

**ENERGY POLICY AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Roger E. Barrus**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill amends the state energy policy.

**Highlighted Provisions:**

This bill:

▶ amends the state energy policy to determine the economic impacts of a proposed legislative or executive action involving climate change;

▶ amends the state energy policy to promote and advocate for fair and consistent federal climate change regulation; and

▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63M-4-301**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **63M-4-301** is amended to read:

**63M-4-301. State energy policy.**



- 28 (1) It is the policy of the state that:
- 29 (a) Utah have adequate, reliable, affordable, sustainable, and clean energy resources;
- 30 (b) Utah will promote the development of:
- 31 (i) nonrenewable energy resources, including natural gas, coal, oil, oil shale, and tar
- 32 sands; and
- 33 (ii) renewable energy resources, including geothermal, solar, wind, biomass, biodiesel,
- 34 hydroelectric, and ethanol;
- 35 (c) Utah will promote the study of nuclear power generation;
- 36 (d) Utah will promote the development of resources and infrastructure sufficient to
- 37 meet the state's growing demand, while contributing to the regional and national energy supply,
- 38 thus reducing dependence on international energy sources;
- 39 (e) Utah will allow market forces to drive prudent use of energy resources, although
- 40 incentives and other methods may be used to ensure the state's optimal development and use of
- 41 energy resources in the short- and long-term;
- 42 (f) Utah will pursue energy conservation, energy efficiency, and environmental quality;
- 43 (g) (i) state regulatory processes should be streamlined to balance economic costs with
- 44 the level of review necessary to ensure protection of the state's various interests; and
- 45 (ii) where federal action is required, Utah will encourage expedited federal action and
- 46 will collaborate with federal agencies to expedite review;
- 47 (h) Utah will maintain an environment that provides for stable consumer prices that are
- 48 as low as possible while providing producers and suppliers a fair return on investment,
- 49 recognizing that:
- 50 (i) economic prosperity is linked to the availability, reliability, and affordability of
- 51 consumer energy supplies; and
- 52 (ii) investment will occur only when adequate financial returns can be realized; and
- 53 (i) Utah will promote training and education programs focused on developing a
- 54 comprehensive understanding of energy, including programs addressing:
- 55 (i) energy conservation;
- 56 (ii) energy efficiency;
- 57 (iii) supply and demand; and
- 58 (iv) energy related workforce development.

59 (2) Before adopting legislative action, including a bill or resolution, or an executive  
60 action, including an executive order, to address climate change, Utah will determine the  
61 action's:

62 (a) economic impacts, if any, on existing Utah industry, business, and consumers; and

63 (b) impact on Utah's ability to attract industry to rural Utah and urban Utah.

64 (3) If federal law contemplates climate change regulations, Utah will:

65 (a) promote and advocate for alternative compliance methods during the initial  
66 cost-recovery period to temper the effect of future climate change legislation on Utah industry,  
67 business, and consumers;

68 (b) promote and advocate for fair and consistent regional methodologies to ensure that:

69 (i) during the initial regulation period, federal climate change law does not result in  
70 dramatic regulation disparity region to region; and

71 (ii) the federal regulation is not premature to the investigation, development, testing,  
72 redesign, and implementation of climate change technologies on a commercially successful and  
73 widespread basis; and

74 (c) promote and advocate pass-through pricing for energy producers and providers with  
75 existing long-term contracts to ensure that regulation compliance costs are not borne  
76 exclusively or inordinately by a subset of the energy producers' or providers' customers.

77 ~~[(2)]~~ (4) State agencies [are encouraged to] shall conduct agency activities consistent  
78 with [Subsection (1)] this section.

79 ~~[(3)]~~ (5) A person may not file suit to challenge a state agency's action that is  
80 inconsistent with [Subsection (1)] this section.

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**Legislative Review Note**  
as of 2-10-09 1:41 PM

**Office of Legislative Research and General Counsel**

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**H.B. 412 - Energy Policy Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill may impact certain businesses and consumers that would be affected by climate change regulations. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

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