

## CHAPTER 389

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**PUBLIC UTILITIES**

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**HOUSE BILL 10-1363**

BY REPRESENTATIVE(S) Scanlan, Liston, McFadyen, Apuan, Baumgardner, Curry, Fischer, Kerr J., King S., Labuda, Massey, Merrifield, Middleton, Pace, Priola, Tyler, Vaad, Vigil;  
also SENATOR(S) White, Boyd, Gibbs, Hodge, Johnston, Newell, Schwartz, Whitehead.

**AN ACT**

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

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

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

**40-2-123. New energy technologies - consideration by commission - incentives - demonstration projects - definitions - legislative declaration - repeal.** (3.3) IN ITS CONSIDERATION OF GENERATION ACQUISITIONS FOR ELECTRIC UTILITIES, THE COMMISSION MAY GIVE THE FULLEST POSSIBLE CONSIDERATION TO THE COST-EFFECTIVE IMPLEMENTATION OF NEW ENERGY TECHNOLOGIES FOR THE GENERATION OF ELECTRICITY FROM METHANE PRODUCED BIOGENICALLY IN GEOLOGIC STRATA AS A RESULT OF HUMAN INTERVENTION.

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

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

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

(b) Biomass resources such as biogas, INCLUDING METHANE THAT HAS BEEN PRODUCED BIOGENICALLY IN GEOLOGIC STRATA AS A RESULT OF HUMAN INTERVENTION AND THAT DOES NOT INVOLVE ADDITIONAL LAND DISTURBANCE, agricultural or animal waste, small diameter timber or any timber harvested pursuant

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

to a watershed protection project or forest health project, salt cedar, other nonnative invasive phreatophyte vegetation removed from river basins or watersheds in Colorado, landfill gas, and anaerobically digested waste biomass; except that biomass resources do not include energy generated by use of fossil fuel;

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

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

Approved: June 9, 2010