

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 12-0184.01 Chuck Brackney x2295

HOUSE BILL 12-1160

HOUSE SPONSORSHIP

Baumgardner,

SENATE SPONSORSHIP

Schwartz,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING METHANE GAS CAPTURED FROM ACTIVE AND INACTIVE**
102 **COAL MINES.**

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 adds methane gas captured from active and inactive coal mines to the definition of "biomass" for purposes of the renewable energy standard.

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.

HOUSE
Amended 2nd Reading
February 27, 2012

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-124, **amend** (1)
3 introductory portion, (1) (a) introductory portion, and (1) (a) (I) **(C)**; and
4 **add** (1) (a) **(I.5)** as follows:

5 **40-2-124. Renewable energy standard - definitions - net**
6 **metering - legislative declaration.** (1) Each provider of retail electric
7 service in the state of Colorado, other than municipally owned utilities
8 that serve forty thousand customers or fewer, ~~shall be considered~~ IS a
9 qualifying retail utility. Each qualifying retail utility, with the exception
10 of cooperative electric associations that have voted to exempt themselves
11 from commission jurisdiction pursuant to section 40-9.5-104 and
12 municipally owned utilities, ~~shall be~~ IS subject to the rules established
13 under this article by the commission. No additional regulatory authority
14 of the commission other than that specifically contained in this section is
15 provided or implied. In accordance with article 4 of title 24, C.R.S., the
16 commission shall revise or clarify existing rules to establish the
17 following:

18 (a) Definitions of eligible energy resources that can be used to
19 meet the standards. "Eligible energy resources" means recycled energy
20 and renewable energy resources. The commission shall determine,
21 following an evidentiary hearing, the extent to which such electric
22 generation technologies utilized in an optional pricing program may be
23 used to comply with this standard. A fuel cell using hydrogen derived
24 from an eligible energy resource is also an eligible electric generation
25 technology. Fossil and nuclear fuels and their derivatives, EXCEPT FOR
26 **COAL MINE METHANE GAS**, are not eligible energy resources. For purposes
27 of this section:

1 (I) "Biomass" means:

2 (C) Methane produced at landfills or as a by-product of the
3 treatment of wastewater residuals OR CAPTURED FROM ACTIVE OR
4 INACTIVE COAL MINES.

5 (I.5) "COAL MINE METHANE GAS" MEANS THE GREENHOUSE GAS
6 METHANE CAPTURED FROM ACTIVE AND INACTIVE COAL MINES, WHERE IT
7 IS DETERMINED THAT THE METHANE IS ESCAPING TO THE ATMOSPHERE
8 AND UNDER THESE CIRCUMSTANCES FOR THE PURPOSES OF THIS
9 PARAGRAPH (a) IS AN ELIGIBLE ENERGY RESOURCE.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2012 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.