

CHAPTER 29**(SJR 140)**

A JOINT RESOLUTION directing the Public Service Commission to make all staffing, organizational, and administrative preparations necessary to be ready to discharge its regulatory duties relating to applications for the siting and construction of nuclear energy facilities in the Commonwealth.

WHEREAS, with the passage of Senate Bill 11 in 2017, the General Assembly lifted the moratorium on the construction of new nuclear power facilities that had been in place for decades; and

WHEREAS, in 2023, the General Assembly passed Senate Joint Resolution 79 to convene a working group of state officials and representatives of the utility and nuclear industries to advise the General Assembly on the establishment of a permanent nuclear energy commission in state government that could provide for the education, coordination of resources, and professional expertise necessary to foster the development of the nuclear industry in the Commonwealth; and

WHEREAS, pursuant to their responsibilities under 2023 Senate Joint Resolution 79, the Nuclear Energy Development Working Group met four times between May and October of 2023, and thereafter submitted a report to the Legislative Research Commission and the Governor detailing their recommendations for establishing the Kentucky Nuclear Energy Development Authority to serve as the nonregulatory, trusted state government agency on nuclear energy issues and to support and facilitate the development of the nuclear energy ecosystem across the Commonwealth; and

WHEREAS, interest in developing the nuclear energy industry in Kentucky has never been greater for many reasons, including but not limited to the momentum created by the convening of the Nuclear Energy Development Working Group and the recommendations it produced for the establishment of the Kentucky Nuclear Energy Development Authority; the emergence of promising new nuclear technologies, including small modular reactors, that may be useful in a range of applications in the Commonwealth; and the need for new baseload energy generation to be sited in the Commonwealth in order to maintain the resiliency and reliability of the electric grid; and

WHEREAS, as a result of this ever-growing interest in the development of the nuclear industry in the Commonwealth, it is critical that the Public Service Commission be prepared to discharge its regulatory responsibilities relating to applications for the siting and construction of nuclear energy facilities within its jurisdiction;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The Public Service Commission is hereby directed to make all staffing, organizational, and administrative preparations necessary to be ready to discharge its regulatory duties relating to applications for the siting and construction of nuclear energy facilities in the Commonwealth, including but not limited to:

(1) Conducting a survey of nuclear regulatory staff in other states to determine their pay, experience, and qualifications so that the commission can make informed decisions on the recruitment and hiring of its own nuclear regulatory staff;

(2) Contracting with personnel with expertise in nuclear regulatory matters to be available immediately to assist with the administration of nuclear siting or construction applications should they be filed with the commission;

(3) Providing for the training of existing commission staff on nuclear siting and construction issues;

(4) Amending the administrative regulations promulgated by the commission pursuant to KRS Chapter 13A to require that electric utilities consider the costs and benefits of all generation resources, including but not limited to nuclear power generation resources, when determining how to meet future demand as part of the triennial integrated resource plans that they are required to file with the commission; and

(5) Reviewing, in consultation with experts in state nuclear regulatory matters, and amending, if necessary, all other administrative regulations promulgated by the commission pursuant to KRS Chapter 13A to ensure that they do not contain any provisions that would impede the commission from effectively regulating nuclear facilities or obstruct the development of the nuclear ecosystem in the Commonwealth.

Signed by Governor April 4, 2024.

