

Ann Millner proposes the following substitute bill:

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;
- establishes authorized uses of fund money; and
- includes a coordination clause to coordinate between this bill and H.B. 70, Decommissioned Asset Disposition Amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

59-2-924, as last amended by Laws of Utah 2024, Chapter 258

29 **63I-1-279**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

30 **79-6-102**, as last amended by Laws of Utah 2024, Chapters 88, 493

31 **79-6-1001**, as enacted by Laws of Utah 2024, Chapter 496

32 **79-6-1003**, as enacted by Laws of Utah 2024, Chapter 496

33 **79-6-1004**, as enacted by Laws of Utah 2024, Chapter 496

34 ENACTS:

35 **79-6-1101**, Utah Code Annotated 1953

36 **79-6-1102**, Utah Code Annotated 1953

37 **79-6-1103**, Utah Code Annotated 1953

38 **79-6-1104**, Utah Code Annotated 1953

39 **79-6-1105**, Utah Code Annotated 1953

40 **79-6-1106**, Utah Code Annotated 1953

41 **79-6-1201**, Utah Code Annotated 1953

42 **79-6-1202**, Utah Code Annotated 1953

43 **Utah Code Sections affected by Coordination Clause:**

44 **79-6-1103**, Utah Code Annotated 1953

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

47 Section 1. Section **59-2-924** is amended to read:

48 **59-2-924 . Definitions -- Report of valuation of property to county auditor and**
49 **commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax**
50 **rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the**
51 **commission.**

52 (1) As used in this section:

53 (a)(i) "Ad valorem property tax revenue" means revenue collected in accordance with
54 this chapter.

55 (ii) "Ad valorem property tax revenue" does not include:

56 (A) interest;

57 (B) penalties;

58 (C) collections from redemptions; or

59 (D) revenue received by a taxing entity from personal property that is
60 semiconductor manufacturing equipment assessed by a county assessor in
61 accordance with Part 3, County Assessment.

62 (b) "Adjusted tax increment" means the same as that term is defined in Section

17C-1-102.

(c)(i) "Aggregate taxable value of all property taxed" means:

(A) the aggregate taxable value of all real property a county assessor assesses in accordance with Part 3, County Assessment, for the current year;

(B) the aggregate taxable value of all real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year; and

(C) the aggregate year end taxable value of all personal property a county assessor assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

(ii) "Aggregate taxable value of all property taxed" does not include the aggregate year end taxable value of personal property that is:

(A) semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment; and

(B) contained on the prior year's tax rolls of the taxing entity.

(d) "Base taxable value" means:

(i) for an authority created under Section 11-58-201, the same as that term is defined in Section 11-58-102;

(ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, the same as that term is defined in Section 11-59-207;

(iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the same as that term is defined in Section 11-70-101;

(iv) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;

(v) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102;

(vi) for a host local government, the same as that term is defined in Section 63N-2-502;

(vii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section 63N-3-602;

(viii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter

- 27a, Part 12, Home Ownership Promotion Zone for Counties, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section 10-9a-1001 or Section 17-27a-1201;~~[-or]~~
- (ix) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section 63N-3-1601~~[-]~~ ; or
- (x) for an electrical energy development zone created under Section 79-6-1104, the value of the property within an electrical energy development zone, as shown on the assessment roll last equalized before the creation of the electrical development zone, as that term is defined in Section 79-6-1104.
- (e) "Centrally assessed benchmark value" means an amount equal to the average year end taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous three calendar years, adjusted for taxable value attributable to:
- (i) an annexation to a taxing entity;
- (ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property; or
- (iii) a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.
- (f)(i) "Centrally assessed new growth" means the greater of:
- (A) zero; or
- (B) the amount calculated by subtracting the centrally assessed benchmark value adjusted for prior year end incremental value from the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value.
- (ii) "Centrally assessed new growth" does not include a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.
- (g) "Certified tax rate" means a tax rate that will provide the same ad valorem property tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.
- (h) "Community reinvestment agency" means the same as that term is defined in Section

17C-1-102.

(i) "Eligible new growth" means the greater of:

(i) zero; or

(ii) the sum of:

(A) locally assessed new growth;

(B) centrally assessed new growth; and

(C) project area new growth or hotel property new growth.

(j) "Host local government" means the same as that term is defined in Section 63N-2-502.

(k) "Hotel property" means the same as that term is defined in Section 63N-2-502.

(l) "Hotel property new growth" means an amount equal to the incremental value that is no longer provided to a host local government as incremental property tax revenue.

(m) "Incremental property tax revenue" means the same as that term is defined in Section 63N-2-502.

(n) "Incremental value" means:

(i) for an authority created under Section 11-58-201, the amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within a project area and on which property tax differential is collected; and

(B) the number that represents the percentage of the property tax differential that is paid to the authority;

(ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount calculated by multiplying:

(A) the difference between the current assessed value of the property and the base taxable value; and

(B) the number that represents the percentage of the property tax augmentation, as defined in Section 11-59-207, that is paid to the Point of the Mountain State Land Authority;

(iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the amount calculated by multiplying:

(A) the difference between the taxable value for the current year and the base taxable value of the property that is located within a project area; and

(B) the number that represents the percentage of enhanced property tax revenue, as defined in Section 11-70-101;

- (iv) for an agency created under Section 17C-1-201.5, the amount calculated by multiplying:
- (A) the difference between the taxable value and the base taxable value of the property located within a project area and on which tax increment is collected; and
- (B) the number that represents the adjusted tax increment from that project area that is paid to the agency;
- (v) for an authority created under Section 63H-1-201, the amount calculated by multiplying:
- (A) the difference between the taxable value and the base taxable value of the property located within a project area and on which property tax allocation is collected; and
- (B) the number that represents the percentage of the property tax allocation from that project area that is paid to the authority;
- (vi) for a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount calculated by multiplying:
- (A) the difference between the taxable value and the base taxable value of the property that is located within a housing and transit reinvestment zone and on which tax increment is collected; and
- (B) the number that represents the percentage of the tax increment that is paid to the housing and transit reinvestment zone;
- (vii) for a host local government, an amount calculated by multiplying:
- (A) the difference between the taxable value and the base taxable value of the hotel property on which incremental property tax revenue is collected; and
- (B) the number that represents the percentage of the incremental property tax revenue from that hotel property that is paid to the host local government;
- (viii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties, an amount calculated by multiplying:
- (A) the difference between the taxable value and the base taxable value of the property that is located within a home ownership promotion zone and on which tax increment is collected; and

- 199 (B) the number that represents the percentage of the tax increment that is paid to
200 the home ownership promotion zone;~~[-or]~~
- 201 (ix) for a first home investment zone created pursuant to Title 63N, Chapter 3, Part
202 16, First Home Investment Zone Act, an amount calculated by multiplying:
203 (A) the difference between the taxable value and the base taxable value of the
204 property that is located within a first home investment zone and on which tax
205 increment is collected; and
206 (B) the number that represents the percentage of the tax increment that is paid to
207 the first home investment zone~~[-]~~ ; or
- 208 (x) for an electrical energy development zone created under Section 79-6-1104, the
209 amount calculated by multiplying:
210 (A) the difference between the taxable value and the base taxable value of the
211 property that is located within the electrical energy developmental zone; and
212 (B) the number that represents the percentage of the tax increment that is paid to a
213 community reinvestment agency and the Electrical Energy Development
214 Investment Fund created in Section 79-6-1105.
- 215 (o)(i) "Locally assessed new growth" means the greater of:
216 (A) zero; or
217 (B) the amount calculated by subtracting the year end taxable value of real
218 property the county assessor assesses in accordance with Part 3, County
219 Assessment, for the previous year, adjusted for prior year end incremental
220 value from the taxable value of real property the county assessor assesses in
221 accordance with Part 3, County Assessment, for the current year, adjusted for
222 current year incremental value.
- 223 (ii) "Locally assessed new growth" does not include a change in:
224 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal,
225 or another adjustment;
226 (B) assessed value based on whether a property is allowed a residential exemption
227 for a primary residence under Section 59-2-103;
228 (C) assessed value based on whether a property is assessed under Part 5, Farmland
229 Assessment Act; or
230 (D) assessed value based on whether a property is assessed under Part 17, Urban
231 Farming Assessment Act.
- 232 (p) "Project area" means:

- 233 (i) for an authority created under Section 11-58-201, the same as that term is defined
234 in Section 11-58-102;
- 235 (ii) for the Utah Fairpark Area Investment and Restoration District created in Section
236 11-70-201, the same as that term is defined in Section 11-70-101;
- 237 (iii) for an agency created under Section 17C-1-201.5, the same as that term is
238 defined in Section 17C-1-102; or
- 239 (iv) for an authority created under Section 63H-1-201, the same as that term is
240 defined in Section 63H-1-102.
- 241 (q) "Project area new growth" means:
- 242 (i) for an authority created under Section 11-58-201, an amount equal to the
243 incremental value that is no longer provided to an authority as property tax
244 differential;
- 245 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
246 an amount equal to the incremental value that is no longer provided to the Point of
247 the Mountain State Land Authority as property tax augmentation, as defined in
248 Section 11-59-207;
- 249 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section
250 11-70-201, an amount equal to the incremental value that is no longer provided to
251 the Utah Fairpark Area Investment and Restoration District;
- 252 (iv) for an agency created under Section 17C-1-201.5, an amount equal to the
253 incremental value that is no longer provided to an agency as tax increment;
- 254 (v) for an authority created under Section 63H-1-201, an amount equal to the
255 incremental value that is no longer provided to an authority as property tax
256 allocation;
- 257 (vi) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
258 Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to the
259 incremental value that is no longer provided to a housing and transit reinvestment
260 zone as tax increment;
- 261 (vii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part
262 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter
263 27a, Part 12, Home Ownership Promotion Zone for Counties, an amount equal to
264 the incremental value that is no longer provided to a home ownership promotion
265 zone as tax increment; or
- 266 (viii) for a first home investment zone created under Title 63N, Chapter 3, Part 16,

- 267 First Home Investment Zone Act, an amount equal to the incremental value that is
268 no longer provided to a first home investment zone as tax increment.
- 269 (r) "Project area incremental revenue" means the same as that term is defined in Section
270 17C-1-1001.
- 271 (s) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.
- 272 (t) "Property tax differential" means the same as that term is defined in ~~[Section]~~ Sections
273 11-58-102[-] and 79-6-1104.
- 274 (u) "Qualifying exempt revenue" means revenue received:
- 275 (i) for the previous calendar year;
- 276 (ii) by a taxing entity;
- 277 (iii) from tangible personal property contained on the prior year's tax rolls that is
278 exempt from property tax under Subsection 59-2-1115(2)(b) for a calendar year
279 beginning on January 1, 2022; and
- 280 (iv) on the aggregate 2021 year end taxable value of the tangible personal property
281 that exceeds \$15,300.
- 282 (v) "Tax increment" means:
- 283 (i) for a project created under Section 17C-1-201.5, the same as that term is defined
284 in Section 17C-1-102;
- 285 (ii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
286 Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is
287 defined in Section 63N-3-602;
- 288 (iii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part
289 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter
290 27a, Part 12, Home Ownership Promotion Zone for Counties, the same as that
291 term is defined in Section 10-9a-1001 or Section 17-27a-1201; or
- 292 (iv) for a first home investment zone created under Title 63N, Chapter 3, Part 16,
293 First Home Investment Zone Act, the same as that term is defined in Section
294 63N-3-1601.
- 295 (2) Before June 1 of each year, the county assessor of each county shall deliver to the
296 county auditor and the commission the following statements:
- 297 (a) a statement containing the aggregate valuation of all taxable real property a county
298 assessor assesses in accordance with Part 3, County Assessment, for each taxing
299 entity; and
- 300 (b) a statement containing the taxable value of all personal property a county assessor

assesses in accordance with Part 3, County Assessment, from the prior year end values.

(3) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:

- (a) the statements described in Subsections (2)(a) and (b);
- (b) an estimate of the revenue from personal property;
- (c) the certified tax rate; and
- (d) all forms necessary to submit a tax levy request.

(4)(a) Except as otherwise provided in this section, the certified tax rate shall be calculated by dividing the ad valorem property tax revenue that a taxing entity budgeted for the prior year minus the qualifying exempt revenue by the amount calculated under Subsection (4)(b).

(b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall calculate an amount as follows:

(i) calculate for the taxing entity the difference between:

- (A) the aggregate taxable value of all property taxed; and
- (B) any adjustments for current year incremental value;

(ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the average of the percentage net change in the value of taxable property for the equalization period for the three calendar years immediately preceding the current calendar year;

(iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product of:

- (A) the amount calculated under Subsection (4)(b)(ii); and
- (B) the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year; and

(iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount determined by:

- (A) multiplying the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year by eligible new growth; and
- (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount calculated under Subsection (4)(b)(iii).

- (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated as follows:
- (a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified tax rate is zero;
 - (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:
 - (i) in a county of the first, second, or third class, the levy imposed for municipal-type services under Sections 17-34-1 and 17-36-9; and
 - (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and such other levies imposed solely for the municipal-type services identified in Section 17-34-1 and Subsection 17-36-3(23);
 - (c) for a community reinvestment agency that received all or a portion of a taxing entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, the certified tax rate is calculated as described in Subsection (4) except that the commission shall treat the total revenue transferred to the community reinvestment agency as ad valorem property tax revenue that the taxing entity budgeted for the prior year; and
 - (d) for debt service voted on by the public, the certified tax rate is the actual levy imposed by that section, except that a certified tax rate for the following levies shall be calculated in accordance with Section 59-2-913 and this section:
 - (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and
 - (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative orders under Section 59-2-1602.
- (6)(a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be imposed at a rate that is sufficient to generate only the revenue required to satisfy one or more eligible judgments.
- (b) The ad valorem property tax revenue generated by a judgment levy described in Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax rate.
- (7)(a) For the purpose of calculating the certified tax rate, the county auditor shall use:
- (i) the taxable value of real property:
 - (A) the county assessor assesses in accordance with Part 3, County Assessment; and
 - (B) contained on the assessment roll;
 - (ii) the year end taxable value of personal property:

- 369 (A) a county assessor assesses in accordance with Part 3, County Assessment; and
370 (B) contained on the prior year's assessment roll; and
371 (iii) the taxable value of real and personal property the commission assesses in
372 accordance with Part 2, Assessment of Property.
- 373 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new
374 growth.
- 375 (8)(a) On or before June 30, a taxing entity shall annually adopt a tentative budget.
- 376 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall notify
377 the county auditor of:
- 378 (i) the taxing entity's intent to exceed the certified tax rate; and
379 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.
- 380 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
381 exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.
- 382 (9)(a) Subject to Subsection (9)(d), the commission shall provide notice, through
383 electronic means on or before July 31, to a taxing entity and the Revenue and
384 Taxation Interim Committee if:
- 385 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end
386 taxable value of the real and personal property the commission assesses in
387 accordance with Part 2, Assessment of Property, for the previous year, adjusted
388 for prior year end incremental value; and
- 389 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year
390 end taxable value of the real and personal property of a taxpayer the commission
391 assesses in accordance with Part 2, Assessment of Property, for the previous year.
- 392 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by
393 subtracting the taxable value of real and personal property the commission assesses
394 in accordance with Part 2, Assessment of Property, for the current year, adjusted for
395 current year incremental value, from the year end taxable value of the real and
396 personal property the commission assesses in accordance with Part 2, Assessment of
397 Property, for the previous year, adjusted for prior year end incremental value.
- 398 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by
399 subtracting the total taxable value of real and personal property of a taxpayer the
400 commission assesses in accordance with Part 2, Assessment of Property, for the
401 current year, from the total year end taxable value of the real and personal property of
402 a taxpayer the commission assesses in accordance with Part 2, Assessment of

Property, for the previous year.

- (d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet the requirement under Subsection (9)(a)(ii).

Section 2. Section **63I-1-279** is amended to read:

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

- (1) Subsection 79-2-201(2)(o), regarding the Utah Outdoor Recreation Infrastructure Advisory Committee, is repealed July 1, 2027.
- (2) Subsection 79-2-201(2)(p)(i), regarding an advisory council created by the Division of Outdoor Recreation to advise on boating policies, is repealed July 1, 2029.
- (3) Subsection 79-2-201(2)(q), regarding the Wildlife Board Nominating Committee, is repealed July 1, 2028.
- (4) Subsection 79-2-201(2)(r), regarding regional advisory councils for the Wildlife Board, is repealed July 1, 2028.
- (5) Section 79-7-206, Utah Outdoor Recreation Infrastructure Advisory Committee, is repealed July 1, 2027.
- (6) Title 79, Chapter 7, Part 7, Private Maintenance, is repealed July 1, 2029.
- (7) Title 79, Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2028.
- (8) Title 79, Chapter 6, Part 12, Nuclear Energy Consortium, is repealed July 1, 2027.

Section 3. Section **79-6-102** is amended to read:

79-6-102 . Definitions.

As used in this chapter:

- (1) "Adequate" means an amount of energy sufficient to continuously meet demand from under normal conditions, not including planned outages and temporary service disruptions.
- (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.
- ~~(7)~~ (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 79-6-1104 for baseload electrical energy infrastructure development.

[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 4. 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) "Council" means the Utah Energy Council established in Section 79-6-1101.

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

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

(5) "Institute" means the Utah Advanced Nuclear and Energy Institute established as a partnership between the state, the Idaho National Laboratory, and public and private institutions of higher education located in the state.

[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 5. 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;

(b) the president, or the president's designee, of each public and private university in the state that is classified as a Research 1 institution by the Carnegie Classification of Institutions of Higher Education;

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

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

[(g)] (f) 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)] (g) one member appointed by the director representing the Idaho National Laboratory; and

(h) 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 institute;

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

(c) establish reasonable compensation for:

(i) the lab director; and

(ii) the institute director;

(d) develop and implement:

(i) bylaws to govern the lab; and

(ii) bylaws to govern the institute;

(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 sectors to support innovative research and early-stage ventures focused on developing commercially viable energy technologies in the state;

~~[(d) in consultation with the lab, identify and prioritize high-impact research projects for the lab aligned to the state's energy policy goals;]~~

~~[(e)]~~ (i) develop evaluation criteria for approving project proposals, with input from the

- lab director, including:
- (i) alignment with state energy policy priorities;
 - (ii) commercialization potential;
 - (iii) economic impact; and
 - (iv) other relevant factors as determined by the board;
- ~~[(f) recommend allocation of lab resources for project proposals;]~~
- ~~[(g)]~~ (j) approve providing matching grants to applicants under the Utah Energy Research Grant Program created in Section 79-6-403; and
- ~~[(h) consult with relevant stakeholders for input on energy research priorities and potential collaborations.]~~
- (k) make recommendations to the council regarding funding allocations for:
- (i) research projects;
 - (ii) facility operations;
 - (iii) workforce development programs; and
 - (iv) technology commercialization initiatives;
- (l) administer the funds allocated by the council to the board;
- (m) coordinate energy research activities between:
- (i) the lab;
 - (ii) the institute;
 - (iii) public and private institutions of higher education;
 - (iv) the Idaho National Laboratory; and
 - (v) industry partners;
- (n) review and approve annual reports from the lab and institute directors;
- (o) report annually to:
- (i) the governor;
 - (ii) the Public Utilities, Energy, and Technology Interim Committee; and
 - (iii) the Education Interim Committee;
- (p) engage with industry partners to:
- (i) identify research needs;
 - (ii) develop workforce programs;
 - (iii) commercialize technologies; and
 - (iv) secure additional funding sources;
- (q) coordinate with federal agencies on:
- (i) research initiatives;

- 573 (ii) grant opportunities; and
574 (iii) regulatory compliance;
575 (r) provide quarterly reports to the Utah Energy Council regarding:
576 (i) ongoing research projects and the research projects' alignment with state energy
577 goals;
578 (ii) potential commercialization opportunities;
579 (iii) emerging technologies and the potential impact on the state's energy landscape;
580 and
581 (iv) recommendations for policy changes or initiatives to support energy innovation;
582 and
583 (s) coordinate with the council on:
584 (i) strategic planning for statewide energy research initiatives;
585 (ii) identifying priority research areas that align with state energy policy;
586 (iii) developing frameworks for public-private partnerships in energy research; and
587 (iv) establishing metrics for measuring research outcomes and impact.

- 588 (5) A member may not receive compensation or benefits for the member's service, but may
589 receive per diem and travel expenses in accordance with:
590 (a) Section 63A-3-106;
591 (b) Section 63A-3-107; and
592 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
593 63A-3-107.
594 (6) The board shall meet at least quarterly and may hold additional meetings as necessary to
595 review project proposals.

596 Section 6. Section **79-6-1004** is amended to read:

597 **79-6-1004 . Utah San Rafael Energy Lab established -- Lab director.**

- 598 (1) There is established within the office a program and facility known as the Utah San
599 Rafael Energy Lab to facilitate innovative energy research and development projects.
600 (2) The lab shall:
601 (a) receive and evaluate project proposals;
602 (b) submit recommendations to the board for approval regarding specific project
603 proposals based on the lab's evaluation;
604 (c) conduct innovative energy technology research and development projects that have
605 commercialization potential and support the state's energy policy goals;
606 (d) enter into financial contracts with entities seeking to use the lab, with revenues

- 607 deposited into the Utah Energy Research Fund created in Section 79-6-1002;
- 608 (e) assess the viability of emerging energy solutions for deployment within the state,
- 609 considering:
- 610 (i) cost-effectiveness;
- 611 (ii) dispatchability;
- 612 (iii) sustainability;
- 613 (iv) reliability; and
- 614 (v) environmental impact;
- 615 (f) provide analysis and recommendations to policymakers regarding energy system
- 616 planning, infrastructure needs, and the value of different energy initiatives being
- 617 considered within the state; and
- 618 (g) collaborate with universities, industry partners, entrepreneurs, community
- 619 representatives, and other research entities.

620 ~~[(3)(a) The director shall appoint a full-time lab director with the consent of the board~~

621 ~~to oversee the day-to-day operations of the lab.]~~

622 ~~[(b) The lab director shall report to the director.]~~

623 ~~[(c) As funding allows, the office may employ staff to support the lab's operations.]~~

624 Section 7. Section **79-6-1101** is enacted to read:

625 **Part 11. Utah Energy Council**

626 **79-6-1101 . Utah Energy Council -- Creation and purpose.**

- 627 (1) There is created within the office the Utah Energy Council.
- 628 (2) The purpose of the council is to facilitate the development of baseload electrical energy
- 629 generation and transmission projects within the state, including:
- 630 (a) power plants;
- 631 (b) transmission lines;
- 632 (c) energy storage facilities; and
- 633 (d) related infrastructure.

634 Section 8. Section **79-6-1102** is enacted to read:

635 **79-6-1102 . Council composition -- Appointment -- Terms -- Staffing.**

- 636 (1) The council shall be composed of:
- 637 (a) the director or the director's designee, who shall serve as chair of the council;
- 638 (b) two individuals appointed by the governor;
- 639 (c) one individual appointed by the president of the Senate; and
- 640 (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.
- (7) The office shall provide staff support to the council.
- The following section is affected by a coordination clause at the end of this bill.*

Section 9. Section **79-6-1103** is enacted to read:

79-6-1103 . Council powers and duties.

(1) The council shall:

- (a) coordinate and facilitate baseload electrical energy project development, including:**
 - (i) site identification and permitting;**
 - (ii) early site preparation work;**
 - (iii) infrastructure improvements;**
 - (iv) project financing assistance; and**
 - (v) stakeholder coordination;**
- (b) assess and facilitate electrical energy infrastructure development by:**
 - (i) evaluating infrastructure needs and opportunities;**
 - (ii) coordinating with transmission and pipeline developers;**
 - (iii) supporting utility planning efforts; and**
 - (iv) coordinating with federal agencies;**
- (c) establish and implement:**
 - (i) strategic plans for energy development;**
 - (ii) frameworks for stakeholder engagement;**
 - (iii) processes for designating electrical energy development zones; and**
 - (iv) criteria for evaluating proposed electrical energy development zones;**
- (d) review and approve:**
 - (i) research project proposals from the board; and**
 - (ii) funding allocations recommended by the board;**
- (e) consult with state land use authorities regarding:**
 - (i) identification of state lands suitable for electrical energy development;**
 - (ii) designation of electrical energy development zones; and**
 - (iii) opportunities for coordinated development of electrical energy projects on state lands;**
- (f) administer the Electrical Energy Development Investment Fund created in Section 79-6-1105;**
- (g) make recommendations regarding electrical energy policy to state and local governments;**
- (h) identify and recommend solutions to barriers affecting electrical energy development;**
- (i) assess and address potential public health impacts of electrical energy development zones;**

- (j) enter into contracts necessary to fulfill the council's duties; and
- (k) report annually by October 31 to the Public Utilities, Energy, and Technology Interim Committee and the Natural Resources, Agriculture, and Environment Interim Committee regarding:
- (i) the council's activities;
 - (ii) energy development opportunities;
 - (iii) infrastructure needs;
 - (iv) the status of designated electrical energy development zones;
 - (v) recommendations for how the property tax differential revenue collected under Section 79-6-1104 should be divided and distributed between the state, counties, and municipalities;
 - (vi) investment decisions made by the council; and
 - (vii) recommended policy changes.

(2) The council shall negotiate with the applicable county or municipality regarding the distribution of property tax differential revenue collected under Section 79-6-1104.

(3) Any portion of the property tax differential that is not distributed to the council shall be distributed to the applicable county or municipality for impact mitigation and affordable housing.

(4)(a) The portion of the property tax differential that is distributed to the municipality shall be used for:

- (i) at least 10% of the total distribution shall be used for affordable housing programs; and
- (ii) the remaining portion shall be used to mitigate impacts within the municipality resulting from electrical energy development.

(b) The portion of the property tax differential that is distributed to the county shall be used for:

- (i) at least 10% of the total distribution shall be placed in a registered non-profit established to administer housing programs on behalf of an association representing 10 or more counties in the state; and
- (ii) the remaining portion shall be used to mitigate impacts within the county resulting from electrical energy development.

Section 10. 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) "Community reinvestment agency" means the same as that term is defined in Section 17C-1-102.

(c) "Community reinvestment project area" means the same as that term is defined in Section 17C-1-102.

(d) "Municipal power project" means an electrical energy project that:

(i) is operated by or on behalf of a municipality; and

(ii) exclusively serves customers within that municipality's jurisdictional boundaries.

(e) "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.

(f) "State land use authority" means:

(i) the Utah Inland Port Authority created in Section 11-58-201;

(ii) the Military Installation Development Authority created in Section 63H-1-201;

(iii) the School and Institutional Trust Lands Administration created in Section 53C-1-201; or

(iv) any other land use authority created by the state that has jurisdiction over state lands.

(2)(a) Except as provided in Subsection (2)(b), a county or municipality may not offer financial incentives for a baseload electrical energy project that is not located within a designated electrical energy development zone.

(b) Subsection (2)(a) does not apply to:

(i) financial incentives offered for:

(A) a municipal power project; or

(B) an electrical energy project that exclusively utilizes intermittent resources; or

(ii) an electrical energy project for which a project area plan has been approved before July 1, 2026.

(3) A county or municipality may:

(a) pass a resolution declaring an intent to establish within the county or municipality

777 boundaries an energy development zone;

778 (b) enter into an interlocal agreement with the council outlining each parties'

779 responsibilities relating to an energy development zone; and

780 (c) apply to the council for the designation of an electrical energy development zone by
781 submitting:

782 (i) a description of the proposed boundaries of the electrical energy development
783 zone;

784 (ii) an assessment of existing electrical energy infrastructure within and proximate to
785 the proposed electrical energy development zone;

786 (iii) a development plan that includes:

787 (A) proposed electrical energy development projects;

788 (B) anticipated infrastructure improvements;

789 (C) projected economic benefits to the county; and

790 (D) evidence of local support including any interlocal agreement entered into
791 between the county or municipality and the council, as applicable;

792 (iv) if the applicant is a municipality, evidence of coordination with the county in
793 which the proposed electrical energy development zone is located, including any
794 interlocal agreement entered into between the county or municipality and the
795 council, as applicable;

796 (v) if the applicant is a county and any portion of the proposed electrical energy
797 development zone is within the boundaries of a municipality, evidence of an
798 agreement with the municipality regarding the establishment of the electrical
799 energy development zone; and

800 (vi) any other information required by the council.

801 (4) A state land use authority may:

802 (a) propose an electrical energy development zone within lands under its jurisdiction; and

803 (b) apply to the council for the designation of an electrical energy development zone by
804 submitting:

805 (i) a description of the proposed boundaries of the electrical energy development
806 zone;

807 (ii) an assessment of existing electrical energy infrastructure within and proximate to
808 the proposed electrical energy development zone;

809 (iii) a development plan that includes:

810 (A) proposed electrical energy development projects;

- 811 (B) anticipated infrastructure improvements; and
812 (C) projected economic benefits;
813 (iv) evidence that the proposed zone is consistent with applicable land use plans and
814 regulations; and
815 (v) any other information required by the council.
816 (5) The council shall:
817 (a) approve an application for electrical energy development zone designation if the
818 application demonstrates:
819 (i) the proposed electrical energy development zone includes land suitable for
820 electrical energy development based on:
821 (A) access to electrical energy resources;
822 (B) proximity to existing or planned transmission infrastructure;
823 (C) adequate transportation access; and
824 (D) sufficient land area for proposed development; and
825 (ii) the development plan:
826 (A) aligns with state energy policy under Section 79-6-301;
827 (B) includes realistic timelines and milestones;
828 (C) identifies specific infrastructure improvements; and
829 (D) quantifies projected economic benefits;
830 (b) make a determination on an application within 60 days of submission;
831 (c) provide written notice to the county or municipality explaining the basis for approval
832 or denial;
833 (d) if an electrical energy development zone overlaps with an area designated by a
834 community reinvestment agency as a community reinvestment project area as of May
835 7, 2025 enter into an agreement with the community reinvestment agency to
836 determine the percentage division of the property tax differential between:
837 (i) the Electrical Energy Development Investment Fund; and
838 (ii) the community reinvestment agency; and
839 (e) if an electrical energy development zone overlaps with an inland port project:
840 (i) enter into an agreement with the Utah Inland Port Authority to determine the
841 percentage division of the property tax differential between:
842 (A) the Electrical Energy Development Investment Fund; and
843 (B) the Utah Inland Port Authority created in Section 11-58-201; and
844 (6) Within 30 days after the council designates an electrical energy development zone:

- (a) the county auditor shall certify to the council the base taxable value of property within the electrical energy development zone; and
- (b) the county shall transmit to the council copies of the property tax assessment rolls for all property within the electrical energy development zone.

(7)(a) Each year, the county auditor shall:

- (i) determine the amount of the property tax differential for the electrical energy development zone by comparing:

(A) the current assessed value of property within the electrical energy development zone; and

(B) the base taxable value of property within the electrical energy development zone;

- (ii) inform the county treasurer of the property tax differential amount; and

(iii) provide notice to the council of the amount calculated under this Subsection (7) (a).

(b) The county treasurer shall transfer the property tax differential to the council for deposit into the Electrical Energy Development Investment Fund created in Section 79-6-1105, subject to any agreements entered into under Subsections (5)(d) and (5)(e).

(c) The county treasurer shall make distributions required under this section:

(i) at the same time as regular annual property tax distributions; and

(ii) using the same method as other property tax distributions.

(8) For property tax differential not subject to Subsection (5)(d) the council may enter into agreements with taxing entities regarding the allocation of the property tax differential.

Section 11. Section **79-6-1105** is enacted to read:

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

(1) There is created an expendable special revenue fund known as the "Electrical Energy Development Investment Fund."

(2) The fund consists of property tax differential revenue collected under Section 79-6-1104.

(3) The council shall:

(a) administer the fund; and

(b) use fund money only as authorized under Section 79-6-1106.

Section 12. Section **79-6-1106** is enacted to read:

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

The council may use fund money to:

(1) facilitate electrical energy infrastructure development within the state, including:

- (a) transmission and distribution lines;
- (b) pipeline development;
- (c) energy storage facilities;
- (d) generation facilities; and
- (e) related infrastructure;
- (2) provide matching funds for federal energy development grants;
- (3) support energy workforce development programs;
- (4) provide incentives for electrical energy development projects; and
- (5) pay for administrative expenses related to the council's duties.

Section 13. 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 14. 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 including industrial process applications and other beneficial uses of nuclear technology;

(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 15. **Effective Date.**

This bill takes effect on May 7, 2025.

Section 16. **Coordinating H.B. 249 with H.B. 70.**

If H.B. 249, Nuclear Power Amendments, and H.B. 70, Decommissioned Asset
Disposition Amendments, both pass and become law, the Legislature intends that, on May 7,
2025:

(1) Section 79-6-1104 enacted in H.B. 70 be renumbered to Section 79-6-1107;

(2) Section 79-6-1103 enacted in H.B. 249 and H.B. 70 be amended to read:

"(1) The council shall:

(a) coordinate and facilitate electrical energy project development, including:

(i) site identification and permitting;

(ii) early site preparation work;

(iii) infrastructure improvements;

(iv) project financing assistance; and

(v) stakeholder coordination;

(b) assess and facilitate electrical energy infrastructure development by:

(i) evaluating infrastructure needs and opportunities;

(ii) coordinating with transmission and pipeline developers;

(iii) supporting utility planning efforts; and

(iv) coordinating with federal agencies;

(c) establish and implement:

(i) strategic plans for energy development;

(ii) frameworks for stakeholder engagement;

(iii) processes for designating electrical energy development zones; and

(iv) criteria for evaluating proposed electrical energy development zones;

(d) review and approve:

(i) research project proposals from the board; and

(ii) funding allocations recommended by the board;

(e) consult with state land use authorities regarding:

(i) identification of state lands suitable for electrical energy development;

(ii) designation of electrical energy development zones; and

(iii) opportunities for coordinated development of electrical energy projects on state
lands;

(f) administer the Electrical Energy Development Investment Fund created in Section
79-6-1105;

(g) make recommendations regarding electrical energy policy to state and local
governments;

- 981 (h) identify and recommend solutions to barriers affecting electrical energy development;
982 (i) assess and address potential public health impacts of electrical energy development
983 zones;
984 (j) enter into contracts necessary to fulfill the council's duties;
985 (k) report annually by October 31 to the Public Utilities, Energy, and Technology
986 Interim Committee and the Natural Resources, Agriculture, and Environment Interim
987 Committee regarding:
988 (i) the council's activities;
989 (ii) energy development opportunities;
990 (iii) infrastructure needs;
991 (iv) the status of designated electrical energy development zones;
992 (v) recommendations for how the property tax differential revenue collected under
993 Section 79-6-1104 should be divided and distributed between the state, counties, and
994 municipalities;
995 (vi) investment decisions made by the council; and
996 (vii) recommended policy changes;
997 (l) create and implement a strategic plan for a decommissioned asset, taking into
998 consideration:
999 (i) the state energy policy, as provided in Section 79-6-301;
1000 (ii) reliability of electrical generation; and
1001 (iii) economic viability;
1002 (m) establish policies and procedures for the management of a decommissioned asset;
1003 (n) administer contracts for the management and operations of a decommissioned asset;
1004 (o) enter into contracts necessary for the operation and management of a
1005 decommissioned asset;
1006 (p) acquire, hold, and dispose of property related to a decommissioned asset;
1007 (q) select an operator for a decommissioned asset as provided in Section 79-6-1107; and
1008 (r) report annually to the Legislative Management Committee regarding:
1009 (i) the status and progress of the asset transfer;
1010 (ii) operational and financial status of the asset under council control;
1011 (iii) status of the operator contract;
1012 (iv) environmental compliance status; and
1013 (v) recommendations for legislation.
1014 (2) The council shall negotiate with the applicable county or municipality regarding the

distribution of property tax differential revenue collected under Section 79-6-1104.

(3) Any portion of the property tax differential that is not distributed to the council shall be distributed to the applicable county or municipality for impact mitigation and affordable housing.

(4)(a) The portion of the property tax differential that is distributed to the municipality shall be used for:

(i) at least 10% of the total distribution shall be used for affordable housing programs; and

(ii) the remaining portion shall be used to mitigate impacts within the municipality resulting from electrical energy development.

(b) The portion of the property tax differential that is distributed to the county shall be used for:

(i) at least 10% of the total distribution shall be placed in a registered non-profit established to administer housing programs on behalf of an association representing 10 or more counties in the state; and

(ii) the remaining portion shall be used to mitigate impacts within the county resulting from electrical energy development.

(5) If the council acquires a project entity asset under Section 11-13-318, the council shall enter into an agreement with the project entity that:

(a) provides for the transfer, disposition, and future operation of the asset; and

(b) ensures the transfer, disposition, and future operation does not interfere with the project entity's ownership or operation of electrical generation facilities powered by natural gas, hydrogen, or a combination of natural gas and hydrogen."; and

(3) Subsection 79-6-1104(4) enacted in H.B. 70 be amended to read:

"(4) In evaluating proposals, the council shall consider:

(a) operational efficiency metrics from similar facilities;

(b) proposed operational cost structure;

(c) economic considerations;

(d) reliability and availability guarantees;

(e) environmental compliance history and plans;

(f) workplace safety record and plans;

(g) local economic benefit commitments;

(h) proposed timeline for assuming operations; and

(i) the long term power needs of the state and residents of the state."