

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

**PREAMENDED**

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

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.*

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.