

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 | |

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

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

39

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, and
125 ethanol;
126 (c) 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) Utah will allow market forces to drive prudent use of energy resources, although
130 incentives and other methods may be used to ensure the state's optimal development and use of
131 energy resources in the short- and long-term;
132 (e) Utah will pursue energy conservation, energy efficiency, and environmental quality;
133 (f) (i) state regulatory processes should be streamlined to balance economic 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) Utah will maintain an environment that provides for stable consumer prices 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.

Fiscal Note
Bill Number HB0046S03

Energy Policy Amendments

20-Feb-06

8:26 AM

State Impact

Provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst