

- 31 (b) two members appointed by the governor;
32 (c) one member appointed by the president of the Senate; and
33 (d) one member appointed by the speaker of the House of Representatives.
- 34 (3) The duties of the board include:
35 (a) creating and implementing a long-term strategic plan for the project entity, taking
36 into consideration:
37 (i) the state energy policy, as provided in Section 79-6-301;
38 (ii) the interests of the relevant municipalities; and
39 (iii) the economic viability of the project entity;
40 (b) approving budgets, expenditures, bonds, and other financial matters of the project
41 entity;
42 (c) establishing policies, rules, and regulations for the governance of the project entity;
43 (d) overseeing the management and operations of the project entity;
44 (e) entering into contracts on behalf of the project entity;
45 (f) acquiring, holding, and disposing of property on behalf of the project entity;
46 (g) facilitating the transfer of a project entity asset to the state; and
47 (h) taking any other action necessary for the proper functioning and governance of the
48 project entity.
- 49 (4) The board has all powers necessary to:
50 (a) govern the affairs of the project entity;
51 (b) carry out the project entity's purposes and duties as described in Subsection (3);
52 (c) negotiate and execute agreements for the transfer of a project entity asset to the state;
53 and
54 (d) facilitate the transfer of a project entity asset to the state.
- 55 (5) Notwithstanding Subsection (4), the board:
56 (a) may not take any action that would:
57 (i) interfere with the project entity's ownership or operation of electrical generation
58 facilities that remain in active service; and
59 (ii) affect the terms, conditions, or implementation of any existing contract, bond, or
60 other financial obligation; and
61 (b) shall respect and maintain all existing legal and financial obligations of the project
62 entity.
- 63 (6) A project entity may not establish a governing board by contract or interlocal
64 agreement, and any governing board of a project entity existing before May 6, 2026, is

65 dissolved.

66 (7)(a) Except for the member described in Subsection (2)(a), each member of the board
67 shall be appointed to a four-year term.

68 (b) The person with appointment authority for a member described in Subsection (2)
69 shall, at the initial time of appointment, adjust the length of terms to ensure that the
70 terms of board members are staggered so that approximately half of the board is
71 appointed every two years.

72 (c) An appointed member is eligible for reappointment for one additional term.

73 (d) When a vacancy occurs in the membership for any reason, the person with
74 appointment authority for the vacated board member position shall appoint a
75 replacement member for the remainder of the unexpired term.

76 (8) The board shall report annually before November 30 to the Public Utilities, Energy, and
77 Technology Interim Committee regarding:

78 (a) the activities of the board;

79 (b) the status and operations of the project entity; and

80 (c) progress toward any planned transfer of project entity assets to the state.

81 **Section 2. Effective Date.**

82 This bill takes effect on May 6, 2026.