

HB0426S01 compared with HB0426

~~text~~ shows text that was in HB0426 but was deleted in HB0426S01.

text shows text that was not in HB0426 but was inserted into HB0426S01.

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Representative Carol S. Moss proposes the following substitute bill:

STATEWIDE ENERGY POLICY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to the Utah Energy Act.

Highlighted Provisions:

This bill:

- ▶ requires the Office of Energy Development to prepare a strategic energy plan;
- ▶ creates the Utah Energy Research Grant Program and gives the Office of Energy Development the authority to administer the grant program; and
- ▶ creates the Utah Energy Research Fund.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2024:

- ▶ to Department of Natural Resources -- Office of Energy Development -- Utah Energy Resource Fund, as ~~a one-time~~ an ongoing appropriation:

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- from the General Fund, \$1,000,000.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

79-6-401, as last amended by Laws of Utah 2022, Chapter 322

ENACTS:

79-6-403, Utah Code Annotated 1953

79-6-404, Utah Code Annotated 1953

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

Section 1. 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

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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 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-26-202, 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.

(9) (a) The office shall prepare a strategic energy plan to achieve the state's energy policy, including:

(i) technological innovation needed to meet future energy demand including:

(A) energy production technologies;

(B) battery and storage technologies;

(C) smart grid technologies;

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(D) energy efficiency technologies; and

(E) any other developing energy technology that will assist the state in meeting energy demand;

(ii) the state's efficient utilization and development of:

(A) nonrenewable energy resources, including natural gas, coal, clean coal, oil, oil shale, and oil sands;

(B) renewable energy resources, including geothermal, solar, hydrogen, wind, biomass, biofuel, and hydroelectric;

(C) nuclear power; and

(D) earth minerals;

(iii) areas of energy-related academic research;

(iv) specific areas of workforce development necessary for an evolving energy industry;

(v) the development of partnerships with national laboratories; and

(vi) a proposed state budget for economic development and investment.

(b) In preparing the strategic energy plan, the office shall consult with stakeholders, including representatives from:

(i) energy companies in the state;

(ii) private and public institutions of higher education within the state conducting energy-related research; and

(iii) other state agencies.

(c) On or before the October 2023 interim meeting, the office shall report to the Public Utilities Energy and Technology Interim Committee and the Executive Appropriations Interim Committee describing:

(i) progress towards creation of the strategic energy plan; and

(ii) a proposed budget for the office to continue development of the strategic energy plan.

Section 2. Section **79-6-403** is enacted to read:

79-6-403. Utah Energy Research Fund.

(1) There is created within the General Fund a restricted account known as the "Utah Energy Research Fund."

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(2) The account shall consist of:

(a) appropriations from the Legislature; and

(b) interest and earnings from the account.

(3) Subject to appropriation from the Legislature, money from the account shall be used by the office to provide grants described in Section 79-6-404.

Section 3. Section **79-6-404** is enacted to read:

79-6-404. Utah Energy Research Grant Program.

(1) (a) There is created within the office the Utah Energy Research Grant Program.

(b) The purpose of the program is to encourage energy-related research within the state by providing matching grants to applicants that have received federal or private grants for specific ongoing energy-related research projects.

(2) (a) An applicant that submits a proposal for a grant to the office shall include details in the proposal regarding:

(i) the specific ongoing energy-related research project;

(ii) information about previously awarded federal and private grants for the specific ongoing energy-related research project, including:

(A) the amount of the previously awarded federal or private grant; and

(B) the requirements to qualify for the previously awarded federal or private grant; and

(iii) other information the office determines necessary to evaluate the proposal.

(b) When evaluating a proposal for a grant, the office shall consider:

(i) the grant amount requested, which may not exceed the amount of federal or private grants the applicant has been awarded;

(ii) the extent to which the proposal advances the goals of the state energy policy and strategic energy plan;

(iii) the extent to which any additional funding sources or existing or planned partnerships may benefit the proposal; and

(iv) the viability of the proposal.

(3) Subject to this Subsection (3), the office may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:

(a) eligibility criteria for a grant;

(b) the form and process for submitting a proposal to the office for a grant;

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(c) the process and criteria for determining the priority of applications received;

(d) the formula and method for determining a grant amount; and

(e) reporting requirements for a grant recipient.

(4) On or before October 31 of each year, the office shall provide a written report to the Public Utilities, Energy, and Technology Interim Committee regarding:

(a) the number of grants and grant amounts awarded under the program;

(b) data gathered under the program; and

(c) the impact of the program on encouraging energy-related research within the state.

Section 4. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Natural Resources -- Utah Energy Research Fund

From General Fund ~~{, One-time}~~ 1,000,000

Schedule of Programs:

Utah Energy Research Fund 1,000,000

ITEM 2

To Department of Natural Resources -- Office of Energy Development

From General Fund Restricted -- Utah Energy Research Fund ~~{, One-time}~~ 1,000,000

Schedule of Programs:

Office of Energy Development 1,000,000

Section 5. **Effective date.**

This bill takes effect on July 1, 2023.