364 may create, construct, or otherwise acquire facilities or improvements in excess of those required
 365 to meet the needs and requirements of the parties to the contract.

366 (2) A legal or administrative entity created by agreement under this chapter may create,
 367 construct, or otherwise acquire facilities or improvements to render ~~[service]~~ services in excess of
 368 those required to meet the needs or requirements of the public agencies ~~[party to the agreement]~~

369 that are members of the entity if ~~[(a)]~~ it is determined by the public agencies to be necessary to
 370 accomplish the purposes and realize the benefits set forth in Section 11-13-2~~[- and (b) any excess~~
 371 ~~sold to other public agencies within or without the state is sold on terms that assure that the cost~~
 372 ~~of providing the excess will be recovered by the legal or administrative entity].~~

373 Section 11. Section **11-13-17** is amended to read:

374 **11-13-17. Contracts -- Term -- Resolutions of governing bodies to authorize.**

375 ~~[Any contract]~~ Except as provided in Subsection 11-13-5.5(4), each agreement entered into
 376 ~~[hereunder]~~ under this chapter shall extend for a term of not to exceed ~~[fifty]~~ 50 years and shall
 377 be authorized by resolutions adopted by the respective governing bodies.

378 Section 12. Section **11-13-18** is amended to read:

379 **11-13-18. Control and operation of joint facility or improvement provided by**
 380 **contract.**

381 Any facility or improvement jointly owned or jointly operated by any two or more public
 382 agencies or acquired or constructed pursuant to an agreement under this act may be operated by
 383 any one or more of the interested public agencies designated for the purpose or may be operated
 384 by a joint board or commission or a legal or administrative entity created for the purpose or
 385 through an agreement by a legal or administrative entity and a public agency receiving service ~~[of]~~
 386 or other benefits from such entity or may be controlled and operated in some other manner, all as
 387 may be provided by appropriate contract. Payment for the cost of such operation shall be made as
 388 provided in any such contract.

389 Section 13. Section **11-13-26** is amended to read:

390 **11-13-26. Liability for sales and use taxes.**

391 (1) Notwithstanding the provisions of Section 59-12-104, a project entity created under
 392 this chapter is subject to state sales and use taxes. The sales and use taxes shall be paid, collected,
 393 and distributed in accordance with the provisions of law relative to the payment, collection, and
 394 distribution of sales and use taxes, including prepayment as provided in Title 63, Chapter 51,
 395 Resource Development. Project entities are authorized to make payments or prepayments of sales
 396 and use taxes, as provided in Title 63, Chapter 51, from the proceeds of revenue bonds issued
 397 pursuant to Section 11-13-19 or other revenues of the project entity.

398 (2) For purposes of calculating the gross receipts tax imposed on a project entity under
 399 Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay Corporate

400 Franchise or Income Tax Act:

401 (a) gross receipts do not include gross receipts from the sale of any goods or services to
402 the extent that a gross receipts tax was imposed on a prior sale of the same goods or services; and

403 (b) the gross receipts tax shall be calculated as though the project entity were a taxpayer
404 with respect to its gross receipts from the sale of electricity produced by additional project capacity
405 and as a separate, independent taxpayer with respect to all of its other gross receipts.

406 Section 14. Section **11-13-27** is amended to read:

407 **11-13-27. Hearing -- Certificate of public convenience and necessity -- Effective date.**

408 (1) [Any political subdivision organized pursuant to this act before] Before proceeding
409 with the construction of any electrical generating plant or transmission line, each legal or
410 administrative entity created under this chapter shall first obtain from the public service
411 commission a certificate, after hearing, that public convenience and necessity requires such
412 construction and in addition that such construction will in no way impair the public convenience
413 and necessity of electrical consumers of the state [of Utah] at the present time or in the future.

414 (2) This section [shall become effective] takes effect for all projects initiated after [the]
415 its effective date [hereof, and shall] but does not apply to [those]:

416 (a) a project for which feasibility studies were initiated prior to [said] the effective date[;
417 including any additional generating capacity added to a generating project producing electricity
418 prior to April 21, 1987, and];

419 (b) any additional project capacity; or

420 (c) transmission lines required [and used solely] for the delivery of electricity from [such
421 a generating project] a project described in Subsection (2)(a) or additional project capacity within
422 the corridor of a transmission line, with reasonable deviation, of [such] a generating project
423 producing as of April 21, 1987.

424 Section 15. **Repealer.**

425 This act repeals:

426 Section **11-13-9, Approval of agreements by authorized attorney.**

427 Section **11-13-12, Agreements for services or facilities under control of state officer**
428 **or agency -- Approval by authorized attorney.**

Legislative Review Note
as of 11-21-01 2:46 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Public Utilities and Technology Interim Committee recommended this bill.