

1 **UTAH ENERGY INFRASTRUCTURE AUTHORITY ACT**

2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Roger E. Barrus**

6 Senate Sponsor: Kevin T. Van Tassell

8 **LONG TITLE**

9 **General Description:**

10 This bill addresses bonding authority under the Utah Energy Infrastructure Authority
11 Act.

12 **Highlighted Provisions:**

13 This bill:
14 ▶ defines terms;
15 ▶ addresses the purposes for which a bond may be issued under the Utah Energy
16 Infrastructure Authority Act; and
17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **63H-2-102**, as last amended by Laws of Utah 2012, Chapter 37

25 **63H-2-401**, as last amended by Laws of Utah 2012, Chapter 37

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

28 Section 1. Section **63H-2-102** is amended to read:

29 **63H-2-102. Definitions.**

30 As used in this chapter:

31 (1) "Agency" is as defined in Section 17C-1-102.

32 (2) "Assessment area" is as defined in Section 11-42-102.

33 (3) "Assessment bonds" is as defined in Section 11-42-102.

34 [~~(4)~~] (4) "Authority" means the Utah Energy Infrastructure Authority created in Section
35 63H-2-201.

36 [~~(5)~~] (5) "Authority bond" means a bond issued by the authority in accordance with
37 Part 4, Bonding.

38 [~~(6)~~] (6) "Board" means the board created under Section 63H-2-202.

39 [~~(7)~~] (7) "Community" means the county, city, or town in which is located a qualifying
40 energy delivery project financed by an authority bond.

41 [~~(8)~~] (8) "Electric interlocal entity" has the same meaning as defined in Section
42 11-13-103.

43 [~~(9)~~] (9) "Energy advisor" means the governor's energy advisor appointed under
44 Section 63M-4-201.

45 [~~(10)~~] (10) "Energy delivery project" means a project that is designed to:

46 (a) increase the capacity for the delivery of energy to a user of energy inside or outside
47 the state; or

48 (b) increase the capability of an existing energy delivery system or related facility to
49 deliver energy to a user of energy inside or outside the state.

50 [~~(11)~~] (11) "Independent state agency" is as defined in Section 63E-1-102.

51 (12) "Project area" is as defined in Section 17C-1-102.

52 [~~(13)~~] (13) "Public entity" means:

53 (a) the United States or an agency of the United States;

54 (b) the state or an agency of the state;

55 (c) a political subdivision of the state or an agency of a political subdivision of the
56 state;

57 (d) another state or an agency of that state; or

58 (e) a political subdivision of another state or an agency of that political subdivision.

59 ~~[(10)]~~ (14) "Qualifying energy delivery project" means a project approved by the board
60 in accordance with Part 3, Qualifying Energy Delivery Projects.

61 ~~[(11)]~~ (15) "Record" means information that is:

62 (a) inscribed on a tangible medium; or

63 (b) (i) stored in an electronic or other medium; and

64 (ii) retrievable in perceivable form.

65 (16) "Tax increment bond" is as defined in Section [11-27-2](#).

66 Section 2. Section **63H-2-401** is amended to read:

67 **63H-2-401. Resolution authorizing issuance of authority bond -- Characteristics**
68 **of bond.**

69 (1) (a) ~~[The]~~ Subject to the other requirements of this part, the authority may issue a
70 bond ~~[subject to the requirements of this part to]:~~

71 (i) if the authority obtains the consent of the agency or municipality in which the
72 assessment area or project area is located, to finance, in whole or in part, a qualifying energy
73 delivery project[-]; or

74 (ii) to:

75 (A) finance the purchase of one or more assessment bonds or tax increment bonds
76 issued by a municipality or agency to facilitate an energy delivery project in a specific
77 assessment area or project area; and

78 (B) administer an assessment area or project area that generates revenue to pay the debt
79 service on an assessment bond or a tax increment bond described in Subsection (1)(a)(ii)(A).

80 (b) The authority may not issue a bond under this part unless before the issuance of the
81 bond, the board adopts a resolution authorizing the issuance of the bond.

82 (2) (a) If provided in a resolution authorizing the issuance of an authority bond or in
83 the trust indenture under which the authority bond is issued, an authority bond may be:

84 (i) issued in one or more series; and

85 (ii) sold:

- 86 (A) at a public or private sale; and
87 (B) in the manner provided in the resolution or indenture.
- 88 (b) An authority bond shall:
- 89 (i) bear the date provided in the resolution authorizing the issuance of the authority
90 bond or the trust indenture under which the authority bond is issued;
- 91 (ii) be payable at the time provided in the resolution authorizing the issuance of the
92 authority bond or the trust indenture under which the authority bond is issued;
- 93 (iii) bear interest at the rate provided in the resolution authorizing the issuance of the
94 authority bond or the trust indenture under which the authority bond is issued;
- 95 (iv) be in the denomination and in the form provided in the resolution authorizing the
96 issuance of the authority bond or the trust indenture under which the authority bond is issued;
- 97 (v) carry the conversion or registration privileges provided in the resolution authorizing
98 the issuance of the authority bond or the trust indenture under which the authority bond is
99 issued;
- 100 (vi) have the rank or priority as provided in the resolution authorizing the issuance of
101 the authority bond or the trust indenture under which the authority bond is issued;
- 102 (vii) be executed in the manner as provided in the resolution authorizing the issuance
103 of the authority bond or the trust indenture under which the authority bond is issued;
- 104 (viii) be subject to the terms of redemption or tender, with or without premium, as
105 provided in the resolution authorizing the issuance of the authority bond or the trust indenture
106 under which the authority bond is issued;
- 107 (ix) be payable in the medium of payment and at the place as provided in the resolution
108 authorizing the issuance of the authority bond or the trust indenture under which the authority
109 bond is issued; and
- 110 (x) have other characteristics as provided in the resolution authorizing the issuance of
111 the authority bond or the trust indenture under which the authority bond is issued.