

HB0241S01 compared with HB0241S02

- 12 ▶ requires ~~{a decommissioning plan}~~ submission and ~~{fund;}~~ approval of development plans for
13 solar power plants; and
14 ▶ ~~{establishes a permit application and review process; and}~~
15 ▶ provides for severability.

20 Money Appropriated in this Bill:

21 None

22 Other Special Clauses:

23 None

25 ENACTS:

26 **54-17-1101** , Utah Code Annotated 1953 , Utah Code Annotated 1953

27 **54-17-1102** , Utah Code Annotated 1953 , Utah Code Annotated 1953

28 **54-17-1103** , Utah Code Annotated 1953 , Utah Code Annotated 1953

29 **54-17-1104** , Utah Code Annotated 1953 , Utah Code Annotated 1953

30 **54-17-1105** , Utah Code Annotated 1953 , Utah Code Annotated 1953

31 **54-17-1106** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

34 Section 1. Section 1 is enacted to read:

35 **54-17-1101. Definitions.**

As used in this part:

32 ~~{(1)}~~ (a) has a nameplate generating capacity in excess of one megawatt; and
33 ~~{(2)}~~ (b) converts sunlight into electricity for the primary purpose of wholesale or retail sales of
34 generated electricity.

41 (2)

42 (a) "State incentive" means a tax credit, grant, subsidy, loan, or other form of financial support provided
43 by the state or a state agency to promote or support the development or operation of a solar power
44 plant.

44 (b) "State incentive" includes:

45 (i) a clean energy systems tax credit under Section 59-7-614;

46 (ii) a tax credit for high cost infrastructure projects under Sections 79-6-602 and 79-6-603; and

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48 (iii) an alternative energy development tax credit under Section 79-6-5.

49 Section 2. Section 2 is enacted to read:

50 **54-17-1102. Eligibility for state incentives.**

37 (1) A solar power plant that is permitted after May 7, 2025, is not eligible to receive state incentives if
the soil where the project is located is:

39 (a) prime farmland, farmland of statewide importance, farmland of local importance, or farmland of
unique importance, as designated by the Natural Resource Conservation Service;

42 (b) irrigated cropland; or

43 (c) non-irrigated cropland of a capability class one through four, as designated by the Natural Resources
Conservation Service.

45 (2) A proposed solar power plant may receive half of an eligible state incentive if the soil where the
project is located is non-irrigated cropland of a capability class five or six, as designated by the
Natural Resources Conservation Service.

48 (3) A proposed solar power plant located on grazing land is not eligible to receive state incentives if
the land produces greater than 1,000 pounds of vegetative production per acre in a normal year,
according to the Web Soil Survey produced by the Natural Resources Conservation Service.

52 (4) A proposed solar power plant located on grazing land may receive half of an eligible state incentive
if the land produces between 500 and 1,000 pounds of vegetative production per acre in a normal
year, according to the Web Soil Survey produced by the Natural Resources Conservation Service.

56 (5) Pursuant to Subsection 17D-3-103(2), a conservation district may make a recommendation to
the Office of Energy Development to exempt a solar power plant from the eligibility limitations
described in Subsections (1) through (4).

73 (6) If a solar power plant is partially located on land described in Subsection (1)(a), the total amount
of state incentives available to the solar power plant shall be reduced by the same percentage as the
percentage of the solar power plant's total area that overlaps with the described land.

77 (7) This section does not apply to a solar power plant that:

78 (a) holds a position in an interconnection queue prior to January 1, 2025;

79 (b) is subject to a signed commercial agreement to provide power that was executed prior to January 1,
2025; or

81 (c) meets the requirements for, or is receiving, a state incentive prior to May 7, 2025.

82 Section 3. Section 3 is enacted to read:

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83 **54-17-1103. Consultation requirements.**

The owner or operator of a solar power plant shall consult with the Division of Wildlife Resources or United States Fish and Wildlife Service regarding how the solar power plant could potentially impact wildlife on affected land.

87 Section 4. Section 4 is enacted to read:

88 **54-17-1104. Decommissioning plan.**

86 (1) An owner of a solar power plant ~~that is permitted after May 7, 2025,~~ shall:

87 (a) place financial assurance with the appropriate local jurisdiction, ~~state entity, or land owner~~ in accordance with Section 11-17-12 in the form of:

69 (i) a bond;

70 (ii) a parent company guarantee;

71 (iii) an irrevocable letter of credit; or

72 (iv) an alternate form of financial security;

73 (b) ensure the amount of financial security is not less than the estimated cost of decommissioning and reclaiming the solar power plant, after deducting reasonable salvage value, as calculated by:

76 (i) a third party with expertise in decommissioning, hired by the owner and agreed to by the appropriate local jurisdiction; and

78 (ii) if required by the appropriate local jurisdiction, an engineer registered with the state;

80 (c) create and update a decommissioning and reclamation plan every five years from the initial commercial operating date of the solar power plant that:

82 (i) incorporates changes resulting from inflation or changes in total cost estimates;

83 (ii) specifies the condition to which the site must be returned, unless otherwise specified and agreed upon by the property owner and appropriate local jurisdiction;

85 (iii) requires removal of materials, including steel piles, concrete foundations, and buried cabling, to a depth of ~~{three}~~ four feet below the surface, unless otherwise specified in the plan due to local permitting requirements; and

88 (iv) addresses vegetation and soil restoration, based on environmental field surveys and site characterizations conducted before construction, unless otherwise specified in the plan due to local permitting requirements;

91 (d) in the case of cessation of operation, abandonment, or damage of the solar power plant:

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- (i) rectify any deficiency within 90 days after receiving written notice from the appropriate local jurisdiction by certified mail; or
- 95 (ii) provide a written plan to the appropriate local jurisdiction with an amended cure date if 90 days is insufficient due to circumstances beyond the owner's control; and
- 97 (e) if seeking to repower the solar power plant at the end of the initial permitted use:
- 98 (i) complete necessary local permitting and approval requirements within 18 months before decommissioning requirements or penalties are incurred; or
- 100 (ii) obtain an extension from the local permitting authority.
- 101 (2) As a condition of the permit, the decommissioning plan shall be approved by the appropriate local jurisdiction's governing bodybefore an owner commences construction on the solar power plant project site.

127 Section 5. Section 5 is enacted to read:

128 **54-17-1105. Permit application and review.**

- 105 (1) A person may not construct a solar power plant without first applying for and receiving {a solar power plant construction permit.} from the governing body of the appropriate local jurisdiction:
- 131 (a) a conditional use permit;
- 132 (b) a grading permit;
- 133 (c) a building permit; and
- 134 (d) any other permit required by the local jurisdiction.
- 107 (2) An application for constructing a solar power plant shall specify how the location and design standards will be met.
- 137 (3) After receiving the permits required under Subsection (1), but before commencing construction of a solar power plant, the owner shall submit to the appropriate local jurisdiction for review and approval:
- 140 (a) site and development plans that identify:
- 141 (i) all existing and proposed structures;
- 142 (ii) setbacks;
- 143 (iii) access routes;
- 144 (iv) utilities;
- 145 (v) drainage pathways; and

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{(3)} (vi) {~~Site and development plans must identify all~~} areas of existing vegetation and proposed
{~~structures, setbacks, access routes, utilities, drainage pathways, areas of~~} vegetation removal{~~;~~}
and {~~other relevant items identified by staff or the planning commission.~~}

147 (b) a comprehensive decommissioning plan that complies with Section 54-17-1104.

148 (4) The local jurisdiction may not unreasonably withhold approval of the plans and documentation
required under Subsection (3).

150 Section 6. Section **6** is enacted to read:

151 **54-17-1106. Severability.**

If any provision of this part or the application of any provision to any person or
circumstance is held invalid, the remainder of this part shall be given effect without the invalid
provision or application.

155 Section 7. **Effective date.**

This bill takes effect on May 7, 2025.

2-24-25 9:15 AM