

# HB0070S01 compared with HB0070

{Omitted text} shows text that was in HB0070 but was omitted in HB0070S01

inserted text shows text that was not in HB0070 but was inserted into HB0070S01

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1 **Decommissioned Asset Disposition Amendments**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Colin W. Jack**

. Senate Sponsor: Derrin R. Owens

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3 **LONG TITLE**

4 **General Description:**

5 This bill makes changes to the requirements related to the decommissioning and disposal of  
6 electrical generation facilities and equipment by a project entity.

7 **Highlighted Provisions:**

8 This bill:

- 12 ▶ defines terms;
- 13 ▶ prohibits a project entity from:
- 14 • altering facilities that provide power to station service;
  - 15 • disconnecting from or modifying existing interconnections and critical switchyard  
equipment; and
  - 17 • taking actions that would require a new plant owner to make an interconnection request; and
- 19 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

20 This bill provides a special effective date.

HB0070

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22 AMENDS:

23 **11-13-318**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 4, as last  
24 amended by Laws of Utah 2024, Third Special Session, Chapter 4

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

26 Section 1. Section **11-13-318** is amended to read:

27 **11-13-318. Notice of decommissioning or disposal of project entity assets.**

31 (1) As used in this section:

32 (a) "Alternative permit" means the same as that term is defined in Section 11-13-320.

33 (b) "Critical switchyard equipment" means equipment located in a switchyard that is necessary for the  
34 delivery of electricity to the transmission or distribution system, including transformers, circuit  
35 breakers, disconnect switches, and other essential interconnection equipment.

37 [~~(b)~~] (c) "Decommissioning" means to remove an electrical generation facility from active service.

39 [~~(e)~~] (d) "Disposal" means the sale, transfer, dismantling, or other disposition of a project entity's assets.

41 [~~(d)~~] (e) "Division" means the Division of Air Quality created in Section 19-1-105.

42 [~~(e)~~] (f) "Fair market value" means the same as that term is defined in Section 79-6-408.

43 (g) "Interconnection" means the physical system that connects an electrical generation facility to  
44 the transmission or distribution system, including all switching stations, transformers, and other  
45 equipment necessary to deliver electricity to customers.

46 [~~(f)~~] (h)

. (i) "Project entity asset" means a project entity's:

47 (A) land;

48 (B) water;

49 (C) buildings; or

50 (D) essential equipment, including turbines, generators, transformers, and transmission lines.

52 (ii) "Project entity asset" does not include an asset that is not essential for the generation of electricity in  
53 the project entity's coal-powered electrical generation facility.

52 (i) "Project purchaser" means any entity that has the right to purchase power from the project entity.

55 [~~(i)~~] (j) "Station service" means the electric supply required for the operation of an electrical generation  
56 facility and associated facilities, essential auxiliary equipment, and all facilities necessary to  
57 maintain electrical output.

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- 58 (2) A project entity shall provide a notice of decommissioning or disposal to the Legislative  
Management Committee at least 180 days before:
- 60 (a) the disposal of any project entity assets; or
- 61 (b) the decommissioning of the project entity's coal-powered electrical generation facility.
- 63 (3) The notice of decommissioning or disposal described in Subsection (2) shall include:
- 64 (a) the date of the intended decommissioning or disposal;
- 65 (b) a description of the project entity's coal-powered electrical generation facility intended for  
decommissioning or any project entity asset intended for disposal; and
- 67 (c) the reasons for the decommissioning or disposal.
- 68 (4) A project entity may not{:
- 69 ~~{(a)}~~ intentionally prevent the functionality of the project entity's existing coal-powered electrical  
generation facility{f.{} :}
- 69 (5) A project entity shall:
- 70 (a) maintain:
- 71 ~~{(b)}~~ (i) ~~{alter, remove, disable, or otherwise modify any}~~ facilities that provide power to station  
servicesso as to ensure continued functionality;
- 73 ~~{(c)}~~ (ii) ~~{disconnect, remove, disable, or otherwise modify any}~~ existing interconnection ~~{or}~~ and  
critical switchyard equipmentin a manner that ensures the ability to reactivate at least one of the  
project entity's coal-powered electrical generation units; ~~{or}~~ and
- 75 ~~{(d)}~~ (b) ~~{take any action}~~ make available an interconnection with the switchyard for a project entity's  
coal-powered electrical generation facility that ~~{would}~~ does not require a new interconnection  
request ~~{to deliver electricity from the facility}~~.
- 77 ~~[(5)]~~ (6) Notwithstanding the requirements in Subsections (2) through (4), a project entity may take  
any action necessary to transition to a new electrical generation facility powered by natural gas,  
hydrogen, or a combination of natural gas and hydrogen, including any action that has been  
approved by a permitting authority[-] , provided that such actions:
- 81 (a) do not violate the ~~{prohibitions}~~ requirements in Subsection ~~{(4)}~~ (5); or
- 82 (b) are specifically required by a permitting authority as an essential component of the transition, with  
no feasible alternative that would avoid violating Subsection ~~{(4)}~~ (5).

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~~[(6)]~~ (7) A project entity shall provide the state the option to purchase for fair market value a project entity asset intended for decommissioning, with the option remaining open for at least two years, beginning on July 2, 2025.

90 (8) Prior to the decommissioning of a project entity asset, the project entity shall provide a notice to the Legislative Management Committee that the project entity has satisfied all material conditions, promises, and inducements made to any municipal or cooperative project purchaser to obtain approval from the municipal or cooperative project purchaser for the early decommissioning of a project entity asset.

95 Section 2. **Effective date.**

This bill takes effect:

89 (1) except as provided in Subsection (2), May 7, 2025; or

90 (2) if approved by two-thirds of all members elected to each house:

91 (a) upon approval by the governor;

92 (b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

94 (c) in the case of a veto, the date of veto override.

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