

**Senator Gregory S. Bell** proposes the following substitute bill:

**ENERGY POLICY AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Roger E. Barrus**

**Senate Sponsor: Gregory S. Bell**

6	Cosponsors:	Carl W. Duckworth	John G. Mathis
7	Sheryl L. Allen	Ben C. Ferry	Patrick Painter
8	Ralph Becker	Lorie D. Fowlke	David Ure
9	Jackie Biskupski	James R. Gowans	Mark A. Wheatley
10	Craig W. Buttars	Neil A. Hansen	Richard W. Wheeler
11	David N. Cox	Fred R. Hunsaker	Larry B. Wiley
12	Margaret Dayton	Bradley T. Johnson	

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14 **LONG TITLE**

15 **General Description:**

16 This bill establishes the position of governor's energy advisor and an energy policy.

17 **Highlighted Provisions:**

18 This bill:

- 19 ▶ defines terms;
  - 20 ▶ establishes the position of governor's energy advisor ;
  - 21 ▶ outlines the governor's energy advisor's powers and duties;
  - 22 ▶ requires the governor's energy advisor to submit certain reports;
  - 23 ▶ declares the state's energy policy; and
  - 24 ▶ requires legislative committees to review and propose updates to the energy policy
- 25 annually.

26 **Monies Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **63-53b-101**, Utah Code Annotated 1953

33 **63-53b-102**, Utah Code Annotated 1953

34 **63-53b-201**, Utah Code Annotated 1953

35 **63-53b-202**, Utah Code Annotated 1953

36 **63-53b-203**, Utah Code Annotated 1953

37 **63-53b-301**, Utah Code Annotated 1953

38 **63-53b-302**, Utah Code Annotated 1953



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

41 Section 1. Section **63-53b-101** is enacted to read:

42 **CHAPTER 53b. UTAH ENERGY ACT**

43 **Part 1. General Provisions**

44 **63-53b-101. Title.**

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

46 Section 2. Section **63-53b-102** is enacted to read:

47 **63-53b-102. Definitions.**

48 As used in this chapter, "state agency" means an executive branch:

49 (1) department;

50 (2) agency;

51 (3) board;

52 (4) commission;

53 (5) division; or

54 (6) state educational institution.

55 Section 3. Section **63-53b-201** is enacted to read:

56 **Part 2. Governor's Energy Advisor**

57 **63-53b-201. Governor's energy advisor -- Duties.**

58 (1) (a) The governor shall appoint an energy advisor.

- 59           (b) The governor's energy advisor serves at the pleasure of the governor.
- 60           (2) The governor's energy advisor shall:
- 61           (a) advise the governor on energy-related matters;
- 62           (b) annually review and propose updates to the state's energy policy, as contained in
- 63 Section 63-53b-301;
- 64           (c) promote as the governor's energy advisor considers necessary:
- 65           (i) the development of cost-effective energy resources both renewable and
- 66 nonrenewable; and
- 67           (ii) educational programs, including programs supporting conservation and energy
- 68 efficiency measures;
- 69           (d) coordinate across state agencies to assure consistency with state energy policy,
- 70 including:
- 71           (i) working with the State Energy Program to promote access to federal assistance for
- 72 energy-related projects for state agencies and members of the public;
- 73           (ii) working with the Division of Emergency Services and Homeland Security to assist
- 74 the governor in carrying out the governor's energy emergency powers under Title 63, Chapter
- 75 53a, Energy Emergency Powers of the Governor;
- 76           (iii) participating in the annual review of the energy emergency plan and the
- 77 maintenance of the energy emergency plan and a current list of contact persons required by
- 78 Section 53-2-110; and
- 79           (iv) identifying and proposing measures necessary to facilitate low-income consumers'
- 80 access to energy services;
- 81           (e) coordinate with the Division of Emergency Services and Homeland Security
- 82 ongoing activities designed to test an energy emergency plan to ensure coordination and
- 83 information sharing among state agencies and political subdivisions in the state, public utilities
- 84 and other energy suppliers, and other relevant public sector persons as required by Sections
- 85 53-2-110, 63-53a-3, 63-53a-7, and 63-53a-8;
- 86           (f) coordinate with requisite state agencies to study:
- 87           (i) the creation of a centralized state repository for energy-related information;
- 88           (ii) methods for streamlining state review and approval processes for energy-related
- 89 projects; and

- 90 (iii) the development of multistate energy transmission and transportation
- 91 infrastructure;
- 92 (g) coordinate energy-related regulatory processes within the state;
- 93 (h) compile, and make available to the public, information about federal, state, and
- 94 local approval requirements for energy-related projects;
- 95 (i) act as the state's advocate before federal and local authorities for energy-related
- 96 infrastructure projects or coordinate with the appropriate state agency; and
- 97 (j) help promote the Division of Facilities Construction and Management's measures to
- 98 improve energy efficiency in state buildings.

99 Section 4. Section **63-53b-202** is enacted to read:

100 **63-53b-202. Agency cooperation.**

101 A state agency shall provide the state energy officer with any energy-related

102 information requested by the governor's energy advisor if the governor's energy advisor's

103 request is consistent with other law.

104 Section 5. Section **63-53b-203** is enacted to read:

105 **63-53b-203. Reports.**

106 (1) The governor's energy advisor shall report annually to:

- 107 (a) the governor;
- 108 (b) the Natural Resources, Agriculture, and Environment Interim Committee; and
- 109 (c) the Public Utilities and Technology Interim Committee.

110 (2) The report required in Subsection (1) shall:

- 111 (a) summarize the status and development of the state's energy resources;
- 112 (b) address the governor's energy advisor's activities under this part; and
- 113 (c) recommend any energy-related executive or legislative action the governor's energy
- 114 advisor considers beneficial to the state, including updates to the state energy policy under
- 115 Section 63-53b-301.

116 Section 6. Section **63-53b-301** is enacted to read:

117 **Part 3. State Energy Policy**

118 **63-53b-301. State energy policy.**

119 (1) It is the policy of the state that:

- 120 (a) Utah have adequate, reliable, affordable, sustainable, and clean energy resources;

121 (b) Utah will promote the development of:

122 (i) nonrenewable energy resources, including natural gas, coal, oil, oil shale, and tar  
 123 sands; and

124 (ii) renewable energy resources, including geothermal, solar, wind, biomass, ~~§~~→ **biodiesel**, ←~~§~~  
 124a and  
 125 ethanol;

126 (c) ~~§~~→ **Utah will promote the study of nuclear power generation;**

126a (d) ←~~§~~ Utah will promote the development of resources and infrastructure sufficient to  
 127 meet the state's growing demand, while contributing to the regional and national energy supply,  
 128 thus reducing dependence on international energy sources;

129 ~~§~~→ [~~(d)~~] (e) ←~~§~~ Utah will allow market forces to drive prudent use of energy resources,  
 130 although  
 131 incentives and other methods may be used to ensure the state's optimal development and use of  
 132 energy resources in the short- and long-term;

132 ~~§~~→ [~~(e)~~] (f) ←~~§~~ Utah will pursue energy conservation, energy efficiency, and environmental  
 132a quality;

133 ~~§~~→ [~~(f)~~] (g) ←~~§~~ (i) state regulatory processes should be streamlined to balance economic  
 133a costs with  
 134 the level of review necessary to ensure protection of the state's various interests; and

135 (ii) where federal action is required, Utah will encourage expedited federal action and  
 136 will collaborate with federal agencies to expedite review; and

137 ~~§~~→ [~~(g)~~] (h) ←~~§~~ Utah will maintain an environment that provides for stable consumer prices  
 137a that are  
 138 as low as possible while providing producers and suppliers a fair return on investment,  
 139 recognizing that:

140 (i) economic prosperity is linked to the availability, reliability, and affordability of  
 141 consumer energy supplies; and

142 (ii) investment will occur only when adequate financial returns can be realized.

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

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

147 Section 7. Section **63-53b-302** is enacted to read:

148 **63-53b-302. Legislative committee review.**

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

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**Fiscal Note****Energy Policy Amendments***20-Feb-06***Bill Number HB0046S03***8:26 AM*

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**State Impact**

Provisions of this bill can be implemented with existing resources.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**