

Carl R. Albrecht 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; and
- establishes authorized uses of fund money.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

29 **79-6-1001**, as enacted by Laws of Utah 2024, Chapter 496

30 **79-6-1003**, as enacted by Laws of Utah 2024, Chapter 496

31 ENACTS:

32 **79-6-1101**, Utah Code Annotated 1953

33 **79-6-1102**, Utah Code Annotated 1953

34 **79-6-1103**, Utah Code Annotated 1953

35 **79-6-1104**, Utah Code Annotated 1953

36 **79-6-1105**, Utah Code Annotated 1953

37 **79-6-1106**, Utah Code Annotated 1953

38 **79-6-1201**, Utah Code Annotated 1953

39 **79-6-1202**, Utah Code Annotated 1953

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

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

43 **59-2-924 . Definitions -- Report of valuation of property to county auditor and**
44 **commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax**
45 **rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the**
46 **commission.**

47 (1) As used in this section:

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

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

51 (A) interest;

52 (B) penalties;

53 (C) collections from redemptions; or

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

57 (b) "Adjusted tax increment" means the same as that term is defined in Section
58 17C-1-102.

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

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

62 (B) the aggregate taxable value of all real and personal property the commission

- 63 assesses in accordance with Part 2, Assessment of Property, for the current
64 year; and
- 65 (C) the aggregate year end taxable value of all personal property a county assessor
66 assesses in accordance with Part 3, County Assessment, contained on the prior
67 year's tax rolls of the taxing entity.
- 68 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate
69 year end taxable value of personal property that is:
- 70 (A) semiconductor manufacturing equipment assessed by a county assessor in
71 accordance with Part 3, County Assessment; and
- 72 (B) contained on the prior year's tax rolls of the taxing entity.
- 73 (d) "Base taxable value" means:
- 74 (i) for an authority created under Section 11-58-201, the same as that term is defined
75 in Section 11-58-102;
- 76 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
77 the same as that term is defined in Section 11-59-207;
- 78 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section
79 11-70-201, the same as that term is defined in Section 11-70-101;
- 80 (iv) for an agency created under Section 17C-1-201.5, the same as that term is
81 defined in Section 17C-1-102;
- 82 (v) for an authority created under Section 63H-1-201, the same as that term is defined
83 in Section 63H-1-102;
- 84 (vi) for a host local government, the same as that term is defined in Section
85 63N-2-502;
- 86 (vii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
87 Part 6, Housing and Transit Reinvestment Zone Act, a property's taxable value as
88 shown upon the assessment roll last equalized during the base year, as that term is
89 defined in Section 63N-3-602;
- 90 (viii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part
91 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter
92 27a, Part 12, Home Ownership Promotion Zone for Counties, a property's taxable
93 value as shown upon the assessment roll last equalized during the base year, as
94 that term is defined in Section 10-9a-1001 or Section 17-27a-1201;[-or]
- 95 (ix) for a first home investment zone created under Title 63N, Chapter 3, Part 16,
96 First Home Investment Zone Act, a property's taxable value as shown upon the

- 97 assessment roll last equalized during the base year, as that term is defined in
98 Section 63N-3-1601[~~7~~] ; or
99 (x) for an electrical energy development zone created under Section 79-6-1104, the
100 value of the property within an electrical energy development zone, as shown on
101 the assessment roll last equalized before the creation of the electrical development
102 zone, as that term is defined in Section 79-6-1104.
- 103 (e) "Centrally assessed benchmark value" means an amount equal to the average year
104 end taxable value of real and personal property the commission assesses in
105 accordance with Part 2, Assessment of Property, for the previous three calendar
106 years, adjusted for taxable value attributable to:
107 (i) an annexation to a taxing entity;
108 (ii) an incorrect allocation of taxable value of real or personal property the
109 commission assesses in accordance with Part 2, Assessment of Property; or
110 (iii) a change in value as a result of a change in the method of apportioning the value
111 prescribed by the Legislature, a court, or the commission in an administrative rule
112 or administrative order.
- 113 (f)(i) "Centrally assessed new growth" means the greater of:
114 (A) zero; or
115 (B) the amount calculated by subtracting the centrally assessed benchmark value
116 adjusted for prior year end incremental value from the taxable value of real and
117 personal property the commission assesses in accordance with Part 2,
118 Assessment of Property, for the current year, adjusted for current year
119 incremental value.
- 120 (ii) "Centrally assessed new growth" does not include a change in value as a result of
121 a change in the method of apportioning the value prescribed by the Legislature, a
122 court, or the commission in an administrative rule or administrative order.
- 123 (g) "Certified tax rate" means a tax rate that will provide the same ad valorem property
124 tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.
- 125 (h) "Community reinvestment agency" means the same as that term is defined in Section
126 17C-1-102.
- 127 (i) "Eligible new growth" means the greater of:
128 (i) zero; or
129 (ii) the sum of:
130 (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

- 165 (B) the number that represents the adjusted tax increment from that project area
166 that is paid to the agency;
- 167 (v) for an authority created under Section 63H-1-201, the amount calculated by
168 multiplying:
- 169 (A) the difference between the taxable value and the base taxable value of the
170 property located within a project area and on which property tax allocation is
171 collected; and
- 172 (B) the number that represents the percentage of the property tax allocation from
173 that project area that is paid to the authority;
- 174 (vi) for a housing and transit reinvestment zone created pursuant to Title 63N,
175 Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount
176 calculated by multiplying:
- 177 (A) the difference between the taxable value and the base taxable value of the
178 property that is located within a housing and transit reinvestment zone and on
179 which tax increment is collected; and
- 180 (B) the number that represents the percentage of the tax increment that is paid to
181 the housing and transit reinvestment zone;
- 182 (vii) for a host local government, an amount calculated by multiplying:
- 183 (A) the difference between the taxable value and the base taxable value of the
184 hotel property on which incremental property tax revenue is collected; and
- 185 (B) the number that represents the percentage of the incremental property tax
186 revenue from that hotel property that is paid to the host local government;
- 187 (viii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part
188 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter
189 27a, Part 12, Home Ownership Promotion Zone for Counties, an amount
190 calculated by multiplying:
- 191 (A) the difference between the taxable value and the base taxable value of the
192 property that is located within a home ownership promotion zone and on which
193 tax increment is collected; and
- 194 (B) the number that represents the percentage of the tax increment that is paid to
195 the home ownership promotion zone;[~~or~~]
- 196 (ix) for a first home investment zone created pursuant to Title 63N, Chapter 3, Part
197 16, First Home Investment Zone Act, an amount calculated by multiplying:
- 198 (A) the difference between the taxable value and the base taxable value of the

- 199 property that is located within a first home investment zone and on which tax
200 increment is collected; and
- 201 (B) the number that represents the percentage of the tax increment that is paid to
202 the first home investment zone[-] ; or
- 203 (x) for an electrical energy development zone created under Section 79-6-1104, the
204 amount calculated by multiplying:
- 205 (A) the difference between the taxable value and the base taxable value of the
206 property that is located within the electrical energy developmental zone; and
- 207 (B) the number that represents the percentage of the tax increment that is paid to
208 the Electrical Energy Development Investment Fund and retained for county
209 use.
- 210 (o)(i) "Locally assessed new growth" means the greater of:
- 211 (A) zero; or
- 212 (B) the amount calculated by subtracting the year end taxable value of real
213 property the county assessor assesses in accordance with Part 3, County
214 Assessment, for the previous year, adjusted for prior year end incremental
215 value from the taxable value of real property the county assessor assesses in
216 accordance with Part 3, County Assessment, for the current year, adjusted for
217 current year incremental value.
- 218 (ii) "Locally assessed new growth" does not include a change in:
- 219 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal,
220 or another adjustment;
- 221 (B) assessed value based on whether a property is allowed a residential exemption
222 for a primary residence under Section 59-2-103;
- 223 (C) assessed value based on whether a property is assessed under Part 5, Farmland
224 Assessment Act; or
- 225 (D) assessed value based on whether a property is assessed under Part 17, Urban
226 Farming Assessment Act.
- 227 (p) "Project area" means:
- 228 (i) for an authority created under Section 11-58-201, the same as that term is defined
229 in Section 11-58-102;
- 230 (ii) for the Utah Fairpark Area Investment and Restoration District created in Section
231 11-70-201, the same as that term is defined in Section 11-70-101;
- 232 (iii) for an agency created under Section 17C-1-201.5, the same as that term is

- 233 defined in Section 17C-1-102; or
- 234 (iv) for an authority created under Section 63H-1-201, the same as that term is
- 235 defined in Section 63H-1-102.
- 236 (q) "Project area new growth" means:
- 237 (i) for an authority created under Section 11-58-201, an amount equal to the
- 238 incremental value that is no longer provided to an authority as property tax
- 239 differential;
- 240 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
- 241 an amount equal to the incremental value that is no longer provided to the Point of
- 242 the Mountain State Land Authority as property tax augmentation, as defined in
- 243 Section 11-59-207;
- 244 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section
- 245 11-70-201, an amount equal to the incremental value that is no longer provided to
- 246 the Utah Fairpark Area Investment and Restoration District;
- 247 (iv) for an agency created under Section 17C-1-201.5, an amount equal to the
- 248 incremental value that is no longer provided to an agency as tax increment;
- 249 (v) for an authority created under Section 63H-1-201, an amount equal to the
- 250 incremental value that is no longer provided to an authority as property tax
- 251 allocation;
- 252 (vi) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
- 253 Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to the
- 254 incremental value that is no longer provided to a housing and transit reinvestment
- 255 zone as tax increment;
- 256 (vii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part
- 257 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter
- 258 27a, Part 12, Home Ownership Promotion Zone for Counties, an amount equal to
- 259 the incremental value that is no longer provided to a home ownership promotion
- 260 zone as tax increment; or
- 261 (viii) for a first home investment zone created under Title 63N, Chapter 3, Part 16,
- 262 First Home Investment Zone Act, an amount equal to the incremental value that is
- 263 no longer provided to a first home investment zone as tax increment.
- 264 (r) "Project area incremental revenue" means the same as that term is defined in Section
- 265 17C-1-1001.
- 266 (s) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.

(t) "Property tax differential" means the same as that term is defined in ~~[Section]~~ Sections 11-58-102[:] and 79-6-1104.

(u) "Qualifying exempt revenue" means revenue received:

(i) for the previous calendar year;

(ii) by a taxing entity;

(iii) from tangible personal property contained on the prior year's tax rolls that is exempt from property tax under Subsection 59-2-1115(2)(b) for a calendar year beginning on January 1, 2022; and

(iv) on the aggregate 2021 year end taxable value of the tangible personal property that exceeds \$15,300.

(v) "Tax increment" means:

(i) for a project created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;

(ii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section 63N-3-602;

(iii) 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, the same as that term is defined in Section 10-9a-1001 or Section 17-27a-1201; or

(iv) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, the same as that term is defined in Section 63N-3-1601.

(2) Before June 1 of each year, the county assessor of each county shall deliver to the county auditor and the commission the following statements:

(a) a statement containing the aggregate valuation of all taxable real property a county assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and

(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:

- 335 (i) in a county of the first, second, or third class, the levy imposed for municipal-type
336 services under Sections 17-34-1 and 17-36-9; and
- 337 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
338 purposes and such other levies imposed solely for the municipal-type services
339 identified in Section 17-34-1 and Subsection 17-36-3(23);
- 340 (c) for a community reinvestment agency that received all or a portion of a taxing
341 entity's project area incremental revenue in the prior year under Title 17C, Chapter 1,
342 Part 10, Agency Taxing Authority, the certified tax rate is calculated as described in
343 Subsection (4) except that the commission shall treat the total revenue transferred to
344 the community reinvestment agency as ad valorem property tax revenue that the
345 taxing entity budgeted for the prior year; and
- 346 (d) for debt service voted on by the public, the certified tax rate is the actual levy
347 imposed by that section, except that a certified tax rate for the following levies shall
348 be calculated in accordance with Section 59-2-913 and this section:
- 349 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and
350 (ii) a levy to pay for the costs of state legislative mandates or judicial or
351 administrative orders under Section 59-2-1602.
- 352 (6)(a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be imposed
353 at a rate that is sufficient to generate only the revenue required to satisfy one or more
354 eligible judgments.
- 355 (b) The ad valorem property tax revenue generated by a judgment levy described in
356 Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate
357 certified tax rate.
- 358 (7)(a) For the purpose of calculating the certified tax rate, the county auditor shall use:
- 359 (i) the taxable value of real property:
- 360 (A) the county assessor assesses in accordance with Part 3, County Assessment;
361 and
362 (B) contained on the assessment roll;
- 363 (ii) the year end taxable value of personal property:
- 364 (A) a county assessor assesses in accordance with Part 3, County Assessment; and
365 (B) contained on the prior year's assessment roll; and
- 366 (iii) the taxable value of real and personal property the commission assesses in
367 accordance with Part 2, Assessment of Property.
- 368 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new

369 growth.

370 (8)(a) On or before June 30, a taxing entity shall annually adopt a tentative budget.

371 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall notify
372 the county auditor of:

373 (i) the taxing entity's intent to exceed the certified tax rate; and

374 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.

375 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
376 exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

377 (9)(a) Subject to Subsection (9)(d), the commission shall provide notice, through
378 electronic means on or before July 31, to a taxing entity and the Revenue and
379 Taxation Interim Committee if:

380 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end
381 taxable value of the real and personal property the commission assesses in
382 accordance with Part 2, Assessment of Property, for the previous year, adjusted
383 for prior year end incremental value; and

384 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year
385 end taxable value of the real and personal property of a taxpayer the commission
386 assesses in accordance with Part 2, Assessment of Property, for the previous year.

387 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by
388 subtracting the taxable value of real and personal property the commission assesses
389 in accordance with Part 2, Assessment of Property, for the current year, adjusted for
390 current year incremental value, from the year end taxable value of the real and
391 personal property the commission assesses in accordance with Part 2, Assessment of
392 Property, for the previous year, adjusted for prior year end incremental value.

393 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by
394 subtracting the total taxable value of real and personal property of a taxpayer the
395 commission assesses in accordance with Part 2, Assessment of Property, for the
396 current year, from the total year end taxable value of the real and personal property of
397 a taxpayer the commission assesses in accordance with Part 2, Assessment of
398 Property, for the previous year.

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

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

402 **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.
- ~~[(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 79-6-1104 for 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) "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 5. Section **79-6-1003** is amended to read:

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

- 471 (1) There is established in the office the [~~Utah San Rafael Energy Lab Board~~] Utah Energy
472 Research Board that is composed of the following [~~nine~~]-voting board members:
- 473 (a) the director, or the director's designee, who shall serve as the chair of the board;
 - 474 (b) the president of the University of Utah or the president's designee;
 - 475 (c) the president of Utah State University or the president's designee;
 - 476 (d) the commissioner of higher education, as described in Section 53B-1-408, or the
477 commissioner's designee;
 - 478 (e) one member, who is not a legislator, with experience in the non-regulated energy
479 industry appointed by the speaker of the House of Representatives;
 - 480 (f) one member, who is not a legislator, with experience in energy commercialization
481 appointed by the president of the Senate;
 - 482 (g) one member appointed by the governor who resides in a county of the third, fourth,
483 fifth, or sixth class as described in Section 17-50-501; [~~and~~]
 - 484 (h) one member appointed by the director representing the Idaho National Laboratory;
485 and
 - 486 (i) two members appointed by the [~~office~~] director with relevant expertise in energy
487 research and development.
- 488 (2)(a) The term of an appointed board member is four years.
- 489 (b) Notwithstanding Subsection (2)(a), the person making an appointment shall, at the
490 time of appointment or reappointment, adjust the length of board member terms to
491 ensure the terms of board members are staggered so that approximately half of the
492 board is constituted of new members every two years.
 - 493 (c) The person who appoints a member under Subsection (1) may remove an appointee
494 who was appointed by the person for cause.
 - 495 (d) The person who appoints a member under Subsection (1) shall fill a vacancy on the
496 board in the same manner as provided in Subsection (1).
 - 497 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term.
 - 498 (f) Unless removed for cause under Subsection (2)(c) a board member shall serve until a
499 successor is appointed.
- 500 (3)(a) A majority of the board constitutes a quorum.
- 501 (b) A majority vote of the quorum is required for an action to be taken by the board.
- 502 (4) The board shall:
- 503 (a) oversee and supervise the management of:
504 (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 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 center;

(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 center 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;

(ii) grant opportunities; and

(iii) regulatory compliance;

(r) provide quarterly reports to the Utah Energy Council regarding:

(i) ongoing research projects and the research projects' alignment with state energy goals;

(ii) potential commercialization opportunities;

(iii) emerging technologies and the potential impact on the state's energy landscape;

and

(iv) recommendations for policy changes or initiatives to support energy innovation;

573 and

574 (s) coordinate with the council on:

575 (i) strategic planning for statewide energy research initiatives;

576 (ii) identifying priority research areas that align with state energy policy;

577 (iii) developing frameworks for public-private partnerships in energy research; and

578 (iv) establishing metrics for measuring research outcomes and impact.

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

581 (a) Section 63A-3-106;

582 (b) Section 63A-3-107; and

583 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
584 63A-3-107.

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

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

588 **Part 11. Utah Energy Council**

589 **79-6-1101 . Utah Energy Council -- Creation and purpose.**

590 (1) There is created within the office the Utah Energy Council.

591 (2) The purpose of the council is to facilitate the development of electrical energy
592 generation and transmission projects within the state, including:

593 (a) power plants;

594 (b) transmission lines;

595 (c) energy storage facilities; and

596 (d) related infrastructure.

597 Section 7. Section **79-6-1102** is enacted to read:

598 **79-6-1102 . Council composition -- Appointment -- Terms -- Staffing.**

599 (1) The council shall be composed of:

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

601 (b) two individuals appointed by the governor;

602 (c) one individual appointed by the president of the Senate; and

603 (d) one individual appointed by the speaker of the House of Representatives.

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

606 (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.

Section 8. 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:

- 641 (a) site identification and permitting;
- 642 (b) early site preparation work;
- 643 (c) infrastructure improvements;
- 644 (d) project financing assistance; and
- 645 (e) stakeholder coordination;
- 646 (2) assess and facilitate electrical energy infrastructure development by:
- 647 (a) evaluating infrastructure needs and opportunities;
- 648 (b) coordinating with transmission and pipeline developers;
- 649 (c) supporting utility planning efforts; and
- 650 (d) coordinating with federal agencies;
- 651 (3) establish and implement:
- 652 (a) strategic plans for energy development;
- 653 (b) frameworks for stakeholder engagement;
- 654 (c) processes for designating electrical energy development zones; and
- 655 (d) criteria for evaluating proposed electrical energy development zones;
- 656 (4) review and approve:
- 657 (a) research project proposals from the board; and
- 658 (b) funding allocations recommended by the board;
- 659 (5) consult with state land use authorities regarding:
- 660 (a) identification of state lands suitable for electrical energy development;
- 661 (b) designation of electrical energy development zones; and
- 662 (c) opportunities for coordinated development of electrical energy projects on state lands;
- 663 (6) consult with representatives of counties and municipalities regarding the distribution of
- 664 property tax differential revenue collected under Section 79-6-1104;
- 665 (7) administer the Electrical Energy Development Investment Fund created in Section
- 666 79-6-1105;
- 667 (8) make recommendations regarding electrical energy policy to state and local
- 668 governments;
- 669 (9) identify and recommend solutions to barriers affecting electrical energy development;
- 670 (10) enter into contracts necessary to fulfill the council's duties; and
- 671 (11) report annually by October 31 to the Public Utilities, Energy, and Technology Interim
- 672 Committee and the Natural Resources, Agriculture, and Environment Interim
- 673 Committee regarding:
- 674 (a) the council's activities;

- (b) energy development opportunities;
- (c) infrastructure needs;
- (d) the status of designated electrical energy development zones;
- (e) 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;
- (f) investment decisions made by the council; and
- (g) recommended policy changes.

Section 9. 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 proposed electrical energy development zone;
- (c) a development plan that includes:
 - (i) proposed electrical energy development projects;
 - (ii) anticipated infrastructure improvements;
 - (iii) projected economic benefits to the county; and
 - (iv) evidence of local support;
- (d) if the applicant is a municipality, evidence of coordination with the county in which the proposed electrical energy development zone is located; and

(e) any other information required by the council.

(4) The council shall approve an application for electrical energy development zone designation if the application demonstrates:

(a) the proposed electrical energy development zone includes land suitable for electrical energy development based on:

(i) access to electrical energy resources;

(ii) proximity to existing or planned transmission infrastructure;

(iii) adequate transportation access; and

(iv) sufficient land area for proposed development; and

(b) the development plan:

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

(ii) includes realistic timelines and milestones;

(iii) identifies specific infrastructure improvements; and

(iv) quantifies projected economic benefits.

(5) The council shall:

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

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

(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).

(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

743 79-6-1105.

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

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

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

747 Section 10. Section **79-6-1105** is enacted to read:

748 **79-6-1105 . Electrical Energy Development Investment Fund.**

749 (1) There is created an enterprise fund known as the "Electrical Energy Development
750 Investment Fund."

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

752 (3) The council shall:

753 (a) administer the fund; and

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

755 Section 11. Section **79-6-1106** is enacted to read:

756 **79-6-1106 . Authorized uses of fund money.**

757 The council may use fund money to:

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

759 (a) transmission and distribution lines;

760 (b) pipeline development;

761 (c) energy storage facilities;

762 (d) generation facilities; and

763 (e) related infrastructure;

764 (2) provide matching funds for federal energy development grants;

765 (3) support energy workforce development programs;

766 (4) provide incentives for electrical energy development projects; and

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

768 Section 12. Section **79-6-1201** is enacted to read:

769 **Part 12. Nuclear Energy Consortium**

770 **79-6-1201 . Nuclear Energy Consortium.**

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

773 (2) The consortium consists of:

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

775 (b) one member of the House of Representatives, appointed by the speaker of the House
776 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 13. Section **79-6-1202** is enacted to read:

811 **79-6-1202 . Consortium duties.**

812 (1) The consortium shall:

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

815 (b) develop recommendations regarding policy pertaining to:

816 (i) nuclear energy development in the state;

817 (ii) incentives for nuclear energy related industries in the state including industrial
818 process applications and other beneficial uses of nuclear technology;

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

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

822 (2) The office shall report annually on duties performed by the consortium on or before

823 November 30 to the Public Utilities, Energy, and Technology Interim Committee.

824 Section 14. **Effective Date.**

825 This bill takes effect on May 7, 2025.