

STATUS REPORT

# State Legislation and Regulations Supporting Nuclear Energy

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January 2022

## INTRODUCTION

As the energy transition accelerates across all 50 states, policymakers are recognizing the inherent value of carbon-free, reliable nuclear energy. Governors, legislators and regulators play a critical role in shaping policies that can enhance the development, demonstration and commercial deployment of a wide array of nuclear technologies. As state officials consider measures that address the changing energy mix, the Nuclear Energy Institute has produced a compendium providing a state-by-state overview of legislation, executive orders, and regulations that have supported nuclear energy since the early 2000s.

## RECENT POLICY TRENDS

### Valuing Carbon-Free Electricity Generation

- **Zero-emission credit programs:** Several states have adopted legislation or regulations that provide a payment at a set rate for every megawatt-hour of carbon-free electricity generation.
- **Clean Energy Standards:** Many states have renewable portfolio standards that require utilities to sell a specified amount of renewable energy. Some states are now looking to expand these requirements and modify the definition to include a broader scope of clean energy resources. Nuclear generation is more often included in the expanded definition of clean energy resources to incentivize a diverse, carbon-free portfolio, given the important role that firm, clean generation like nuclear can play in an affordable, reliable, low-carbon energy system.
- **Market-based carbon pricing mechanisms:** As many states look to decarbonize the energy sector, there is a growing interest in regional greenhouse gas emission reduction programs, a carbon tax or cap-and-trade programs that include the carbon-free benefits of nuclear power.

### Financing and Tax Incentives

- **Tax exemptions:** Some states have passed laws allowing for certain tax exemptions on property and sales of electricity and for new capital investments associated with new reactor development.
- **Advanced Cost Recovery:** Several states have considered advanced cost recovery mechanisms like Construction Work in Progress (CWIP), allowing a utility to collect financing costs for a project before construction is completed. This mechanism reduces

the overall amount needed to finance a project and may lower the total project costs that eventually are included in the customer rate base.

## Task Forces, Commissions, Studies and State Energy Plans

- **Task Forces and Commissions:** Some states have established task forces or commissions; bringing together various stakeholders, including government officials, academia, industry and others, to explore policy options that maintain existing nuclear facilities and support advanced reactor technologies.
- **Studies:** Several states have requested studies exploring the economic impacts, potential job creation or cost savings for electricity customers related to siting and permitting new reactor technologies or converting decommissioning coal sites to nuclear power.
- **State Energy Plans:** Some Governors and state entities have developed long-term plans to reach decarbonization goals that include nuclear energy.

## Removing Prohibitions

- **Repealing laws prohibiting nuclear development:** Some states have historically had specific restrictions on the construction new nuclear power facilities. However, several states have recently removed these prohibitions to support potential new reactor development.

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## ALABAMA

Legislation: [H.R. 84](#)

Adopted March 2017

Encourages ongoing bipartisan efforts to spur the development of advanced nuclear reactors and innovative nuclear technologies.

## ALASKA

Legislation: [S.B. 220](#)

Enacted July 2010

Establishes a statewide energy policy and levels the playing field for nuclear energy projects so that they can be considered alongside other energy sources. Allows small-scale nuclear reactor developers to apply for funding from the state's Power Project fund.

## ARIZONA

Legislation: [Senate Concurrent Resolution 1010](#)

Adopted April 2017

Recognizes that the Members of the Legislature support the use of nuclear energy as a safe and efficient means of energy production and express their commitment to the continuing and safe use of nuclear energy to supply the energy consumption needs of the people of Arizona.

Legislation: [Senate Concurrent Memorial 1004](#)

Adopted September 2012

Recognizes benefits of partnering with federal government and private industry to develop spent fuel reprocessing and storage sites.

## ARKANSAS

Legislation: [House Concurrent Resolution 1015](#)

Adopted May 2019

Supports study of the commercial application of existing technology to reclaim and repurpose spent nuclear fuel rods.

Legislation: [S.B. 246](#)

Enacted 2013

Establishes a committee to report on the future of Arkansas' energy needs, including the potential for new nuclear facility.

## COLORADO

Legislation: S.B. 18-003

Enacted June 2018

Requires the Colorado Energy Office to work with communities, utilities, private and public organizations, and individuals to promote cleaner energy sources such as nuclear energy, alongside biogas and biomass.

## CONNECTICUT

Legislation: H.B. 1501

Enacted October 2017

Allows for the Millstone nuclear power plant to participate in the state's zero-carbon procurement program.

Executive Order: No. 59

Signed 2017

Requires the state to study the economic viability of the Millstone nuclear generating facility.

## FLORIDA

Legislation: H.B. 7109

Enacted June 2015

Authorizes electric utilities to petition the Florida Public Service Commission (PSC) for financing orders that authorize the issuance of nuclear asset recovery bonds.

Legislation: S.B. 1472

Enacted June 2013

Amends existing Florida law for certain cost recovery related to the siting, design, licensing, and construction of nuclear and integrated gasification combined cycle power plants.

Legislation: H.B. 7135

Enacted June 2008

Permits cost recovery for transmission lines for new nuclear power plants and establishes greenhouse gas reduction targets.

Legislation: S.B. 888

Enacted June 2006

Supports the construction of new nuclear plants through several provisions including: exempting new nuclear plants from the mandatory competitive bidding process and instructing the Public Service Commission to establish alternative cost recovery mechanisms.

## GEORGIA

### Regulation: Docket No. 27800 Georgia Public Service Commission

Ordered March 2009

Approves a utility request to proceed with the construction of two new generating units at Vogtle and to seek recovery of financing costs from ratepayers, state law requires the company to obtain such a certification.

### Legislation: S.B. 31

Enacted April 2009

Allows a utility to recover from its customers the costs of financing associated with the construction of a nuclear plant that has been certified by the Georgia Public Service Commission.

## IDAHO

### Executive Order: No. 2018-07

Signed June 2018

Supports the continued promotion, advancement and deployment of advanced reactor technologies, including small modular reactors, in Idaho.

### Legislation: H.B. 591

Enacted March 2018

Allows for tax exemptions for research & development opportunities associated with Small Modular Reactors.

### Executive Order: No. 2012-01

Signed February 2012

Establishes the Leadership in Nuclear Energy Commission tasked with making recommendations to the Governor on policies and actions the state of Idaho can take to support and enhance the long-term viability and mission of the Idaho National Laboratory and the broader nuclear industry in the state.

### Legislation: S.B. 1123

Enacted April 2009

Recognizes that utilities are embarking on major transmission and generation projects to serve growing loads during a period when financial markets are risk-averse and is designed to provide the stability necessary to attract investors at a more reasonable cost-of-capital.

## ILLINOIS

### Legislation: S.B. 18

Enacted September 2021

Establishes a zero-emission credit program for the Byron, Dresden, and Braidwood nuclear facilities within the state.

**Legislation: S.B. 2814**

**Enacted December 2016**

Establishes a zero-emission credit program for the Clinton and Quad Cities nuclear facilities within the state.

**Resolution: House Resolution 1146**

**Adopted May 2014**

Supports the state's existing nuclear fleet and urges the federal government and the Midwest grid operator to adopt policies and rules to protect Illinois's nuclear plants for the sake of the environment, the economy and energy reliability.

## INDIANA

**Legislation: House Resolution 54**

**Adopted March 2013**

Urges a study on small modular reactors that includes economic issues such as cost, economic impact, potential job creation, cost savings for electricity consumers; and technical, design, and regulatory questions.

**Legislation: S.B. 251**

**Enacted May 2011**

Provides financial incentives to assist electric companies with nuclear generating facilities to recover costs and expenses incurred during comprehensive life cycle management upgrades to existing facilities.

## IOWA

**Legislation: H.F. 2399**

**Enacted April 2010**

Requires certain Iowa utilities to analyze and prepare for the possible construction of new nuclear generating facilities and encourages utilities to perform studies on expanding nuclear power in the state, at limited cost to ratepayers and with oversight of the Iowa Utilities Board.

**Legislation: H.F. 577**

**Enacted 2001**

Specifies that rate-making principles will apply when a new baseload generating facility (built or leased) begins service before construction commences or a lease is signed.

## KANSAS

**Legislation: S.B. 586**

**Enacted May 2008**

Allows power plants to qualify for recovery of Construction Work in Progress (CWIP) and other preconstruction expenditures in rates.

**Legislation: H.B. 2038**

**Enacted April 2007**

Exempts from state property taxes any property purchased, constructed or installed to expand capacity at an existing nuclear plant or to build a new nuclear plant.

**Legislation: Substitute for H.B. 2516**

**Enacted April 2004**

Allows the Kansas Corporation Commission (KCC) to make adjustments to a utility's revenue requirements allowing the utility to retain benefits equivalent to 10 percent of the net revenue from electricity sold to out-of-state customers generated from a new or expanded generator in a county with 5 percent or less population growth.

**Legislation: Substitute for S.B. 104**

**Enacted April 2003**

Permits the Kansas Corporation Commission to determine rate-making principles that will apply to a utility's investment in generation or transmission before constructing a facility or entering into a contract for purchasing power.

## KENTUCKY

**Legislation: S.B. 11**

**Enacted June 2017**

Removes the moratorium on the construction of new nuclear facilities within the state.

**Legislation: H.B. 559**

**Enacted April 2012**

Allows for the construction of facilities that use certain nuclear technologies including the enrichment of depleted uranium hexafluoride tails, processing of metals contaminated with radioactive materials, recycling or reprocessing of spent fuel, and nuclear-assisted coal or gas conversion processes.

## LOUISIANA

**Regulation: Docket No. R-29712 Louisiana Public Service Commission**

**Ordered May 2007**

Allows for a phased cost recovery mechanism on construction work in progress for nuclear facilities.

## MARYLAND

**Regulation: Case No. 9127 Maryland Public Service Commission**

**Ordered June 2009**

Grants a Certificate of Public Convenience and Necessity construct a new reactor at the Calvert Cliffs facility in Calvert County.

## MICHIGAN

Legislation: [Senate Concurrent Resolution 8](#)

Last Adopted April 2017 (duplicate resolutions passed previously)

Urges the federal government to fulfill its obligation to establish a permanent solution for handling high-level nuclear waste.

Legislation: [H.B. 5524](#)

Enacted October 2008

Creates a certificate of necessity for large capital investments, including the construction of nuclear plants.

## MISSISSIPPI

Legislation: [H.B. 863](#)

Enacted June 2020

Exempts nuclear generating facilities from county, municipal and district ad valorem taxes, instead requiring the utility pay the state Department of Revenue a sum based on the assessed value of such nuclear generating plant.

Legislation: [S.B. 2928](#)

Enacted April 2019

Authorizes the Board of Trustees of the Vicksburg Warren School District and the Claiborne County Board of Education to establish a partnership with the Entergy Grand Gulf Nuclear Station, Warren County and the Mississippi Development Authority for a Nuclear Energy High School Academy.

Legislation: [S.B. 2793](#)

Enacted May 2008

Authorizes the Public Service Commission to include in an electric utility's rates certain pre-construction, construction work in progress, operating and other costs incurred in connection with certain new baseload generating facilities, including nuclear.

## MONTANA

Legislation: [H.B. 273](#)

Enacted May 2021

Removes a provision in the Montana Major Facility Siting Act which required the public to approve any proposed nuclear energy facilities through a statewide election.

Legislation: [Senate Joint Resolution 3](#)

Adopted May 2021

Requires a study of the feasibility of advanced nuclear generation, including an evaluation of the economic feasibility of replacing closing coal facilities with advanced nuclear reactors.

## NEBRASKA

Legislation: L.B. 84

Enacted May 2021

Adds nuclear energy to the qualifying renewable energy sources eligible for a business tax incentive.

## NEW JERSEY

Regulation: Docket No. ER20080557-9 New Jersey Board of Public Utilities

Ordered April 2021

Renews the zero-emission credit program for Hope Creek and Salem Nuclear Power Plants for an additional three years.

Regulation: Docket No. EO18080899, EO18121337-9 New Jersey Board of Public Utilities

Ordered April 2019

The Board of Public Utilities approves a zero-emissions credit program for Hope Creek and Salem Nuclear Power Plants.

Legislation: S.B. 2313

Enacted May 2018

Requires the New Jersey Board of Public Utilities to create a zero-emission certificate program that would provide up to \$300 million annually to support qualifying low carbon electricity sources, such as nuclear power.

## NEW MEXICO

Resolution: House Memorial 57

Adopted February 2014

Requests a study to determine the feasibility, societal benefits and required regulatory changes associated with the deployment of small modular reactors.

## NEW YORK

Regulation: Cases 15-E-0302 and 16-E-0270 New York Public Service Commission

Ordered August 2016

Establishes a clean energy program and allows for the creation of zero-emission credit program to preserve certain existing zero emission nuclear generation in the state.

## NORTH CAROLINA

### Legislation: H.B. 951

Enacted October 2021

Establishes utility carbon reduction goals of 70% of 2005 levels by 2030 and 95% by 2050 and requires utilities to submit a carbon reduction plan to the Public Service Commission by December 31, 2022.

### Regulation: Docket No. E-7 Sub 819 North Carolina Utilities Commission

Ordered June 2008

Allows Duke Energy to recover certain development costs associated with construction of the Lee Nuclear Generating Station.

### Legislation: S.B. 3

Enacted August 2007

Allows public utilities to apply for advance determination of prudence for construction of “resource additions” such as renewable energy facilities, transmission facilities, demand response, and energy conversion facilities.

## NORTH DAKOTA

### Legislation: H.B. 1221

Enacted April 2011

Allows public utilities to apply for advance determination of prudence for construction of “resource additions” such as renewable energy facilities, transmission facilities, demand response, and energy conversion facilities.

## OHIO

### Legislature Launches a Nuclear Energy Caucus

2019

### Legislation: House Resolution 518

Adopted 2017

Petitions the U.S. Department of Energy to establish rules and programs that would allow states, in collaboration with the federal government, to develop new nuclear technologies and laboratories and to construct facilities to conduct nuclear-related testing.

### Regulation: Case No. 08-888-EL-ORD Ohio Public Service Commission

Ordered April 2009

Authorizes the development of an alternative energy standard requiring 25% of total energy be met by alternative sources, including nuclear.

### Legislation: S.B. 221

Enacted May 2008

Establishes the state’s alternative energy resource standard and includes nuclear in its definition of an advanced energy resource.

## PENNSYLVANIA

Legislators Launch a Bicameral, Bipartisan Nuclear Energy Caucus and Release the “Bicameral Nuclear Energy Caucus Report.”

2017-2018 Session

Legislation: S.B. 227/H.B. 576

Enacted October 2017

Urges the Federal Energy Regulatory Commission (FERC) to implement policies to ensure fuel secure generation resources like nuclear energy receive proper compensation for the positive attributes they provide nation’s electric system.

Legislation: H.B 750

Enacted June 2012

Memorializes the President and the U.S. Congress to provide for the storage of used nuclear fuel.

## SOUTH CAROLINA

Legislation: H. 4940

Enacted September 2020

Establishes the Electricity Market Reform Measures Study Committee to consider whether the Legislature should adopt electricity market reform measures and recognizes the carbon-free and economic benefits of nuclear power.

Legislation: S. 232

Enacted May 2009

Requires that strategies of the state energy office promoting carbon-free clean energy must include nuclear energy, renewable energy sources, and conservation and efficiency measures.

Regulation: Docket No. 2007-440-E South Carolina Public Service Commission

Ordered June 2008

Approves Duke Energy’s decision to incur pre-construction project development costs for the proposed Lee Nuclear Station.

Legislation: S. 431

Enacted May 2007

Allows the Public Service Commission to grant a project development order for nuclear projects and a base load review order for any base load facility, including nuclear projects.

## TENNESSEE

Legislation: House Joint Resolution 507

Adopted March 2016

Supports the research and development of liquid core molten salt reactors and small modular reactors technologies as a long-term solution to the state’s energy needs.

**Legislation: Senate Joint Resolution 92**

**Adopted April 2015**

Encourages the Nuclear Regulatory Commission to support the license application of the Tennessee Valley Authority related to the safe operation of Watts Bar Unit 2.

## **TEXAS**

**Legislation: House Concurrent Resolution 81**

**Adopted April 2013**

Commemorates the 50th anniversary of the agreement between the state of Texas and the Nuclear Regulatory Commission regarding radioactive materials

**Legislation: H.B. 1386**

**Enacted May 2007**

Gives the Public Service Commission authority to regulate decommissioning trust funds for up to six new nuclear power plants under construction before 2015.

**Legislation: H.B. 2994**

**Enacted May 2007**

Expands existing legislation that enables local taxing authorities to grant property tax abatements adding new nuclear plants and IGCC facilities as eligible projects.

## **UTAH**

**Legislation: Senate Concurrent Resolution 6**

**Adopted March 2019**

Supports the development and integration of advanced nuclear reactor technology as a way of supporting the state's continued economic growth while addressing the health of the environment and of state residents.

**Legislation: S.B. 24**

**Enacted March 2019**

Amends the state energy policy to promote nuclear generation technologies including molten salt reactors for producing medical isotopes.

**Legislation: H.B. 169**

**Enacted March 2018**

Reduces the annual fee paid by an owner or operator of a commercial radioactive waste treatment or disposal facility that receives radioactive waste.

**Legislation: S.B. 65**

**Enacted March 2012**

Provides tax incentives for alternative energy development and manufacturing and includes nuclear energy in the definition.

**Legislation: H.B. 430**

**Enacted March 2009**

Provides incentives to develop renewable energy projects, including nuclear energy generation facilities, in order to spur economic development.

**Legislation: Senate Joint Resolution 16**

**Adopted March 2009**

Encourages new nuclear plant development in Utah for its beneficial impacts on the economy, fuel diversification and the environment.

## VIRGINIA

**Legislation: Senate Joint Resolution 60**

**Adopted April 2020**

Encourages the advancement of nuclear energy research and the exploration of economic development opportunities related to nuclear energy.

**Legislation: H.B. 981**

**Enacted April 2020**

Mandates that the state join the Regional Greenhouse Gas Initiative.

**Legislation: S.B. 828**

**Enacted April 2020**

Amends the definition of carbon-free energy or clean energy to include electric energy generated from a source that does not emit carbon dioxide during generation, including nuclear energy.

**Legislation: S.B. 817**

**Enacted April 2020**

Broadens statute definition of clean energy to include nuclear generation.

**Legislation: H.B. 1303/S.B. 549**

**Enacted April 2020**

Directs several state agencies to work in coordination with the Nuclear Energy Consortium Authority to develop a strategic plan for the role of nuclear energy in the state's overall strategy for moving toward renewable and carbon-free energy.

**Legislation: H.B. 2008/S.B. 1348**

**Enacted March 2019**

Directs the state Department of Education to work in consultation with pertinent industries, such as nuclear energy, to establish the energy career cluster.

**Legislation: H.B. 2291**

**Enacted March 2017**

Authorizes an investor-owned utility to petition the State Corporation Commission for certain cost recovery for the license renewal and nuclear plant upgrades necessary for operating in the license renewal period, including second license renewal.

**Legislation: S.B. 459**

**Enacted April 2014**

Establishes that planning and development for new nuclear generation facilities are in the public interest and allows nuclear development costs to be included in base rates.

**Legislation: S.B. 1138/H.B. 1790**

**Enacted March 2013**

Establishes the Virginia Nuclear Energy Consortium Authority to make Virginia a national and global leader in nuclear energy, and to serve as an interdisciplinary study, research, and information resource on nuclear energy issues.

**Legislation: H.B. 3068/S.B. 1416**

**Enacted April 2007**

Amends the ratemaking procedure of the State Corporation Commission and requires that the determined rate of return on common equity shall not be lower than the average rate of return of other investor-owned electric utilities in the southeastern U.S.

## WASHINGTON

**Governor's Proclamation**

**Signed 2016-2021**

In recognition of nuclear science and technology for National Nuclear Science Week.

**Legislation: S.B. 5116**

**Enacted May 2019**

Enacts a clean electricity standard, eliminating coal generation by 2025 and mandating 100% clean energy by 2045.

**Legislation: S.B. 6002**

**Enacted 2014**

Creates a joint select task force on nuclear energy to study the potential of nuclear power in the region.

## WISCONSIN

**Legislation: Act 344**

**Enacted April 2016**

Repeals moratorium on the construction of new nuclear facilities within the state.

**Legislation: Act 7**

**Enacted May 2005**

Allows the PSC to issue an order specifying in advance the rate-making principles that will apply to a new electric generating facility (built or purchased) before construction commences or the purchase contract is closed.

## WYOMING

**Legislation: H.B. 74**

**Enacted March 2020**

Authorizes permits for small modular reactors (SMR) to replace a coal- or natural gas-generating units so long as the SMR's rated capacity is not greater than 300 megawatts (MW).

**Legislation: S.F. 23**

**Enacted March 2016**

Enters applicable state agencies into NRC agreement authorization to regulate certain nuclear adjacent commodities.

**Legislation: H.B. 27**

**Enacted March 2015**

Enters applicable state agencies into NRC agreement authorization to regulate certain nuclear adjacent commodities.

**Legislation: S.F. 14**

**Enacted March 2012**

Directs the Wyoming Business Council to partner with the Department of Energy to study the feasibility of locating advanced nuclear facilities within the state.

**Legislation: S.F. 12**

**Enacted March 2012**

Directs the Taskforce on Nuclear Energy Production to study a variety of nuclear energy issues with the primary goal of incentivizing the development of new facilities within the state.

**Legislation: H.B. 129**

**Enacted March 2011**

Creates a task force on nuclear energy production to study ways to encourage nuclear power in Wyoming including tax incentives, water rights, public- private partnerships, state laws, storage and reprocessing technologies, and higher education.

## ADDITIONAL RESOURCES

National Association of Regulatory Utility Commissioners: [Nuclear Energy](#)

National Conference of State Legislatures:

- [State Options to Keep Nuclear in the Energy Mix](#)
- [State Renewable Portfolio Standards and Goals](#)
- [State Restrictions on New Nuclear Power Facility Construction](#)

National Governors Association: [State Policy Support for Nuclear Generation](#)

NEI State Fact Sheets: [Learn More About Nuclear Energy's Impact on Your State](#)



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