

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0507.01 Clare Haffner x6137

SENATE BILL 24-039

SENATE SPONSORSHIP

Liston,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE INCLUSION OF NUCLEAR ENERGY AS A SOURCE OF
102 CLEAN ENERGY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The statutory definition of "clean energy" in current law determines which energy projects are eligible for clean energy project financing at the county and city and county level. The statutory definition of "clean energy resource" in current law determines which energy resources may be used by a qualifying retail utility to meet the 2050 clean energy target. The bill updates the statutory definitions to include nuclear

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

energy.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Coloradans care about clean energy; to that end, nuclear
5 energy:

6 (I) Is currently the single largest source of carbon-free electricity
7 generation in the United States, generating about 50 percent of the
8 country's carbon-free electricity;

9 (II) Does not produce carbon dioxide, thus offsetting carbon
10 emissions; and

11 (III) Should, therefore, be included in the statutory definitions of
12 "clean energy" and "clean energy resource";

13 (b) In defining nuclear energy as clean energy and as a clean
14 energy resource, Colorado can continue to spearhead energy innovations
15 that align with the state's goals of keeping energy affordable;

16 (c) Nuclear power plants in the United States have an average
17 capacity factor that is greater than 90 percent. Capacity factor is the
18 percentage of time that an electricity-generating source is able to generate
19 electricity at full design capacity.

20 (d) Because nuclear energy has a capacity factor that is 2 to 3
21 times higher than wind energy and 4 to 5 times higher than solar energy,
22 it can provide clean, reliable baseload electricity to the electric grid.
23 Further, it can integrate well with weather-dependent and seasonally
24 variable wind and solar generation, mitigating the potential for brownouts
25 and blackouts in Colorado.

1 (e) Nuclear energy can be utilized in conjunction with existing
2 clean energy sources to lower energy costs for Coloradans and maintain
3 a reliable source of electricity and stable electric grid;

4 (f) Colorado cannot rely on wind and solar renewable energy
5 alone to provide the clean, dispatchable, and reliable power required to
6 decarbonize the environment, fuel local economies, and provide
7 high-quality and high-paying jobs to Colorado communities;

8 (g) Adding nuclear energy to the definitions of "clean energy" and
9 "clean energy resource" will align Colorado's clean energy efforts with
10 federal efforts, help put nuclear energy on an equal footing with other
11 clean energy sources, and attract continued public and private funding for
12 innovations in clean energy technology in Colorado;

13 (h) The recognition of nuclear energy as a clean energy resource
14 at the federal level has led to increased federal funding through the
15 United States department of energy, as well as private funding throughout
16 the western world. This funding supports nuclear reactor design research
17 and innovation that help address energy and climate challenges.

18 (i) Increased nuclear research, innovation, and implementation can
19 provide high-quality and high-paying jobs in Colorado's local economies,
20 as well as a much needed tax base for Colorado communities; and

21 (j) Therefore, to bring clean, reliable, and flexible generation
22 resources to Colorado and help the state meet its clean energy goals, it is
23 in the best interest of Colorado and its residents to add nuclear energy to
24 the statutory definitions of "clean energy" and "clean energy resource".

25 **SECTION 2.** In Colorado Revised Statutes, 30-20-1202, **amend**
26 (2) as follows:

27 **30-20-1202. Definitions.** As used in this part 12, unless the

1 context otherwise requires:

2 (2) "Clean energy" means energy derived from biomass, as
3 defined in section 40-2-124 (1)(a)(I); ~~C.R.S.~~, geothermal energy; solar
4 energy; small hydroelectricity; NUCLEAR ENERGY; and wind energy, as
5 well as any hydrogen derived from any of the ~~foregoing~~ ENERGY SOURCES
6 LISTED IN THIS SUBSECTION (2).

7 **SECTION 3.** In Colorado Revised Statutes, 40-2-125.5, **amend**
8 (2)(b) as follows:

9 **40-2-125.5. Carbon dioxide emission reductions - goal to**
10 **eliminate by 2050 - legislative declaration - interim targets -**
11 **submission and approval of plans - definitions - cost recovery -**
12 **reports - rules. (2) Definitions.** As used in this section, unless the
13 context otherwise requires:

14 (b) (I) "Clean energy resource" means any electricity-generating
15 technology that generates or stores electricity without emitting carbon
16 dioxide into the atmosphere.

17 (II) ~~Clean energy resources include, without limitation,~~ "CLEAN
18 ENERGY RESOURCE" INCLUDES:

19 (A) Eligible energy resources as defined in section 40-2-124
20 (1)(a); AND

21 (B) NUCLEAR ENERGY.

22 **SECTION 4. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2024 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.