



1 (5) The council shall meet quarterly during the initial construction of a nuclear plant in the state. The  
2 council may meet semi-annually after a nuclear power plant is fully operational in the state.

3 (6) Duties of the council include:

4 (a) reviewing quarterly reports provided by existing nuclear power projects in the state that include but  
5 are not limited to:

6 (i) the effectiveness of all safety systems, including but not limited to the emergency core cooling  
7 systems, of a nuclear facility;

8 (ii) the effectiveness of all nuclear waste storage facilities and methods to prevent the escape of such  
9 materials into the environment;

10 (iii) the current performance of the plant, including generation output; and

11 (iv) all current and future financial impacts of the plant to both state and local interests.

12 (b) gathering and facilitating public comment regarding the quarterly reports.

13 (c) Conducting an annual review of existing nuclear facilities' evacuation and emergency  
14 management plans. Copies of such plan shall be made available to the public upon request at no more than the  
15 cost of reproduction. The council shall provide an annual report regarding the review to the governor and the  
16 energy and telecommunications interim committee in accordance with 5-11-210.

17 (d) recommend tasks and work priorities for the nuclear power advisory council liaison.

18 (e) making recommendations regarding the cost, permitting, environmental practices, waste  
19 management practices, public health impacts, and emergency management planning of nuclear power plants.

20 (5) Proceedings of the council are subject to public participation guidelines in accordance with 2-3-  
21 103.

22 (6) Unless otherwise provided by law, each member is entitled to be reimbursed for travel expenses,  
23 as provided for in 2-18-501 through 2-18-503, incurred while performing advisory council duties.

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26 NEW SECTION. Section 2. Nuclear Power Liaison. (1) There is a nuclear power liaison who is an  
27 employee of the department of environmental quality but serves as staff to the nuclear power advisory council  
28 created by [section 1].

1 (2) The nuclear power advisory council shall nominate three candidates for the liaison position. The  
2 governor shall select the liaison from those candidates. The liaison report to the director of the department of  
3 environmental quality or the director's designated representative.

4 (3) The liaison shall represent the interest of the state by assisting the department of environmental  
5 quality in dealing with federal agencies, private entities, and local governments related to nuclear power  
6 development. In carrying out these duties, the liaison shall:

7 (a) monitor the activities of nuclear power stations;

8 (b) assist in the implementation of waste storage and emergency management planning;

9 (c) assist in reviewing and compiling required reports as found in [section 1];

10 (d) assist in preparing and disseminating required reports to the nuclear power advisory council,  
11 governor, and energy and telecommunications interim committee; and

12 (e) other duties as assigned by the nuclear power advisory council.

13 (4) The liaison shall submit a report to the energy and telecommunications interim committee by July  
14 1 of each year.

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16 **NEW SECTION. Section 3. Funding of nuclear power advisory council.** (1) There is an account in  
17 the state special revenue fund to which all fees collected under this section must be deposited in the account  
18 provided for in [section 5]

19 (2) In addition to all other licenses, fees, and taxes imposed by law, all regulated companies shall:

20 (a) within 30 days after the close of each calendar quarter, file with the department of revenue a  
21 statement, in a form that the commission and department may determine, showing the projected in state  
22 revenue of a public utility or company developing a nuclear power station within the state for that calendar  
23 quarter of operation or portion of a quarter;

24 (b) at that time pay to the department of revenue a fee based on a percentage of the gross operating  
25 revenue reported, as determined by the department of revenue under [section 4].

26 (c) The amount of money which may be raised by the fee on the regulated companies during a fiscal  
27 year may not be increased, except as provided in [section 4], from the amount appropriated, including both  
28 base and contingency appropriations, by the legislature for that fiscal year. Any additional money required for

1 operation of the nuclear power advisory council must be obtained from other sources in a manner authorized by  
2 the legislature.

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5 NEW SECTION. **Section 4. Determination of fee -- reporting.** (1) On or before August 31 of each  
6 year, the department of revenue shall:

7 (a) determine the total gross operating revenue generated by public utilities or private companies  
8 developing a nuclear power facility within the state for the previous fiscal year;

9 (b) compute the percentage, subject to revision as provided in subsection (2), of the amount  
10 determined in subsection (1)(a) that will produce an amount equal to the current appropriation to the nuclear  
11 power advisory council;

12 (c) adjust the percentage multiplier computed in subsection (1)(b) to ensure that sufficient funds are  
13 generated to meet the appropriation and that excess funds are not generated or retained by:

14 (i) determining the appropriation to the nuclear power advisory council for the previous fiscal year and  
15 comparing it to the fees collected from the previous fiscal year;

16 (ii) reducing or increasing the percentage determined in subsection (1)(b) for the current year in order  
17 to account for any difference determined in subsection (1)(c)(i); and

18 (iii) if necessary, reducing the revenue to be collected for the current year by any funds remaining  
19 unspent at the close of the prior fiscal year; and

20 (d) give notice by mail to each regulated company of the percentage to be applied to the gross  
21 operating revenue reported under 69-1-223(2) to determine the amount of the fee to be paid.

22 (2) (a) The department of revenue shall adjust the percentage multiplier if the department considers a  
23 change necessary to meet or to not exceed the amount to be raised by the fee because of:

24 (i) fluctuations in the actual gross operating revenue subject to the fee; or

25 (ii) submission and approval of a budget amendment authorizing the spending of money from a  
26 contingency appropriation included in the appropriation measure for the office of the consumer counsel and  
27 authorized to be raised by means of the fee.

28 (b) Adjustments of the percentage multiplier are subject to the exception provided in subsection (1)(b)

1 for municipally owned and operated regulated companies.

2 (c) Public utilities and companies must be given at least 30 days' notice of any change in the  
3 percentage multiplier.

4 (d) Any change in the percentage multiplier is effective at the beginning of the next calendar quarter.

5 (3) In the event that the fee charged in 1 year is in excess of the amount actually expended in that  
6 year, the excess must be deducted from the amount required to be raised by the fee for the next year before  
7 the determination required by subsection (1) is made. Money remaining unspent at the close of the fiscal year  
8 must be used to reduce the percentage calculated in subsection (1) in the subsequent fiscal year.

9 (4) All fees paid by a regulated company pursuant to this section are immediately recoverable by the  
10 regulated company in its rates and charges. Within 30 days after the issuance by the department of revenue of  
11 the notice required by subsection (1), the public service commission shall by separate order authorize each  
12 regulated company to fully recover in its rates and charges, on an annual basis, the fees levied by this part.

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14 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be  
15 codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [sections 1  
16 through 4].

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18 **NEW SECTION. Section 6. Effective dates.** (1) Except as provided in subsection (2) [this act] is  
19 effective October 1, 2023.

20 (2) [Sections 1 through 5] is effective on the date that the department of environmental quality certifies  
21 to the code commissioner that a company has filed an early site permit application with the Nuclear Regulatory  
22 Commission. The department of environmental quality shall submit certification within 30 days of the  
23 occurrence of the contingency.

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