

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) "Assessment area" is as defined in Section [11-42-102](#).

32 (2) "Assessment bonds" is as defined in Section [11-42-102](#).

33 [~~1~~] (3) "Authority" means the Utah Energy Infrastructure Authority created in Section
34 [63H-2-201](#).

35 [~~2~~] (4) "Authority bond" means a bond issued by the authority in accordance with
36 Part 4, Bonding.

37 [~~3~~] (5) "Board" means the board created under Section [63H-2-202](#).

38 [~~4~~] (6) "Community" means the county, city, or town in which is located a qualifying
39 energy delivery project financed by an authority bond.

40 [~~5~~] (7) "Electric interlocal entity" has the same meaning as defined in Section
41 [11-13-103](#).

42 [~~6~~] (8) "Energy advisor" means the governor's energy advisor appointed under
43 Section [63M-4-201](#).

44 [~~7~~] (9) "Energy delivery project" means a project that is designed to:

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

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

49 [~~8~~] (10) "Independent state agency" is as defined in Section [63E-1-102](#).

50 (11) "Project area" is as defined in Section [17C-1-102](#).

51 [~~9~~] (12) "Public entity" means:

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

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

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

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

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

58 [~~10~~] (13) "Qualifying energy delivery project" means a project approved by the board

59 in accordance with Part 3, Qualifying Energy Delivery Projects.

60 [(H)] (14) "Record" means information that is:

- 61 (a) inscribed on a tangible medium; or
- 62 (b) (i) stored in an electronic or other medium; and
- 63 (ii) retrievable in perceivable form.

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

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

66 **63H-2-401. Resolution authorizing issuance of authority bond -- Characteristics**
67 **of bond.**

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

- 70 (i) finance, in whole or in part, a qualifying energy delivery project~~[-];~~ or
- 71 (ii) (A) finance the purchase of one or more assessment bonds or tax increment bonds
72 issued by a municipality to facilitate an energy delivery project in a specific assessment area or
73 project area; and

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

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

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

- 80 (i) issued in one or more series; and
- 81 (ii) sold:
- 82 (A) at a public or private sale; and
- 83 (B) in the manner provided in the resolution or indenture.

84 (b) An authority bond shall:
85 (i) bear the date provided in the resolution authorizing the issuance of the authority
86 bond or the trust indenture under which the authority bond is issued;

87 (ii) be payable at the time provided in the resolution authorizing the issuance of the
88 authority bond or the trust indenture under which the authority bond is issued;

89 (iii) bear interest at the rate provided in the resolution authorizing the issuance of the

90 authority bond or the trust indenture under which the authority bond is issued;
91 (iv) be in the denomination and in the form provided in the resolution authorizing the
92 issuance of the authority bond or the trust indenture under which the authority bond is issued;
93 (v) carry the conversion or registration privileges provided in the resolution authorizing
94 the issuance of the authority bond or the trust indenture under which the authority bond is
95 issued;
96 (vi) have the rank or priority as provided in the resolution authorizing the issuance of
97 the authority bond or the trust indenture under which the authority bond is issued;
98 (vii) be executed in the manner as provided in the resolution authorizing the issuance
99 of the authority bond or the trust indenture under which the authority bond is issued;
100 (viii) be subject to the terms of redemption or tender, with or without premium, as
101 provided in the resolution authorizing the issuance of the authority bond or the trust indenture
102 under which the authority bond is issued;
103 (ix) be payable in the medium of payment and at the place as provided in the resolution
104 authorizing the issuance of the authority bond or the trust indenture under which the authority
105 bond is issued; and
106 (x) have other characteristics as provided in the resolution authorizing the issuance of
107 the authority bond or the trust indenture under which the authority bond is issued.

Legislative Review Note
as of 1-28-14 5:09 PM

Office of Legislative Research and General Counsel