

Nuclear Power Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Ann Millner

LONG TITLE**General Description:**

This bill creates the Nuclear Energy Consortium and the Utah Energy Council, establishes a process for designating energy development zones, and creates the Energy Development Investment Fund.

Highlighted Provisions:

This bill:

- defines terms;
- creates the Nuclear Energy Consortium within the Office of Energy Development (office) and establishes its membership and duties;
- creates the Utah Energy Council within the office and establishes its membership and duties;
- modifies the duties and name of the Utah San Rafael Energy Lab Board;
- establishes a process for designating electrical energy development zones;
- creates the Electrical Energy Development Investment Fund and provides for its administration; and
- establishes authorized uses of fund money.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

63I-1-279, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

79-6-102, as last amended by Laws of Utah 2024, Chapters 88, 493

79-6-1001, as enacted by Laws of Utah 2024, Chapter 496

79-6-1003, as enacted by Laws of Utah 2024, Chapter 496

ENACTS:

31 **79-6-1101**, Utah Code Annotated 1953
32 **79-6-1102**, Utah Code Annotated 1953
33 **79-6-1103**, Utah Code Annotated 1953
34 **79-6-1104**, Utah Code Annotated 1953
35 **79-6-1105**, Utah Code Annotated 1953
36 **79-6-1106**, Utah Code Annotated 1953
37 **79-6-1201**, Utah Code Annotated 1953
38 **79-6-1202**, Utah Code Annotated 1953

39
40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **63I-1-279** is amended to read:

42 **63I-1-279 . Repeal dates: Title 79.**

- 43 (1) Subsection 79-2-201(2)(o), regarding the Utah Outdoor Recreation Infrastructure
44 Advisory Committee, is repealed July 1, 2027.
- 45 (2) Subsection 79-2-201(2)(p)(i), regarding an advisory council created by the Division of
46 Outdoor Recreation to advise on boating policies, is repealed July 1, 2029.
- 47 (3) Subsection 79-2-201(2)(q), regarding the Wildlife Board Nominating Committee, is
48 repealed July 1, 2028.
- 49 (4) Subsection 79-2-201(2)(r), regarding regional advisory councils for the Wildlife Board,
50 is repealed July 1, 2028.
- 51 (5) Section 79-7-206, Utah Outdoor Recreation Infrastructure Advisory Committee, is
52 repealed July 1, 2027.
- 53 (6) Title 79, Chapter 7, Part 7, Private Maintenance, is repealed July 1, 2029.
- 54 (7) Title 79, Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant Program, is
55 repealed January 1, 2028.
- 56 (8) Sections 79-6-1101 and 79-6-1102, creating the Nuclear Energy Consortium, are
57 repealed July 1, 2027.

58 Section 2. Section **79-6-102** is amended to read:

59 **79-6-102 . Definitions.**

60 As used in this chapter:

- 61 (1) "Adequate" means an amount of energy sufficient to continuously meet demand from
62 under normal conditions, not including planned outages and temporary service
63 disruptions.
- 64 (2) "Affordable" means priced to be accessible to the population without causing financial

strain or compromising basic needs, quality of life, or well-being.

(3) "Clean" means minimizing adverse environmental impact and able to meet state standards for environmental quality.

(4) "Consortium" means the Nuclear Energy Consortium created in Section 79-6-1201.

(5) "Council" means the Utah Energy Council established in Section 79-6-1101.

(6) "Director" means the director of the office.

~~[(4)]~~ (7) "Dispatchable" means available for use on demand and generally available to be delivered at a time and quantity of the operator's choosing.

~~[(5)]~~ (8) "Electrical corporation" means the same as that term is defined in Section 54-2-1.

(9) "Electrical energy development zone" means a geographic area designated by the council under Section 79-6-1204 for electrical energy infrastructure development.~~2-12(5)(9)~~

~~[(6)]~~ (10) "Gas corporation" means the same as that term is defined in Section 54-2-1.

~~[(7)]~~ (11) "Intermittent" means available for use on a variable basis that is dependent on elements outside of the control of the operator.

~~[(8)]~~ (12) "Office" means the Office of Energy Development created in Section 79-6-401.

~~[(9)]~~ (13)(a) "Reliable" means supporting a system generally able to provide a continuous supply and the resiliency to withstand sudden or unexpected disturbances.

(b) "Reliable" includes, for systems delivering electricity, the ability to provide electricity at the proper voltage and frequency.

~~[(10)]~~ (14) "Secure" means protected against disruption, tampering, and external interference.

~~[(11)]~~ (15) "Sustainable" means domestically sourced and able to provide affordable, reliable energy in adequate quantities for current and future generations without compromising economic prosperity or environmental health.

~~[(12)]~~ (16) "Governmental entity" means:

(a) any department, agency, board, commission, or other instrumentality of the state; or

(b) a political subdivision of the state.

Section 3. Section **79-6-1001** is amended to read:

79-6-1001 . Definitions.

As used in this part:

(1) "Board" means the [~~Utah San Rafael Energy Lab Board~~] Utah Energy Research Board established in Section 79-6-1003.

(2) "Center" means the Utah Center for Advanced Energy Research and Development

established as a partnership between the state, the Idaho National Laboratory, and public and private institutions of higher education located in the state.

(3) "Council" means the Utah Energy Council established in Section 79-6-1101.

[(2)] (4) "Director" means the director of the Office of Energy Development as defined in Section 79-6-401.

[(3)] (5) "Fund" means the Utah Energy Research Fund established in Section 79-6-1002.

[(4)] (6) "Lab" means the Utah San Rafael Energy Lab established in Section 79-6-1004.

[(5)] (7) "Lab director" means the director appointed under Section 79-6-1004 to oversee the lab.

[(6)] (8) "Project proposal" means a formal written submission to the board applying for approval of a specific research initiative conducted at the lab.

[(7)] (9) "Office" means the Office of Energy Development as defined in Section 79-6-401.

Section 4. Section **79-6-1003** is amended to read:

79-6-1003 . Utah Energy Research Board -- Duties -- Expenses.

(1) There is established in the office the [~~Utah San Rafael Energy Lab Board~~] Utah Energy Research Board that is composed of the following [~~nine~~]-voting board members:

(a) the director, or the director's designee, who shall serve as the chair of the board;

(b) the president of the University of Utah or the president's designee;

(c) the president of Utah State University or the president's designee;

(d) the commissioner of higher education, as described in Section 53B-1-408, or the commissioner's designee;

(e) one member, who is not a legislator, with experience in the non-regulated energy industry appointed by the speaker of the House of Representatives;

(f) one member, who is not a legislator, with experience in energy commercialization appointed by the president of the Senate;

(g) one member appointed by the governor who resides in a county of the third, fourth, fifth, or sixth class as described in Section 17-50-501; [~~and~~]

(h) one member appointed by the director representing the Idaho National Laboratory;
and

(i) two members appointed by the [~~office~~] director with relevant expertise in energy research and development.

(2)(a) The term of an appointed board member is four years.

(b) Notwithstanding Subsection (2)(a), the person making an appointment shall, at the time of appointment or reappointment, adjust the length of board member terms to

ensure the terms of board members are staggered so that approximately half of the board is constituted of new members every two years.

(c) The person who appoints a member under Subsection (1) may remove an appointee who was appointed by the person for cause.

(d) The person who appoints a member under Subsection (1) shall fill a vacancy on the board in the same manner as provided in Subsection (1).

(e) An individual appointed to fill a vacancy shall serve the remaining unexpired term.

(f) Unless removed for cause under Subsection (2)(c) a board member shall serve until a successor is appointed.

(3)(a) A majority of the board constitutes a quorum.

(b) A majority vote of the quorum is required for an action to be taken by the board.

(4) The board shall:

(a) oversee and supervise the management of:

(i) the lab; and

(ii) the center;

(b) appoint directors for the lab and center, who shall serve at the pleasure of the board;

(c) establish reasonable compensation for:

(i) the lab director; and

(ii) the center director;

(d) develop and implement:

(i) bylaws to govern the lab; and

(ii) bylaws to govern the center;

(e) establish policies for:

(i) joint appointments between the Idaho National Laboratory and public and private institutions of higher education;

(ii) research partnerships between institutions;

(iii) technology commercialization; and

(iv) workforce development initiatives;

(f) foster innovation and support technological development in the energy sector by collaborating with industry leaders, researchers, entrepreneurs, investors, and other stakeholders;

~~[(b)]~~ (g) identify areas of economic growth and workforce development opportunities related to emerging energy technologies and solutions;

~~[(e)]~~ (h) seek potential investors and partners from the technology, finance, and business

- 167 sectors to support innovative research and early-stage ventures focused on
168 developing commercially viable energy technologies in the state;
- 169 ~~[(d) in consultation with the lab, identify and prioritize high-impact research projects~~
170 ~~for the lab aligned to the state's energy policy goals;]~~
- 171 [(e)] (i) develop evaluation criteria for approving project proposals, with input from the
172 lab director, including:
- 173 (i) alignment with state energy policy priorities;
174 (ii) commercialization potential;
175 (iii) economic impact; and
176 (iv) other relevant factors as determined by the board;
- 177 [(f) recommend allocation of lab resources for project proposals;]
- 178 [(g) approve providing matching grants to applicants under the Utah Energy Research
179 Grant Program created in Section 79-6-403; and]
- 180 [(h) consult with relevant stakeholders for input on energy research priorities and
181 potential collaborations.]
- 182 (j) make recommendations to the board regarding funding allocations for:
- 183 (i) research projects;
184 (ii) facility operations;
185 (iii) workforce development programs; and
186 (iv) technology commercialization initiatives;
- 187 (k) administer the funds allocated by the council to the board;
- 188 (l) coordinate energy research activities between:
- 189 (i) the lab;
190 (ii) the center;
191 (iii) public and private institutions of higher education;
192 (iv) the Idaho National Laboratory; and
193 (v) industry partners;
- 194 (m) review and approve annual reports from the lab and center directors;
- 195 (n) report annually to:
- 196 (i) the governor;
197 (ii) the Public Utilities, Energy, and Technology Interim Committee; and
198 (iii) the Education Interim Committee;
- 199 (o) engage with industry partners to:
- 200 (i) identify research needs;

- 201 (ii) develop workforce programs;
- 202 (iii) commercialize technologies; and
- 203 (iv) secure additional funding sources;
- 204 (p) coordinate with federal agencies on:
 - 205 (i) research initiatives;
 - 206 (ii) grant opportunities; and
 - 207 (iii) regulatory compliance;
- 208 (q) provide quarterly reports to the Utah Energy Council regarding:
 - 209 (i) ongoing research projects and the research projects' alignment with state energy
 - 210 goals;
 - 211 (ii) potential commercialization opportunities;
 - 212 (iii) emerging technologies and the potential impact on the state's energy landscape;
 - 213 and
 - 214 (iv) recommendations for policy changes or initiatives to support energy innovation;
 - 215 and
- 216 (r) coordinate with the Utah Energy Council on:
 - 217 (i) strategic planning for statewide energy research initiatives;
 - 218 (ii) identifying priority research areas that align with state energy policy;
 - 219 (iii) developing frameworks for public-private partnerships in energy research; and
 - 220 (iv) establishing metrics for measuring research outcomes and impact.
- 221 (5) A member may not receive compensation or benefits for the member's service, but may
- 222 receive per diem and travel expenses in accordance with:
- 223 (a) Section 63A-3-106;
- 224 (b) Section 63A-3-107; and
- 225 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 226 63A-3-107.

- 227 (6) The board shall meet at least quarterly and may hold additional meetings as necessary to
- 228 review project proposals.

229 Section 5. Section **79-6-1101** is enacted to read:

230 **Part 11. Utah Energy Council**

231 **79-6-1101 . Utah Energy Council -- Creation and purpose.**

- 232 (1) There is created within the office the Utah Energy Council.
- 233 (2) The purpose of the council is to facilitate the development of electrical energy
- 234 generation and transmission projects within the state, including:

- (a) power plants;
- (b) transmission lines;
- (c) energy storage facilities; and
- (d) related infrastructure.

Section 6. Section **79-6-1102** is enacted to read:

79-6-1102 . Council composition.

(1) The council shall be composed of:

- (a) the director or the director's designee, who shall serve as chair of the council;
- (b) two individuals appointed by the governor;
- (c) one individual appointed by the president of the Senate; and
- (d) one individual appointed by the speaker of the House of Representatives.

(2)(a) Except as provided in Subsection (2)(b), a council member appointed under Subsection (1):

- (i) shall serve a four-year term;
- (ii) may be removed by the appointing authority;
- (iii) may be reappointed; and
- (iv) continues to serve until the member's successor is appointed and qualified.

(b) Initial terms for the appointed council members shall be staggered as follows:

- (i) one member appointed by the governor under Subsection (1)(b) shall serve a two-year term;
- (ii) one member appointed by the governor under Subsection (1)(b) shall serve a three-year term;
- (iii) the member appointed by the president of the Senate under Subsection (1)(c) shall serve a four-year term; and
- (iv) the member appointed by the speaker of the House of Representatives under Subsection (1)(d) shall serve a two-year term.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the relevant appointing authority for the unexpired term.

(4)(a) A majority of council members constitutes a quorum for conducting council business.

(b) A majority vote of the quorum present is required for any action taken by the council.

(5) The council shall meet:

- (a) at least quarterly; and
- (b) at the call of the chair or a majority of the council members.

- (6)(a) A council member who is not a legislator may not receive compensation or benefits for the member's service but may receive per diem and travel expenses in accordance with:
- (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (b) Compensation and expenses of a council member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Section 7. Section **79-6-1103** is enacted to read:

79-6-1103 . Council powers and duties.

The council shall:

- (1) coordinate and facilitate electrical energy project development, including:
 - (a) site identification and permitting;
 - (b) early site preparation work;
 - (c) infrastructure improvements;
 - (d) project financing assistance; and
 - (e) stakeholder coordination;
- (2) assess and facilitate electrical energy infrastructure development by:
 - (a) evaluating infrastructure needs and opportunities;
 - (b) coordinating with transmission and pipeline developers;
 - (c) supporting utility planning efforts; and
 - (d) coordinating with federal agencies;
- (3) establish and implement:
 - (a) strategic plans for energy development;
 - (b) frameworks for stakeholder engagement;
 - (c) processes for designating electrical energy development zones; and
 - (d) criteria for evaluating proposed electrical energy development zones;
- (4) review and approve:
 - (a) research project proposals from the board; and
 - (b) funding allocations recommended by the board;
- (5) consult with state land use authorities regarding:
 - (a) identification of state lands suitable for electrical energy development;
 - (b) designation of electrical energy development zones; and

- (c) opportunities for coordinated development of electrical energy projects on state lands;
- (6) administer the Electrical Energy Development Investment Fund created in Section 79-6-1105;
- (7) make recommendations regarding electrical energy policy to state and local governments;
- (8) identify and recommend solutions to barriers affecting electrical energy development;
- (9) enter into contracts necessary to fulfill the council's duties; and
- (10) report annually by October 31 to the Public Utilities, Energy, and Technology Interim Committee and the Natural Resources, Agriculture, and Environment Interim Committee regarding:
- (a) the council's activities;
- (b) energy development opportunities;
- (c) infrastructure needs;
- (d) the status of designated electrical energy development zones;
- (e) investment decisions made by the council; and
- (f) recommended policy changes.

Section 8. Section **79-6-1104** is enacted to read:

79-6-1104 . Electrical energy development zones -- Property tax differential.

- (1) As used in this section:
- (a) "Base taxable value" means the value of property within an electrical energy development zone, as shown on the assessment roll last equalized before the creation of the electrical energy development zone.
- (b) "Property tax differential" means the difference between:
- (i) the amount of property tax revenues generated each tax year by all taxing entities from an electrical energy development zone, using the current assessed value of the property; and
- (ii) the amount of property tax revenues that would be generated from that same area using the base taxable value of the property.
- (2) A county or municipality may not offer financial incentives for an electrical energy project that is not located within a designated electrical energy development zone.
- (3) A county or municipality may apply to the council for the designation of an electrical energy development zone by submitting:
- (a) a description of the proposed boundaries of the electrical energy development zone;
- (b) an assessment of existing electrical energy infrastructure within and proximate to the

337 proposed electrical energy development zone;

338 (c) a development plan that includes:

339 (i) proposed electrical energy development projects;

340 (ii) anticipated infrastructure improvements;

341 (iii) projected economic benefits to the county; and

342 (iv) evidence of local support;

343 (d) if the applicant is a municipality, evidence of coordination with the county in which

344 the proposed electrical energy development zone is located; and

345 (e) any other information required by the council.

346 (4) The council shall approve an application for electrical energy development zone

347 designation if the application demonstrates:

348 (a) the proposed electrical energy development zone includes land suitable for electrical

349 energy development based on:

350 (i) access to electrical energy resources;

351 (ii) proximity to existing or planned transmission infrastructure;

352 (iii) adequate transportation access; and

353 (iv) sufficient land area for proposed development; and

354 (b) the development plan:

355 (i) aligns with state energy policy under Section 79-6-301;

356 (ii) includes realistic timelines and milestones;

357 (iii) identifies specific infrastructure improvements; and

358 (iv) quantifies projected economic benefits.

359 (5) The council shall:

360 (a) make a determination on an application within 60 days of submission; and

361 (b) provide written notice to the county or municipality explaining the basis for approval

362 or denial.

363 (6) Within 30 days after the council designates an electrical energy development zone:

364 (a) the county assessor shall certify to the council the base taxable value of property

365 within the electrical energy development zone; and

366 (b) the county shall transmit to the council copies of the property tax assessment rolls for

367 all property within the electrical energy development zone.

368 (7)(a) Each year, the county assessor shall:

369 (i) determine the amount of the property tax differential for the electrical energy

370 development zone by comparing:

- 371 (A) the current assessed value of property within the electrical energy
372 development zone; and
373 (B) the base taxable value of property within the electrical energy development
374 zone;
375 (ii) inform the county treasurer of the property tax differential amount; and
376 (iii) provide notice to the council of the amount calculated under this Subsection (7).
377 (b) The county treasurer shall:
378 (i) allocate and distribute 50% of the property tax differential to the council for
379 deposit into the Electrical Energy Development Investment Fund created in
380 Section 79-6-1105; and
381 (ii) retain the remaining 50% for county use.
382 (c) The county treasurer shall make distributions required under this section:
383 (i) at the same time as regular annual property tax distributions; and
384 (ii) using the same method as other property tax distributions.

385 Section 9. Section **79-6-1105** is enacted to read:

386 **79-6-1105 . Electrical Energy Development Investment Fund.**

- 387 (1) There is created an enterprise fund known as the "Electrical Energy Development
388 Investment Fund."
389 (2) The fund consists of property tax differential revenue collected under Section 79-6-1104.
390 (3) The council shall:
391 (a) administer the fund; and
392 (b) use fund money only as authorized under Section 79-6-1106.

393 Section 10. Section **79-6-1106** is enacted to read:

394 **79-6-1106 . Authorized uses of fund money.**

395 The council may use fund money to:

- 396 (1) facilitate electrical energy infrastructure development within the state, including:
397 (a) transmission and distribution lines;
398 (b) pipeline development;
399 (c) energy storage facilities;
400 (d) generation facilities; and
401 (e) related infrastructure;
402 (2) provide matching funds for federal energy development grants;
403 (3) support energy workforce development programs;
404 (4) provide incentives for electrical energy development projects; and

(5) pay for administrative expenses related to the council's duties.

Section 11. Section **79-6-1201** is enacted to read:

Part 12. Nuclear Energy Consortium

79-6-1201 . Nuclear Energy Consortium.

(1) There is created the Nuclear Energy Consortium to advise the office and the Legislature on nuclear energy development in the state.

(2) The consortium consists of:

(a) one member of the Senate, appointed by the president of the Senate;

(b) one member of the House of Representatives, appointed by the speaker of the House of Representatives;

(c) the following members or designees:

(i) the director of the Office of Energy Development, who shall serve as chair;

(ii) the executive director of the Department of Environmental Quality;

(iii) the chair of the Public Service Commission; and

(iv) the executive director of the Department of Natural Resources; and

(d) additional members with expertise in nuclear energy development appointed by the director, including representatives from areas or entities such as:

(i) public and private institutions of higher education;

(ii) the Idaho National Laboratory;

(iii) the Nuclear Regulatory Commission;

(iv) other federal entities as determined by the director;

(v) nuclear fuel mining and milling;

(vi) nuclear fuel manufacturing;

(vii) nuclear technology providers;

(viii) utility companies;

(ix) energy off-takers;

(x) workforce development;

(xi) nuclear safety;

(xii) research and development; and

(xiii) nuclear waste management.

(3)(a) A member appointed under Subsection (2)(a) may be removed by the president of the Senate.

(b) A member appointed under Subsection (2)(b) may be removed by the speaker of the House of Representatives.

(c) A member appointed under Subsection (2)(d) may be removed by the director.

(4) The consortium shall meet at least quarterly.

(5) A majority of consortium members constitutes a quorum for conducting consortium business.

(6) The office shall provide staff support to the consortium.

(7) A consortium member may not receive compensation or benefits for the member's service but may receive per diem and travel expenses in accordance with:

(a) Sections 63A-3-106 and 63A-3-107; and

(b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Section 12. Section **79-6-1202** is enacted to read:

79-6-1202 . Consortium duties.

(1) The consortium shall:

(a) provide knowledge and expertise to assist the office regarding nuclear energy technologies, safety, and development; and

(b) develop recommendations regarding policy pertaining to:

(i) nuclear energy development in the state;

(ii) incentives for nuclear energy related industries in the state;

(iii) partnerships between entities engaged in or supporting nuclear energy development, including public and private sector collaboration; and

(iv) the appropriate regulatory framework for nuclear energy development in the state.

(2) The office shall report annually on duties performed by the consortium on or before November 30 to the Public Utilities, Energy, and Technology Interim Committee.

Section 13. **Effective Date.**

This bill takes effect on May 7, 2025.