

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 21-0514.01 Duane Gall x4335

**HOUSE BILL 21-1052**

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**House Committees**  
Energy & Environment

**Senate Committees**  
Agriculture & Natural Resources

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**A BILL FOR AN ACT**

101      **CONCERNING THE INCLUSION OF PUMPED HYDROELECTRIC ENERGY**  
102              **GENERATION IN THE DEFINITION OF "ELIGIBLE ENERGY**  
103              **RESOURCES" FOR PURPOSES OF MEETING COLORADO'S**  
104              **RENEWABLE ENERGY STANDARD.**

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**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 bill removes the existing restriction on pumped hydroelectric facilities as a source of recycled energy, which is included in the definition of an eligible energy resource under the renewable energy

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

SENATE  
3rd Reading Unamended  
April 8, 2021

SENATE  
2nd Reading Unamended  
April 7, 2021

HOUSE  
3rd Reading Unamended  
March 17, 2021

HOUSE  
Amended 2nd Reading  
March 16, 2021

standard statute.

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

2           **SECTION 1.** In Colorado Revised Statutes, 40-2-124, **amend**  
3 (1)(a) introductory portion and (1)(a)(VI) as follows:

4           **40-2-124. Renewable energy standards - qualifying retail and**  
5 **wholesale utilities - definitions - net metering - legislative declaration.**

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

16           (a) Definitions of eligible energy resources that can be used to  
17 meet the standards. "Eligible energy resources" means recycled energy  
18 and renewable energy resources. In addition, resources using coal mine  
19 methane and synthetic gas produced by pyrolysis of municipal solid waste  
20 are eligible energy resources if the commission determines that the  
21 electricity generated by those resources is greenhouse gas neutral. The  
22 commission shall determine, following an evidentiary hearing, the extent  
23 to which such electric generation technologies utilized in an optional  
24 pricing program may be used to comply with this standard. A fuel cell  
25 using hydrogen derived from an eligible energy resource is also an

1 eligible electric generation technology. Fossil and nuclear fuels and their  
2 derivatives are not eligible energy resources. For purposes of AS USED IN  
3 this section:

4 (VI) (A) "Recycled energy" means energy produced by a  
5 generation unit with a nameplate capacity of not more than fifteen  
6 megawatts that EITHER converts the otherwise lost energy from the heat  
7 from exhaust stacks or pipes to electricity and ~~that does not combust~~  
8 ~~additional fossil fuel OR IS PUMPED HYDROELECTRICITY GENERATION~~  
9 ~~THAT DOES NOT COMBUST FOSSIL FUEL TO PUMP WATER; IS NOT LOCATED~~  
10 ~~ON A NATURAL WATERWAY; INCLUDES MEASURES TO PREVENT FISH~~  
11 ~~MORTALITY IN THE FACILITY; DOES NOT IMPACT ANY DECREED IN-STREAM~~  
12 ~~FLOW; AND DOES NOT CAUSE ANY VIOLATION OF STATE WATER QUALITY~~  
13 ~~STANDARDS WHEN OPERATED.~~

14 (B) SUBJECT TO SUBSECTION (1)(a)(VI)(A) OF THIS SECTION,  
15 "recycled energy" does not include energy produced by any system that  
16 uses energy, lost or otherwise, from a process whose primary purpose is  
17 the generation of electricity, including, without limitation, any process  
18 involving engine-driven generation. ~~or pumped hydroelectricity~~  
19 ~~generation.~~

20 **SECTION 2. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly; except  
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
24 of the state constitution against this act or an item, section, or part of this  
25 act within such period, then the act, item, section, or part will not take  
26 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.