

Nuclear Power Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Ann Millner

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

ENACTS:

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

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

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

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

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 44 Advisory Committee, is repealed July 1, 2027.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 46 Outdoor Recreation to advise on boating policies, is repealed July 1, 2029.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 48 repealed July 1, 2028.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 50 is repealed July 1, 2028.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

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

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

60 As used in this chapter:

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

- 65 strain or compromising basic needs, quality of life, or well-being.
- 66 (3) "Clean" means minimizing adverse environmental impact and able to meet state
67 standards for environmental quality.
- 68 (4) "Consortium" means the Nuclear Energy Consortium created in Section 79-6-1201.
- 69 (5) "Council" means the Utah Energy Council established in Section 79-6-1101.
- 70 (6) "Director" means the director of the office.
- 71 [(4)] (7) "Dispatchable" means available for use on demand and generally available to be
72 delivered at a time and quantity of the operator's choosing.
- 73 [(5)] (8) "Electrical corporation" means the same as that term is defined in Section 54-2-1.
- 74 (9) "Electrical energy development zone" means a geographic area designated by the
75 council under Section 79-6-1204 for electrical energy infrastructure
76 development.2-12(5)(9)
- 77 [(6)] (10) "Gas corporation" means the same as that term is defined in Section 54-2-1.
- 78 [(7)] (11) "Intermittent" means available for use on a variable basis that is dependent on
79 elements outside of the control of the operator.
- 80 [(8)] (12) "Office" means the Office of Energy Development created in Section 79-6-401.
- 81 [(9)] (13)(a) "Reliable" means supporting a system generally able to provide a
82 continuous supply and the resiliency to withstand sudden or unexpected disturbances.
- 83 (b) "Reliable" includes, for systems delivering electricity, the ability to provide
84 electricity at the proper voltage and frequency.
- 85 [(10)] (14) "Secure" means protected against disruption, tampering, and external
86 interference.
- 87 [(11)] (15) "Sustainable" means domestically sourced and able to provide affordable,
88 reliable energy in adequate quantities for current and future generations without
89 compromising economic prosperity or environmental health.
- 90 [(12)] (16) "Governmental entity" means:
- 91 (a) any department, agency, board, commission, or other instrumentality of the state; or
92 (b) a political subdivision of the state.
- 93 Section 3. Section **79-6-1001** is amended to read:
- 94 **79-6-1001 . Definitions.**
- 95 As used in this part:
- 96 (1) "Board" means the [~~Utah San Rafael Energy Lab Board~~] Utah Energy Research Board
97 established in Section 79-6-1003.
- 98 (2) "Center" means the Utah Center for Advanced Energy Research and Development

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

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

102 [(2)] (4) "Director" means the director of the Office of Energy Development as defined in
 103 Section 79-6-401.

104 [(3)] (5) "Fund" means the Utah Energy Research Fund established in Section 79-6-1002.

105 [(4)] (6) "Lab" means the Utah San Rafael Energy Lab established in Section 79-6-1004.

106 [(5)] (7) "Lab director" means the director appointed under Section 79-6-1004 to oversee the
 107 lab.

108 [(6)] (8) "Project proposal" means a formal written submission to the board applying for
 109 approval of a specific research initiative conducted at the lab.

110 [(7)] (9) "Office" means the Office of Energy Development as defined in Section 79-6-401.

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

112 **79-6-1003 . Utah Energy Research Board -- Duties -- Expenses.**

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

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

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

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

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

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

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

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

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

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

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

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

- 133 ensure the terms of board members are staggered so that approximately half of the
134 board is constituted of new members every two years.
- 135 (c) The person who appoints a member under Subsection (1) may remove an appointee
136 who was appointed by the person for cause.
- 137 (d) The person who appoints a member under Subsection (1) shall fill a vacancy on the
138 board in the same manner as provided in Subsection (1).
- 139 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term.
- 140 (f) Unless removed for cause under Subsection (2)(c) a board member shall serve until a
141 successor is appointed.
- 142 (3)(a) A majority of the board constitutes a quorum.
- 143 (b) A majority vote of the quorum is required for an action to be taken by the board.
- 144 (4) The board shall:
- 145 (a) oversee and supervise the management of:
- 146 (i) the lab; and
- 147 (ii) the center;
- 148 (b) appoint directors for the lab and center, who shall serve at the pleasure of the board;
- 149 (c) establish reasonable compensation for:
- 150 (i) the lab director; and
- 151 (ii) the center director;
- 152 (d) develop and implement:
- 153 (i) bylaws to govern the lab; and
- 154 (ii) bylaws to govern the center;
- 155 (e) establish policies for:
- 156 (i) joint appointments between the Idaho National Laboratory and public and private
157 institutions of higher education;
- 158 (ii) research partnerships between institutions;
- 159 (iii) technology commercialization; and
- 160 (iv) workforce development initiatives;
- 161 (f) foster innovation and support technological development in the energy sector by
162 collaborating with industry leaders, researchers, entrepreneurs, investors, and other
163 stakeholders;
- 164 [(b)] (g) identify areas of economic growth and workforce development opportunities
165 related to emerging energy technologies and solutions;
- 166 [(e)] (h) seek potential investors and partners from the technology, finance, and business

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

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

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

240 **79-6-1102 . Council composition.**

241 (1) The council shall be composed of:

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

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

- 248 (i) shall serve a four-year term;
249 (ii) may be removed by the appointing authority;
250 (iii) may be reappointed; and
251 (iv) continues to serve until the member's successor is appointed and qualified.
252 (b) Initial terms for the appointed council members shall be staggered as follows:
253 (i) one member appointed by the governor under Subsection (1)(b) shall serve a
254 two-year term;
255 (ii) one member appointed by the governor under Subsection (1)(b) shall serve a
256 three-year term;
257 (iii) the member appointed by the president of the Senate under Subsection (1)(c)
258 shall serve a four-year term; and
259 (iv) the member appointed by the speaker of the House of Representatives under
260 Subsection (1)(d) shall serve a two-year term.

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

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

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

266 (5) The council shall meet:

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

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

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

279 **79-6-1103 . Council powers and duties.**

280 The council shall:

- 281 (1) coordinate and facilitate electrical energy project development, including:
 - 282 (a) site identification and permitting;
 - 283 (b) early site preparation work;
 - 284 (c) infrastructure improvements;
 - 285 (d) project financing assistance; and
 - 286 (e) stakeholder coordination;
- 287 (2) assess and facilitate electrical energy infrastructure development by:
 - 288 (a) evaluating infrastructure needs and opportunities;
 - 289 (b) coordinating with transmission and pipeline developers;
 - 290 (c) supporting utility planning efforts; and
 - 291 (d) coordinating with federal agencies;
- 292 (3) establish and implement:
 - 293 (a) strategic plans for energy development;
 - 294 (b) frameworks for stakeholder engagement;
 - 295 (c) processes for designating electrical energy development zones; and
 - 296 (d) criteria for evaluating proposed electrical energy development zones;
- 297 (4) review and approve:
 - 298 (a) research project proposals from the board; and
 - 299 (b) funding allocations recommended by the board;
- 300 (5) consult with state land use authorities regarding:
 - 301 (a) identification of state lands suitable for electrical energy development;
 - 302 (b) designation of electrical energy development zones; and

- 303 (c) opportunities for coordinated development of electrical energy projects on state lands;
 304 (6) administer the Electrical Energy Development Investment Fund created in Section
 305 79-6-1105;
 306 (7) make recommendations regarding electrical energy policy to state and local
 307 governments;
 308 (8) identify and recommend solutions to barriers affecting electrical energy development;
 309 (9) enter into contracts necessary to fulfill the council's duties; and
 310 (10) report annually by October 31 to the Public Utilities, Energy, and Technology Interim
 311 Committee and the Natural Resources, Agriculture, and Environment Interim
 312 Committee regarding:
 313 (a) the council's activities;
 314 (b) energy development opportunities;
 315 (c) infrastructure needs;
 316 (d) the status of designated electrical energy development zones;
 317 (e) investment decisions made by the council; and
 318 (f) recommended policy changes.

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

320 **79-6-1104 . Electrical energy development zones -- Property tax differential.**

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

- 337 proposed electrical energy development zone;
- 338 (c) a development plan that includes:
- 339 (i) proposed electrical energy development projects;
- 340 (ii) anticipated infrastructure improvements;
- 341 (iii) projected economic benefits to the county; and
- 342 (iv) evidence of local support;
- 343 (d) if the applicant is a municipality, evidence of coordination with the county in which
- 344 the proposed electrical energy development zone is located; and
- 345 (e) any other information required by the council.
- 346 (4) The council shall approve an application for electrical energy development zone
- 347 designation if the application demonstrates:
- 348 (a) the proposed electrical energy development zone includes land suitable for electrical
- 349 energy development based on:
- 350 (i) access to electrical energy resources;
- 351 (ii) proximity to existing or planned transmission infrastructure;
- 352 (iii) adequate transportation access; and
- 353 (iv) sufficient land area for proposed development; and
- 354 (b) the development plan:
- 355 (i) aligns with state energy policy under Section 79-6-301;
- 356 (ii) includes realistic timelines and milestones;
- 357 (iii) identifies specific infrastructure improvements; and
- 358 (iv) quantifies projected economic benefits.
- 359 (5) The council shall:
- 360 (a) make a determination on an application within 60 days of submission; and
- 361 (b) provide written notice to the county or municipality explaining the basis for approval
- 362 or denial.
- 363 (6) Within 30 days after the council designates an electrical energy development zone:
- 364 (a) the county assessor shall certify to the council the base taxable value of property
- 365 within the electrical energy development zone; and
- 366 (b) the county shall transmit to the council copies of the property tax assessment rolls for
- 367 all property within the electrical energy development zone.
- 368 (7)(a) Each year, the county assessor shall:
- 369 (i) determine the amount of the property tax differential for the electrical energy
- 370 development zone by comparing:

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

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

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

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

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

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

395 The council may use fund money to:

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

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

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

407 **Part 12. Nuclear Energy Consortium**

408 **79-6-1201 . Nuclear Energy Consortium.**

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

411 (2) The consortium consists of:

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

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

415 (c) the following members or designees:

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

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

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

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

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

422 (i) public and private institutions of higher education;

423 (ii) the Idaho National Laboratory;

424 (iii) the Nuclear Regulatory Commission;

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

426 (v) nuclear fuel mining and milling;

427 (vi) nuclear fuel manufacturing;

428 (vii) nuclear technology providers;

429 (viii) utility companies;

430 (ix) energy off-takers;

431 (x) workforce development;

432 (xi) nuclear safety;

433 (xii) research and development; and

434 (xiii) nuclear waste management.

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

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

- 439 (c) A member appointed under Subsection (2)(d) may be removed by the director.
- 440 (4) The consortium shall meet at least quarterly.
- 441 (5) A majority of consortium members constitutes a quorum for conducting consortium
- 442 business.
- 443 (6) The office shall provide staff support to the consortium.
- 444 (7) A consortium member may not receive compensation or benefits for the member's
- 445 service but may receive per diem and travel expenses in accordance with:
- 446 (a) Sections 63A-3-106 and 63A-3-107; and
- 447 (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 448 Section 12. Section **79-6-1202** is enacted to read:
- 449 **79-6-1202 . Consortium duties.**
- 450 (1) The consortium shall:
- 451 (a) provide knowledge and expertise to assist the office regarding nuclear energy
- 452 technologies, safety, and development; and
- 453 (b) develop recommendations regarding policy pertaining to:
- 454 (i) nuclear energy development in the state;
- 455 (ii) incentives for nuclear energy related industries in the state;
- 456 (iii) partnerships between entities engaged in or supporting nuclear energy
- 457 development, including public and private sector collaboration; and
- 458 (iv) the appropriate regulatory framework for nuclear energy development in the state.
- 459 (2) The office shall report annually on duties performed by the consortium on or before
- 460 November 30 to the Public Utilities, Energy, and Technology Interim Committee.
- 461 Section 13. **Effective Date.**
- 462 This bill takes effect on May 7, 2025.