

**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. 10-0899.01 Thomas Morris

HOUSE BILL 10-1363

HOUSE SPONSORSHIP

Scanlan, Liston, McFadyen

SENATE SPONSORSHIP

White, Boyd, Gibbs, Hodge, Johnston

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCENTIVES FOR THE PRODUCTION OF BIOGENIC GAS**
102 **THAT WAS CREATED AS A RESULT OF HUMAN INTERVENTION.**

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 renewable energy portfolio standard requires each qualifying retail utility to generate electricity from eligible energy resources in the following minimum amounts:

- ! 10% of its retail electricity sales in Colorado for the years 2011 through 2014;

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.*

- ! 15% for the years 2015 through 2019; and
- ! 20% for the years 2020 and thereafter.

The renewable energy portfolio standard also requires each cooperative electric association and municipally owned utility that is a qualifying retail utility to generate electricity from eligible energy resources in the following minimum amounts:

- ! 3% of retail electricity sales in Colorado for the years 2011 through 2014;
- ! 6% for the years 2015 through 2019; and
- ! 10% for the years 2020 and thereafter.

Section 1 of the bill specifies that, if any of these percentages is increased after February 1, 2010, then methane produced biogenically in geologic strata that was created as a result of human intervention is included as a type of biomass within the definition of renewable energy resources with regard to the affected entities. **Section 2** includes methane produced biogenically in geologic strata that was created as a result of human intervention and that does not involve additional land disturbance within the definition of "clean energy" for purposes of the Colorado clean energy development authority.

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

2

3 **SECTION 1.** 40-2-123, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **40-2-123. New energy technologies - consideration by**
6 **commission - incentives - demonstration projects - definitions -**
7 **legislative declaration - repeal.** (3.2) IN ITS CONSIDERATION OF
8 GENERATION ACQUISITIONS FOR ELECTRIC UTILITIES, THE COMMISSION
9 MAY GIVE THE FULLEST POSSIBLE CONSIDERATION TO THE COST-EFFECTIVE
10 IMPLEMENTATION OF NEW ENERGY TECHNOLOGIES FOR THE GENERATION
11 OF ELECTRICITY FROM METHANE PRODUCED BIOGENICALLY IN GEOLOGIC
12 STRATA AS A RESULT OF HUMAN INTERVENTION.

13 **SECTION 2.** 40-9.7-103 (5) (b), Colorado Revised Statutes, is
14 amended to read:

1 **40-9.7-103. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (5) "Clean energy" means any of the following fuels that are
4 themselves manufactured or synthesized and energy derived from any of
5 the following:

6 (b) Biomass resources such as biogas, INCLUDING METHANE THAT
7 HAS BEEN PRODUCED BIOGENICALLY IN GEOLOGIC STRATA AS A RESULT OF
8 HUMAN INTERVENTION AND THAT DOES NOT INVOLVE ADDITIONAL LAND
9 DISTURBANCE, agricultural or animal waste, small diameter timber or any
10 timber harvested pursuant to a watershed protection project or forest
11 health project, salt cedar, other nonnative invasive phreatophyte
12 vegetation removed from river basins or watersheds in Colorado, landfill
13 gas, and anaerobically digested waste biomass; except that biomass
14 resources do not include energy generated by use of fossil fuel;

15 **SECTION 3. Act subject to petition - effective date -**
16 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
17 following the expiration of the ninety-day period after final adjournment
18 of the general assembly (August 11, 2010, if adjournment sine die is on
19 May 12, 2010); except that, if a referendum petition is filed pursuant to
20 section 1 (3) of article V of the state constitution against this act or an
21 item, section, or part of this act within such period, then the act, item,
22 section, or part shall not take effect unless approved by the people at the
23 general election to be held in November 2010 and shall take effect on the
24 date of the official declaration of the vote thereon by the governor; and
25 except that section 1 of this act shall take effect only if House Bill
26 10-1001 is enacted and becomes law.

- 1 (2) The provisions of this act shall apply to conduct occurring on
- 2 or after the applicable effective date of this act.