

UTAH ENERGY OFFICE AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Stephen H. Urquhart

This act modifies the Utah Natural Resources Act to address the energy-related duties of the executive director of the Department of Natural Resources and the Utah Energy Office and to make technical changes. This act has a special effective date. This act has a coordination clause.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63-34-5 (Contingently Superseded), as last amended by Chapters 176 and 231, Laws of Utah 2002

63-34-5 (Contingently Effective), as last amended by Chapters 142, 176 and 231, Laws of Utah 2002

63-34-101, as enacted by Chapter 231, Laws of Utah 2002

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

Section 1. Section 63-34-5 (Contingently Effective) is amended to read:

63-34-5 (Contingently Effective). Executive director of Department of Natural Resources -- Appointment -- Removal -- Compensation -- Responsibilities -- Department fee schedule.

(1) (a) The chief administrative officer of the Department of Natural Resources shall be an executive director appointed by the governor with the consent of the Senate.

(b) The executive director may be removed at the will of the governor.

(c) The executive director shall receive a salary established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) The executive director shall:

(a) administer and supervise the Department of Natural Resources and provide for



28 coordination and cooperation among the boards, divisions, and offices of the department;

29 (b) approve the budget of each board and division;

30 ~~[(c) (i) coordinate state governmental functions regarding energy development and~~  
31 ~~use;]~~

32 ~~[(ii) facilitate the development and implementation of policies and programs relating to~~  
33 ~~energy production, processing, utilization, and technology in the state;]~~

34 ~~[(iii) coordinate and consolidate energy resource data collection throughout state~~  
35 ~~government;]~~

36 ~~[(iv) perform forecasts of state-level energy production, consumption, and prices;]~~

37 ~~[(v) monitor federal laws and regulations relating to energy development, processing,~~  
38 ~~or use, and recommend policy positions for the state;]~~

39 ~~[(vi) (c) participate in regulatory proceedings as appropriate to the functions and~~  
40 ~~duties of the department;~~

41 ~~[(vii) represent the state on regional and national energy matters on his own initiative~~  
42 ~~or as requested by the governor; and]~~

43 ~~[(viii) provide the Legislature and the governor with:]~~

44 ~~[(A) a biennial report addressing the current status of energy markets in the state; and]~~

45 ~~[(B) an independent assessment of energy issues;]~~

46 (d) ensure that funds appropriated to the Department of Natural Resources from the  
47 Wetlands Protection Account created by Section 63-34-3.2 are expended in accordance with  
48 Subsection 63-34-3.2(3);

49 (e) ensure that funds appropriated to the Department of Natural Resources from the  
50 Recreational Trails and Streams Enhancement and Protection Account created by Section  
51 63-34-3.3 are expended in accordance with Subsection 63-34-3.3(3);

52 (f) report at the end of each fiscal year to the governor on department activities, and  
53 activities of the boards and divisions; and

54 (g) perform other duties as provided by the Legislature by statute.

55 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of  
56 fees assessed for services provided by the department. ~~[The]~~

57 (b) A fee described in Subsection (3)(a) shall:

58 (i) be reasonable and fair ~~[and shall]; and~~

59 (ii) reflect the cost of services provided.

60 (c) Each fee established [~~in this manner~~] under this Subsection (3) shall be submitted to  
61 and approved by the Legislature as part of the department's annual appropriations request.

62 (d) The department may not charge or collect any fee [~~proposed in this manner~~]  
63 established under this Subsection (3) without approval of the Legislature.

64 Section 2. Section **63-34-5 (Contingently Superseded)** is amended to read:

65 **63-34-5 (Contingently Superseded). Executive director of Department of Natural**  
66 **Resources -- Appointment -- Removal -- Compensation -- Responsibilities -- Department**  
67 **fee schedule.**

68 (1) (a) The chief administrative officer of the Department of Natural Resources shall be  
69 an executive director appointed by the governor with the consent of the Senate.

70 (b) The executive director may be removed at the will of the governor.

71 (c) The executive director shall receive a salary established by the governor within the  
72 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

73 (2) The executive director shall:

74 (a) administer and supervise the Department of Natural Resources and provide for  
75 coordination and cooperation among the boards, divisions, and offices of the department;

76 (b) approve the budget of each board and division;

77 [~~(c) (i) coordinate state governmental functions regarding energy development and~~  
78 ~~use;~~]

79 [~~(ii) facilitate the development and implementation of policies and programs relating to~~  
80 ~~energy production, processing, utilization, and technology in the state;~~]

81 [~~(iii) coordinate and consolidate energy resource data collection throughout state~~  
82 ~~government;~~]

83 [~~(iv) perform forecasts of state-level energy production, consumption, and prices;~~]

84 [~~(v) monitor federal laws and regulations relating to energy development, processing,~~  
85 ~~or use, and recommend policy positions for the state;~~]

86 [~~(vi)~~] (c) participate in regulatory proceedings as appropriate to the functions and  
87 duties of the department;

88 [~~(vii) represent the state on regional and national energy matters on his own initiative~~  
89 ~~or as requested by the governor; and~~]

- 90 ~~[(viii) provide the Legislature and the governor with:]~~  
 91 ~~[(A) a biennial report addressing the current status of energy markets in the state; and]~~  
 92 ~~[(B) an independent assessment of energy issues;]~~  
 93 (d) report at the end of each fiscal year to the governor on department activities, and  
 94 activities of the boards and divisions; and  
 95 (e) perform other duties as provided by the Legislature by statute.  
 96 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of  
 97 fees assessed for services provided by the department. ~~[The]~~  
 98 (b) A fee described in Subsection (3)(a) shall:  
 99 (i) be reasonable and fair ~~[and shall]; and~~  
 100 (ii) reflect the cost of services provided.  
 101 (c) Each fee established ~~[in this manner]~~ under this Subsection (3) shall be submitted to  
 102 and approved by the Legislature as part of the department's annual appropriations request.  
 103 (d) The department may not charge or collect any fee ~~[proposed in this manner]~~  
 104 established under this Subsection (3) without approval of the Legislature.

105 Section 3. Section **63-34-101** is amended to read:

106 **63-34-101. Utah Energy Office created -- Utah Energy Office duties.**

- 107 (1) There is created within the ~~[Department of Natural Resources]~~ department the Utah  
 108 Energy Office.  
 109 (2) The Utah Energy Office shall:  
 110 (a) in accordance with applicable federal program guidelines, administer federally  
 111 funded state programs regarding:  
 112 (i) renewable energy[;];  
 113 (ii) energy efficiency[;]; and  
 114 (iii) energy conservation ~~[in accordance with applicable federal program guidelines];~~  
 115 (b) coordinate and facilitate the development and implementation of programs:  
 116 (i) for state buildings; and  
 117 (ii) relating to:  
 118 (A) procurement[;] of energy;  
 119 (B) consumption[;] of energy;  
 120 (C) conservation[;] of energy; and

- 121 (D) efficient use of energy [~~in state buildings~~];  
122 (c) if requested by the governor, prepare a state energy emergency plan in accordance  
123 with Title 63, Chapter 53a, Energy Emergency Powers of Governor; [~~and~~]  
124 (d) participate in regulatory proceedings as appropriate to promote the development,  
125 conservation, and efficient use of energy[-];  
126 (e) coordinate state governmental functions regarding energy development and use;  
127 (f) facilitate the development and implementation of policies and programs in the state  
128 related to:  
129 (i) energy production;  
130 (ii) processing of energy;  
131 (iii) use of energy; and  
132 (iv) energy related technology;  
133 (g) monitor federal laws and regulations related to:  
134 (i) energy development;  
135 (ii) processing of energy; or  
136 (iii) use of energy;  
137 (h) recommend state policy positions regarding energy to:  
138 (i) the governor; or  
139 (ii) the Legislature;  
140 (i) represent the state on regional and national energy matters:  
141 (i) at the initiative of the office; or  
142 (ii) as requested by the governor;  
143 (j) coordinate and consolidate energy resource data collection throughout state  
144 government;  
145 (k) provide the Legislature and the governor with:  
146 (i) an annual report addressing the current status of energy markets in the state; and  
147 (ii) an independent assessment of energy issues; and  
148 (l) perform forecasts of state-level:  
149 (i) energy production;  
150 (ii) energy consumption; and  
151 (iii) energy prices.

152 Section 4. **Effective date.**

153 The amendments to this act take effect on May 5, 2003, except that the amendments in  
154 this act to Section 63-34-5 (Contingently Effective) take effect on the effective date of Chapter  
155 142, Laws of Utah 2002.

156 Section 5. **Coordination clause.**

157 If this bill and H.B. 11, Energy Data Collection and Reporting, both pass, it is the intent  
158 of the Legislature that the Office of Legislative Research and General Counsel shall make the  
159 following changes in preparing the Utah Code database for publication:

160 (1) the amendments to Section 63-34-101 in both bills be made except that:

161 (a) Subsections 63-34-101(2)(j) through (l) in this bill be deleted; and

162 (b) the word "and" be inserted after "governor;" in Subsection 63-34-101(2)(i)(ii) of  
163 this bill; and

164 (2) Subsection 63-34-101(3)(e) of H.B. 11 be renumbered to be Subsection  
165 63-34-101(3)(j).

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**Legislative Review Note**  
**as of 1-10-03 4:20 PM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0202**

**Utah Energy Office Amendments**

*24-Jan-03*

*10:21 AM*

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**State Impact**

No fiscal impact. This bill clarifies existing duties of the Utah Energy Office.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**