

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0778.01 Jennifer Berman x3286

SENATE BILL 23-079

SENATE SPONSORSHIP

Liston, Baisley, Gardner, Kirkmeyer, Lundeen, Pelton B., Pelton R., Rich, Simpson, Van Winkle, Will

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 bill updates statutory definitions of "clean energy" and "clean energy resource" to include nuclear energy.

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

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.

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

3 (a) Coloradans care about clean energy, and, to that end, nuclear
4 energy:

5 (I) Is the single largest source of carbon-free electricity
6 generation;

7 (II) Does not produce carbon dioxide, thus reducing carbon
8 emissions; and

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

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

14 (c) On its own, nuclear energy has a 92.7% capacity factor, which
15 refers to the percentage of time that an electricity-generating source is
16 able to generate electricity;

17 (d) Because nuclear energy has such a high capacity factor,
18 utilizing nuclear energy as a source of clean energy will help Colorado
19 prevent future blackouts and brownouts;

20 (e) Nuclear energy can be utilized in conjunction with existing
21 clean energy sources to lower energy costs for Coloradans and maintain
22 a reliable source of electricity;

23 (f) Current technology cannot support an endless supply of
24 electricity sourced from unreliable resources such as water or sunlight; if
25 the sun does not shine or water dries up, there is no energy source to turn
26 into electricity. Combining solar or hydroelectricity with nuclear energy
27 in an energy portfolio provides reliable and cost-effective electricity

1 generation from clean energy sources because nuclear energy is the most
2 cost-effective source of electricity decarbonization.

3 (g) Adding nuclear energy to the definitions of "clean energy" and
4 "clean energy resource" will attract continued public and private research
5 funding for innovations in clean energy technology;

6 (h) Due to current funding levels, there already exist new nuclear
7 reactor designs that help decarbonize hard-to-reach industries and
8 locations;

9 (i) New innovations such as microreactors would benefit rural
10 areas by keeping the energy source local; and

11 (j) Therefore, it is in the best interest of Colorado to add nuclear
12 energy to the statutory definitions of "clean energy" and "clean energy
13 resource".

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

16 **30-20-1202. Definitions.** As used in this part 12, unless the
17 context otherwise requires:

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

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

25 **40-2-125.5. Carbon dioxide emission reductions - goal to**
26 **eliminate by 2050 - legislative declaration - interim targets -**
27 **submission and approval of plans - definitions - cost recovery -**

1 **reports - rules. (2) Definitions.** As used in this section, unless the
2 context otherwise requires:

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

6 (II) "Clean energy ~~resources include, without limitation,~~
7 RESOURCE" INCLUDES:

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

10 (B) NUCLEAR ENERGY.

11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in
18 November 2024 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.