

30 Chapter 278)

31

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

33 Section 1. Section **63-55-263** is amended to read:

34 **63-55-263. Repeal dates, Titles 63 to 63E.**

35 (1) Title 63, Chapter 25a, Part 3, Sentencing Commission, is repealed January 1, 2012.

36 (2) The Crime Victims' Reparations Board, created in Section 63-25a-404, is repealed
37 July 1, 2017.

38 (3) The Resource Development Coordinating Committee, created in Section
39 63-38d-501, is repealed July 1, 2015.

40 (4) Title 63, Chapter 38f, Part 4, Enterprise Zone Act, is repealed July 1, 2008.

41 (5) (a) Title 63, Chapter 38f, Part 11, Recycling Market Development Zone Act, is
42 repealed July 1, 2010.

43 (b) Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in
44 recycling market development zones, are repealed for taxable years beginning on or after
45 January 1, 2011.

46 (c) Notwithstanding Subsection (5)(b), a person may not claim a tax credit under
47 Section 59-7-610 or 59-10-1007:

48 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
49 59-10-1007, if the machinery or equipment is purchased on or after July 1, 2010; or

50 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
51 the expenditure is made on or after July 1, 2010.

52 (d) Notwithstanding Subsections (5)(b) and (c), a person may carry forward a tax credit
53 in accordance with Section 59-7-610 or 59-10-1007 if:

54 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

55 (ii) (A) for the purchase price of machinery or equipment described in Section 59-7-610
56 or 59-10-1007, the machinery or equipment is purchased on or before June 30, 2010; or

57 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the

58 expenditure is made on or before June 30, 2010.

59 (6) Title 63, Chapter 47, Utah Commission for Women and Families, is repealed July 1,
60 2011.

61 (7) Title 63, Chapter 75, Families, Agencies, and Communities Together for Children
62 and Youth At Risk Act, is repealed July 1, 2016.

63 (8) Title 63, Chapter 88, Navajo Trust Fund, is repealed July 1, 2008.

64 (9) Title 63, Chapter 99, Utah Commission on Aging, is repealed July 1, 2009.

65 (10) Section 63A-4-204, authorizing the Risk Management Fund to provide coverage
66 to any public school district that chooses to participate, is repealed July 1, 2016.

67 (11) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1,
68 2016.

69 [~~H~~] (12) Section 63C-8-106, Rural residency training program, is repealed July 1,
70 2015.

71 Section 2. Section **63A-5-601**, which is renumbered from Section 63-9-63 is
72 renumbered and amended to read:

Part 6. Energy Conservation and Alternative Financing

[~~63-9-63~~]. 63A-5-601. Legislative findings and policy.

75 (1) The Legislature finds the following:

76 (a) The operation of facilities owned and controlled by the state consumes significant
77 amounts of energy.

78 (b) Facilities owned and controlled by the state present a significant opportunity for
79 energy cost savings through the implementation of conservation measures.

80 (c) Principles which produce efficient facility management in the private sector are
81 equally applicable to the management of public buildings and facilities.

82 (d) There exists, in the private sector, favorable alternative methods of financing energy
83 conservation measures which are not readily adaptable to financing state facility energy
84 efficiency improvements due to current budgetary practices.

85 (e) Maximization of energy conservation efforts in light of limited resources requires

86 careful advance planning by responsible agencies.

87 (2) The Legislature declares that it is the policy of the state to:

88 (a) undertake aggressive programs designed to reduce energy use in state facilities in
89 order to reduce the operating costs of state government and to set an example of energy
90 efficiency for the public;

91 (b) utilize, to the greatest practical extent, alternative funding sources and methods of
92 financing energy efficiency improvements in state facilities in a manner which minimizes the
93 necessity for increased appropriations;

94 (c) employ private sector management incentive principles, to the extent practicable, to
95 implement the policies in Subsections (2)(a) and (b);

96 (d) develop incentives to encourage state entities to conserve energy, reduce energy
97 costs, and utilize renewable energy sources where practicable; and

98 (e) procure and use energy efficient products where practicable.

99 Section 3. Section **63A-5-602** is enacted to read:

100 **63A-5-602. Appropriation for energy efficiency measures.**

101 (1) For purposes of this part:

102 (a) "Energy efficiency measures" is as defined in Section 63-9-67.

103 (b) "Energy savings" means monies not expended by a state agency as the result of
104 energy efficiency measures.

105 (c) "State agency" is as defined in Section 63-9-67.

106 (2) Except as provided under Subsection (4) and subject to future budget constraints,
107 the Legislature may not remove energy savings from a state agency's appropriation.

108 (3) A state agency shall use energy savings to:

109 (a) fund the cost of the energy efficiency measures; and

110 (b) if funds are available after meeting the requirements of Subsection (3)(a), fund and
111 implement new energy efficiency measures.

112 (4) The Legislature may remove energy savings if:

113 (a) a state agency has complied with Subsection (3)(a); and

114 (b) no cost effective new energy efficiency measure is available for implementation.
115 (5) A state agency may consult with the State Building Energy Efficiency Program
116 manager in the Division of Facilities and Construction Management regarding:
117 (a) the cost effectiveness of energy efficiency measures; and
118 (b) ways to measure energy savings that take into account fluctuations in energy costs
119 and temperature.

120 Section 4. Section **63A-5-603** is enacted to read:

121 **63A-5-603. State Facility Energy Efficiency Fund -- Contents -- Use of fund**
122 **monies.**

123 (1) As used in this section:
124 (a) "Board" means the State Building Board.
125 (b) "Division" means the Division of Facilities Construction and Management.
126 (c) "Fund" means the State Facility Energy Efficiency Fund created by this section.
127 (2) There is created a revolving loan fund known as the "State Facility Energy
128 Efficiency Fund."
129 (3) To capitalize the fund, the Division of Finance shall, at the end of fiscal year
130 2007-08, transfer \$3,650,000 from the Stripper Well-Petroleum Violation Escrow Fund to the
131 fund.
132 (4) The fund shall consist of:
133 (a) monies transferred under Subsection (3);
134 (b) monies appropriated by the Legislature;
135 (c) monies received for the repayment of loans made from the fund; and
136 (d) interest earned on the fund.
137 (5) The board shall make a loan from the fund to a state agency to, wholly or in part,
138 finance energy efficiency measures.
139 (6) (a) (i) A state agency requesting a loan shall submit an application to the board in
140 the form and containing the information that the board requires, including plans and
141 specifications for the proposed energy efficiency measures.

142 (ii) A state agency may request a loan to fund all or part of the cost of energy efficiency
143 measures.

144 (b) If the board rejects the application, the board shall notify the applicant stating the
145 reasons for the rejection.

146 (7) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
147 the board shall make rules establishing criteria to determine:

148 (i) loan eligibility;

149 (ii) energy efficiency measures priority; and

150 (iii) ways to measure energy savings that take into account fluctuations in energy costs
151 and temperature.

152 (b) In making rules that establish prioritization criteria for energy efficiency measures,
153 the board may consider:

154 (i) possible additional sources of revenue;

155 (ii) the feasibility and practicality of the energy efficiency measures;

156 (iii) the energy savings attributable to eligible energy efficiency measures;

157 (iv) the annual energy savings;

158 (v) the projected energy cost payback of eligible energy efficiency measures;

159 (vi) other benefits to the state attributable to eligible energy efficiency measures;

160 (vii) the availability of federal funds for the energy efficiency measures; and

161 (viii) whether to require a state agency to provide matching funds for the energy
162 efficiency measures.

163 (8) (a) In reviewing energy efficiency measures for possible funding, the board shall:

164 (i) review the loan application and the plans and specifications for the energy efficiency
165 measures;

166 (ii) determine whether to grant the loan by applying the loan eligibility criteria; and

167 (iii) if the loan is granted, prioritize funding of the energy efficiency measures by
168 applying the prioritization criteria.

169 (b) The board may condition approval of a loan application and the availability of funds

170 on assurances from the state agency that the board considers necessary to ensure that the state
171 agency:

172 (i) uses the proceeds to pay the cost of the energy efficiency measures; and

173 (ii) implements the energy efficiency measures.

174 (9) The State Building Energy Efficiency Program shall provide staff support when the
175 board performs the duties established in this section.