

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0881.01 Kate Meyer

HOUSE BILL 10-1282

HOUSE SPONSORSHIP

King S. and Bradford,

SENATE SPONSORSHIP

Penry,

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE IMPOSITION OF A MORATORIUM ON THE CLOSURE OF**
102 **COAL-SOLAR POWER PLANTS.**

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://www.leg.state.co.us/billsummaries>.)

The bill imposes a moratorium on the closing of any coal-solar power plants until July 1, 2012. "Coal-solar power plant" is defined as an investor-owned, coal-fired electric generation facility that integrates solar thermal technology.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that, while the public utilities
4 commission of the state of Colorado is vested with broad authority to
5 regulate public utilities in the state, that authority, being conferred by and
6 subject to constitutional and statutory direction, is not absolute.

7 (2) The general assembly further finds and declares that:

8 (a) Approximately half of America's electricity comes from coal
9 and, in Colorado, coal provides more than two-thirds of the state's electric
10 power capacity;

11 (b) It would be impossible for America to meet its current energy
12 needs without coal-powered electricity generation;

13 (c) Coal is an abundant fuel source that is found in thirty-eight
14 states, including Colorado, and America's two hundred fifty billion tons
15 of recoverable coal reserves are estimated to be sufficient to meet
16 domestic demand for more than two hundred years;

17 (d) Coal is an increasingly clean fuel, with coal-based electricity
18 generation now seventy-five percent cleaner than it was thirty-five years
19 ago;

20 (e) Coal is a major economic engine for Colorado, with the coal
21 industry providing thousands of jobs in the state, serving as a source of
22 economic development for rural communities, and generating tens of
23 millions of dollars in royalty fees and severance taxes that state, federal,
24 and local governments depend on to provide critical community services;

25 (f) Solar-assisted power facilities pilot ways to make coal
26 technologies even cleaner and more efficient; and

1 (g) The closure of coal-solar power plants at this time will destroy
2 jobs and reduce energy generation at a time when both Colorado and
3 America need more of both. Therefore, it is declared to be in the public
4 interest to require such facilities to remain operational for the near future.

5 **SECTION 2.** Article 4 of title 40, Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW SECTION to read:

7 **40-4-118. Moratorium on closure of coal-solar power plants**
8 **- definition - repeal.** (1) NOTWITHSTANDING ANY PROVISION OF LAW,
9 COMMISSION OR COURT RULE, ORDER, OR DECISION TO THE CONTRARY,
10 THERE IS HEREBY IMPOSED A MORATORIUM ON CLOSING ANY COAL-SOLAR
11 POWER PLANT, REGARDLESS OF WHETHER THE CLOSURE OF ANY SUCH
12 PLANT HAS BEEN APPROVED BY THE COMMISSION.

13 (2) AS USED IN THIS SECTION, "COAL-SOLAR POWER PLANT" MEANS
14 AN INVESTOR-OWNED, COAL-FIRED ELECTRIC GENERATION FACILITY THAT
15 AUGMENTS OR IS BEING EQUIPPED TO AUGMENT COAL WITH
16 CONCENTRATED SOLAR POWER.

17 (3) THIS SECTION IS REPEALED, EFFECTIVE AUGUST 31, 2011.

18 **SECTION 3. Act subject to petition - effective date -**
19 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
20 following the expiration of the ninety-day period after final adjournment
21 of the general assembly (August 11, 2010, if adjournment sine die is on
22 May 12, 2010); except that, if a referendum petition is filed pursuant to
23 section 1 (3) of article V of the state constitution against this act or an
24 item, section, or part of this act within such period, then the act, item,
25 section, or part shall not take effect unless approved by the people at the
26 general election to be held in November 2010 and shall take effect on the
27 date of the official declaration of the vote thereon by the governor.

1 (2) The provisions of this act shall apply to coal-solar power plant
2 closures that are scheduled to occur on or after the applicable effective
3 date of this act.