

HB0215S02 compared with HB0215

~~{deleted text}~~ shows text that was in HB0215 but was deleted in HB0215S02.

inserted text shows text that was not in HB0215 but was inserted into HB0215S02.

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~~{PUBLIC REPRESENTATIVE CARL R. ALBRECHT PROPOSES}~~ following substitute bill:

PROJECT ENTITY OVERSIGHT COMMITTEE

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~{requires project entities to file information with the Public Service Commission}~~ creates the Project Entity Oversight Committee.

Highlighted Provisions:

This bill:

- ▶ ~~{describes the information that project entities are required to file with the Public Service Commission}~~ creates the Project Entity Oversight Committee;
- ▶ requires a project entity to submit to the Project Entity Oversight Committee certain financial and operating information;
- ▶ requires the ~~{Public Service Commission to make the information that project entities are required to file available to the public; and}~~ committee to receive information from:

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- community stakeholders; and
- a project entity;
- ▶ establishes ~~{that a failure of a project entity to comply with the filing requirements is a violation of Title 54}~~ a reporting requirement for the committee; and
- ▶ requires the Office of Energy Development to perform duties related to the administration and support of the committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{54-7-27}~~ 79-6-401, as renumbered and amended by Laws of Utah ~~{Code Annotated 1953}~~ 2021, Chapter 280

ENACTS:

11-13-317, Utah Code Annotated 1953

~~{54-7-7.5}~~ 63C-25-101, Utah Code Annotated 1953

63C-25-201, Utah Code Annotated 1953

63C-25-202, Utah Code Annotated 1953

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

Section 1. Section 11-13-317 is enacted to read:

11-13-317. ~~{ Filing with the Public Service Commission:~~

~~— (1) On or before July 1 each year}~~ Submitting to the Project Entity Oversight Committee.

Within a reasonable time of the information being available, a project entity shall ~~{file with the Public Service Commission, established in Section 54-1-1:~~

~~— (a)}~~ submit to the Project Entity Oversight Committee, created in Section 63C-25-201, publicly available financial and operating information relating to the project entity, including:

(1) a copy of the project entity's audited financial ~~{information}~~ statements for each fiscal year;

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~~(b)2~~ a list of the project entity's financing sources, including:

~~(i)a~~ ~~current~~ outstanding bond issuances; and

~~(ii)b~~ future planned bond issuances; and

~~(c)3~~ a statement describing the project entity's ~~wholesale rates~~ net charges to its power purchasers for each fiscal year, including:

~~(i)a~~ a description of how those ~~rates~~ charges vary from the project entity's ~~rates~~ the ~~previous~~ fiscal year charges; and

~~(ii) wholesale rates charged to subscribers; and~~

~~(d)b~~ a statement describing the ~~previous fiscal year's current~~ project entity's annual power sales ~~of the previous fiscal year~~ broken down by entity, including:

~~(i)~~ the amount of power sold;

~~(ii) the net revenues from power sales; and~~

~~(iii) the gross revenues from power sales.~~

~~(2) Nothing in this section expands or diminishes the jurisdiction of the Public Service Commission over a municipality or an association of municipalities organized under this chapter except as specifically authorized by this section's language.~~

~~(3) A project entity's failure to comply with this section is a violation of Title 54, Public Utilities, by a corporation other than a utility, as described in Section 54-7-27.~~

Section 2. Section ~~54-7-7.5~~ 63C-25-101 is enacted to read:

~~54-7-7.5. Filing of project entities.~~

~~(1)~~ CHAPTER 25. PROJECT ENTITY OVERSIGHT COMMITTEE

Part 1. General Provisions

63C-25-101. Definitions.

As used in this ~~section, "project~~ part:

(1) "Board" means the governing board of the project entity.

(2) "Committee" means the Project Entity Oversight Committee created in Section 63C-25-201.

(3) "Project entity" means the same as that term is defined in Section 11-13-103.

~~(2) The commission shall make the filings described in Section 11-13-17 available for public inspection.~~

~~(3) A project entity may not request the commission to treat as confidential the~~

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~~information required in a filing described in Section 11-13-17.~~

~~(4) The commission may make rules regarding the administration of the filings described in Section 11-13-17.~~

Section 3. Section ~~{54-7-27}~~63C-25-201 is ~~{amended to read:~~

~~54-7-27. Violations by corporations other than utilities -- Penalty.~~

~~(1) Every corporation, other than a public utility, which violates any provision of this title, or which fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the commission, in a case in which a penalty has not hereinbefore been provided for such corporation, is subject to a penalty of not less than \$500 nor more than \$2,000 for each and every offense.~~

~~(2) For purposes of this section and of Section 54-7-7.5, "corporation" includes "project entity" as that term is defined in Section 11-13-17.~~

~~enacted to read:~~

Part 2. Project Entity Oversight Committee

63C-25-201. Project Entity Oversight Committee created.

(1) There is created the Project Entity Oversight Committee.

(2) The committee shall be composed of the following 9 members:

(a) the speaker of the House of Representatives shall appoint one member who is a member of the House of Representatives;

(b) the president of the Senate shall appoint one member who is a member of the Senate;

(c) the governor shall appoint one member;

(d) the Millard County Commission shall appoint one member to represent the Millard County Commission;

(e) the board shall appoint one member to represent the board;

(f) the Millard County School District shall appoint one member to represent the Millard County School District;

(g) the School and Institutional Trust Lands Board of Trustees shall nominate one member to represent the School and Institutional Trust Lands;

(h) the Utah League of Cities and Towns shall nominate one member to represent the Utah League of Cities and Towns; and

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(i) the Millard County Department of Economic Development shall nominate one member to represent commerce in the Delta area.

(3) (a) Except as provided in Subsections (3)(b) and (3)(c), a member is appointed for a term of four years.

(b) The initial appointments of the members described in Subsections (2)(f) through (i) shall be for two-year terms.

(c) When the term of a current member expires, a member shall be reappointed or a new member shall be appointed in accordance with Subsection (2).

(4) A member may serve multiple terms.

(5) (a) When a vacancy occurs in the membership for any reason, a replacement shall be appointed in accordance with Subsection (2) for the unexpired term.

(b) A member whose term has expired may continue to serve until a replacement is appointed.

(6) The committee shall select a chair from among the committee's members.

(7) (a) A majority of the members of the committee is a quorum.

(b) The action of a majority of a quorum constitutes an action of the committee.

(8) (a) The committee shall meet no fewer than six times per year to accomplish the duties described in Section 63C-25-202.

(b) A majority of the committee may vote to meet less frequently than the number of times described in Subsection (8)(a).

Section 4. Section 63C-25-202 is enacted to read:

63C-25-202. Committee duties -- Office of Energy Development duties.

(1) The committee shall:

(a) review the information that a project entity submits in accordance with Section 11-13-317;

(b) make available to the public the information that a project entity submits in accordance with Section 11-13-317;

(c) receive input from the local community and stakeholders with respect to concerns about a project entity and the project entity's planned projects;

(d) communicate concerns the committee receives to the project entity;

(e) compile a report describing the information, input, and communications described

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in Subsections (1)(a) through (d); and

(f) submit the report described in Subsection (1)(e) annually to the Public Utilities, Energy, and Technology Interim Committee on or before October 30.

(2) The Office of Energy Development, created in Section 79-6-401, shall:

(a) provide staff and support to the committee;

(b) ensure the committee is fulfilling the duties described in Subsection (1)(a); and

(c) ensure the committee is functioning as a sufficient liaison for the state, the Legislature, the local community, and the project entity.

Section 5. Section 79-6-401 is amended to read:

79-6-401. Office of Energy Development -- Creation -- Director -- Purpose -- Rulemaking regarding confidential information -- Fees -- Transition for employees.

(1) There is created an Office of Energy Development in the Department of Natural Resources.

(2) (a) The energy advisor shall serve as the director of the office or, on or before June 30, 2029, appoint a director of the office.

(b) The director:

(i) shall, if the energy advisor appoints a director under Subsection (2)(a), report to the energy advisor; and

(ii) may appoint staff as funding within existing budgets allows.

(c) The office may consolidate energy staff and functions existing in the state energy program.

(3) The purposes of the office are to:

(a) serve as the primary resource for advancing energy and mineral development in the state;

(b) implement:

(i) the state energy policy under Section 79-6-301; and

(ii) the governor's energy and mineral development goals and objectives;

(c) advance energy education, outreach, and research, including the creation of elementary, higher education, and technical college energy education programs;

(d) promote energy and mineral development workforce initiatives; and

(e) support collaborative research initiatives targeted at Utah-specific energy and

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mineral development.

(4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the office may:

(a) seek federal grants or loans;

(b) seek to participate in federal programs; and

(c) in accordance with applicable federal program guidelines, administer federally funded state energy programs.

(5) The office shall perform the duties required by Sections 11-42a-106, 59-5-102, 59-7-614.7, 59-10-1029, 63C-25-202, Part 5, Alternative Energy Development Tax Credit Act, and Part 6, High Cost Infrastructure Development Tax Credit Act.

(6) (a) For purposes of administering this section, the office may make rules, by following Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to maintain as confidential, and not as a public record, information that the office receives from any source.

(b) The office shall maintain information the office receives from any source at the level of confidentiality assigned by the source.

(7) The office may charge application, filing, and processing fees in amounts determined by the office in accordance with Section 63J-1-504 as dedicated credits for performing office duties described in this part.

(8) (a) An employee of the office is an at-will employee.

(b) For an employee of the office on July 1, 2021, the employee shall have the same salary and benefit options the employee had when the office was part of the office of the governor.