

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0358.01 Jennifer Berman x3286

HOUSE BILL 25-1040

HOUSE SPONSORSHIP

Valdez and Winter T.,

SENATE SPONSORSHIP

Roberts and Liston,

House Committees
Energy & Environment

Senate 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" 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" determines which energy resources may be used by a qualifying retail utility to meet the 2050 clean energy target. The bill updates the 2 statutory definitions to include nuclear energy; except that for property

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.

valuations made for tax purposes, the bill exempts from the definition of "clean energy resource" nuclear energy generated by a public utility.

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

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

4 (a) Colorado's estimated electricity peak demand is projected to
5 double in the next 5 years;

6 (b) The current path to eliminating greenhouse gas emissions in
7 Colorado includes only the use of wind and solar power and battery
8 storage;

9 (c) Providing more options for generating electricity in Colorado
10 will lead to a less expensive and a more reliable path to eliminating
11 greenhouse gas emissions;

12 (d) Advanced nuclear energy can produce higher quantities of
13 clean energy with a smaller land footprint than other clean energy
14 sources;

15 (e) Small modular nuclear reactors can replace coal power plants
16 while maintaining the number of jobs in the communities in which the
17 coal power plants are located;

18 (f) New designs for advanced nuclear reactors are being
19 developed by entrepreneurial companies in the United States seeking to
20 increase the value of nuclear technology within our energy system. It is
21 estimated that the designs will be commercially operational this decade
22 and will be ready for large-scale deployment by the 2030s to help meet
23 domestic and global clean energy needs.

24 (g) The development of a small modular reactor can create up to
25 900 jobs lasting up to 4 years, as well as up to 300 permanent jobs.

1 (2) The general assembly further finds that:

2 (a) Coloradans care about clean energy; to that end, nuclear

3 energy:

4 (I) Is currently the single largest source of carbon-free electricity

5 generation in the United States and around the world, with 94 nuclear

6 reactors in the United States alone generating about 50% of the country's

7 carbon-free electricity;

8 (II) Does not produce carbon dioxide, thus offsetting carbon

9 emissions; and

10 (III) Should be included in the statutory definitions of "clean

11 energy" and "clean energy resource";

12 (b) In adding nuclear energy to the statutory definitions of "clean

13 energy" and "clean energy resource", Colorado can continue to spearhead

14 energy innovations that align with the state's goals of keeping energy

15 affordable;

16 (c) On its own, nuclear energy has a 92.7% capacity factor, which

17 refers to the percentage of time that an electricity-generating source is

18 able to generate electricity, and is a much higher capacity factor than for

19 all other generation sources;

20 (d) Because nuclear energy has such a high capacity factor,

21 utilizing nuclear energy as a source of clean energy will help Colorado

22 prevent future blackouts and brownouts;

23 (e) Nuclear energy can be utilized in conjunction with existing

24 clean energy sources to lower energy costs for Coloradans and maintain

25 a reliable source of electricity;

26 (f) Adding nuclear energy to the statutory definitions of "clean

27 energy" and "clean energy resource" will attract continued public and

1 private research funding for innovations in clean energy technology;
2 (g) Due to current funding levels, nuclear reactor designs that help
3 decarbonize hard-to-reach industries and locations already exist; and
4 (h) New innovations such as microreactors would benefit rural
5 areas by keeping the energy source serving those areas local.
6 (3) Therefore, the general assembly declares that it is in the best
7 interest of Colorado to add nuclear energy to the statutory definitions of
8 "clean energy" and "clean energy resource".

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

11 **30-20-1202. Definitions.** As used in this part 12, unless the
12 context otherwise requires:

13 (2) "Clean energy" means energy derived from biomass, as
14 defined in section 40-2-124 (1)(a)(I); ~~C.R.S.~~, geothermal energy; solar
15 energy; small hydroelectricity; ~~and~~ NUCLEAR ENERGY, INCLUDING
16 NUCLEAR ENERGY PROJECTS AWARDED FUNDING THROUGH THE UNITED
17 STATES DEPARTMENT OF ENERGY'S ADVANCED NUCLEAR REACTOR
18 PROGRAMS; wind energy; ~~as well as any~~ AND hydrogen derived from ~~any~~
19 ~~of the foregoing~~ OTHER ENERGY SOURCES LISTED IN THIS SUBSECTION (2).

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

22 **40-2-125.5. Carbon dioxide emission reductions - goal to**
23 **eliminate by 2050 - legislative declaration - interim targets -**
24 **submission and approval of plans - definitions - cost recovery -**
25 **reports - rules.** (2) **Definitions.** As used in this section, unless the
26 context otherwise requires:

27 (b) (I) "Clean energy resource" means any electricity-generating

1 technology that generates or stores electricity without emitting carbon
2 dioxide into the atmosphere.

3 (II) "~~Clean energy resources" include, without limitation,~~
4 RESOURCE" INCLUDES:

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

7 (B) NUCLEAR ENERGY, INCLUDING NUCLEAR ENERGY PROJECTS
8 AWARDED FUNDING THROUGH THE UNITED STATES DEPARTMENT OF
9 ENERGY'S ADVANCED NUCLEAR REACTOR PROGRAMS.

10 **SECTION 4.** In Colorado Revised Statutes, 39-4-101, **amend**
11 (2.4) as follows:

12 **39-4-101. Definitions.** As used in this article 4, unless the context
13 otherwise requires:

14 (2.4) (a) EXCEPT AS PROVIDED IN SUBSECTION (2.4)(b) OF THIS
15 SECTION, "clean energy resource" has the same meaning as set forth in
16 section 40-2-125.5 (2)(b).

17 (b) "CLEAN ENERGY RESOURCE" DOES NOT INCLUDE NUCLEAR
18 ENERGY GENERATED BY A PUBLIC UTILITY.

19 **SECTION 5. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2026 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.