

**STATE ENERGY AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Roger E. Barrus**

Senate Sponsor: Kevin T. Van Tassell

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to an Office of Energy Development.

**Highlighted Provisions:**

This bill:

- ▶ creates the Office of Energy Development;
- ▶ provides for the appointment of a director of the office;
- ▶ states the purpose of the office;
- ▶ gives the governor's energy advisor standing to testify on behalf of the governor before the Public Service Commission;
- ▶ authorizes the office to seek federal money, seek to participate in federal programs, and administer federally funded state energy programs; and
- ▶ authorizes the office to adopt rules relating to the confidentiality of information the office receives.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**63M-4-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:

**63M-4-401**, Utah Code Annotated 1953

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

Section 1. Section **63M-4-201** is amended to read:

**63M-4-201. Governor's energy advisor -- Duties.**

(1) (a) The governor shall appoint an energy advisor.

(b) The governor's energy advisor serves at the pleasure of the governor.

(2) The governor's energy advisor shall:

(a) advise the governor on energy-related matters;

(b) annually review and propose updates to the state's energy policy, as contained in

Section 63M-4-301;

(c) promote as the governor's energy advisor considers necessary:

(i) the development of cost-effective energy resources both renewable and nonrenewable; and

(ii) educational programs, including programs supporting conservation and energy efficiency measures;

(d) coordinate across state agencies to assure consistency with state energy policy, including:

(i) working with the State Energy Program to promote access to federal assistance for energy-related projects for state agencies and members of the public;

(ii) working with the Division of Homeland Security to assist the governor in carrying out the governor's energy emergency powers under Title 63K, Chapter 2, Energy Emergency Powers of the Governor Act;

(iii) participating in the annual review of the energy emergency plan and the maintenance of the energy emergency plan and a current list of contact persons required by Section 53-2-110; and

(iv) identifying and proposing measures necessary to facilitate low-income consumers' access to energy services;

(e) coordinate with the Division of Homeland Security ongoing activities designed to

58 test an energy emergency plan to ensure coordination and information sharing among state  
59 agencies and political subdivisions in the state, public utilities and other energy suppliers, and  
60 other relevant public sector persons as required by Sections 53-2-110, 63K-2-201, 63K-2-205,  
61 and 63K-2-301;

62 (f) coordinate with requisite state agencies to study:

63 (i) the creation of a centralized state repository for energy-related information;

64 (ii) methods for streamlining state review and approval processes for energy-related  
65 projects; and

66 (iii) the development of multistate energy transmission and transportation  
67 infrastructure;

68 (g) coordinate energy-related regulatory processes within the state;

69 (h) compile, and make available to the public, information about federal, state, and  
70 local approval requirements for energy-related projects;

71 (i) act as the state's advocate before federal and local authorities for energy-related  
72 infrastructure projects or coordinate with the appropriate state agency; and

73 (j) help promote the Division of Facilities Construction and Management's measures to  
74 improve energy efficiency in state buildings.

75 (3) The governor's energy advisor has standing to testify on behalf of the governor at  
76 the Public Service Commission created in Section 54-1-1.

77 Section 2. Section **63M-4-401** is enacted to read:

78 **Part 4. Office of Energy Development**

79 **63M-4-401. Creation of Office of Energy Development -- Director -- Purpose --**  
80 **Rulemaking regarding confidential information.**

81 (1) As used in this section, "office" means the Office of Energy Development created  
82 in Subsection (2).

83 (2) There is created an Office of Energy Development.

84 (3) (a) The governor's energy advisor shall appoint a director of the office.

85 (b) The director shall report to the governor's energy advisor and may appoint staff as

86 funding within existing budgets allows.

87 (c) The office may consolidate energy staff and functions existing in the State Energy  
88 Program.

89 (4) The purpose of the office is to implement:

90 (a) the state energy policy under Section 63M-4-301; and

91 (b) the governor's energy goals and objectives.

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

94 (a) seek federal grants or loans;

95 (b) seek to participate in federal programs; and

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

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

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

104 **Section 3. Effective date.**

105 If approved by two-thirds of all the members elected to each house, this bill takes effect  
106 upon approval by the governor, or the day following the constitutional time limit of Utah  
107 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
108 the date of veto override.