

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 13-0006.01 Chuck Brackney x2295

**SENATE BILL 13-063**

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**SENATE SPONSORSHIP**

**Grantham,** Tochtrop

**HOUSE SPONSORSHIP**

**Navarro,**

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**Senate Committees**  
State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE RENEWABLE ENERGY STANDARD'S DEFINITION OF**  
102 **RECYCLED ENERGY.**

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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://www.leg.state.co.us/billsummaries>.)*

Currently, recycled energy is a type of eligible energy resource that may be used to meet renewable energy standards. The bill adds to the definition of "recycled energy" the energy that is produced by a generation unit with a nameplate capacity of not more than 15 megawatts that combusts gas generated from synthetic gas derived from waste

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.*

materials through pyrolysis as the fuel source for generation.

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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** (1)  
3 introductory portion, (1) (a) introductory portion, and (1) (a) (III) as  
4 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~~ EXCEPT cooperative electric associations that have voted to exempt  
11 themselves from commission jurisdiction pursuant to section 40-9.5-104  
12 and 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 are not eligible

1 energy resources. For purposes of this section:

2 (III) "Recycled energy" means energy produced by a generation  
3 unit with a nameplate capacity of not more than fifteen megawatts that  
4 EITHER converts the otherwise lost energy from the heat from exhaust  
5 stacks or pipes to electricity and that does not combust additional fossil  
6 fuel OR COMBUSTS SYNTHETIC GAS DERIVED FROM WASTE MATERIALS  
7 THROUGH PYROLYSIS AS THE FUEL SOURCE FOR GENERATION. "Recycled  
8 energy" does not include energy produced by any system that uses energy,  
9 lost or otherwise, from a process whose primary purpose is the generation  
10 of electricity, including, without limitation, any process involving  
11 engine-driven generation or pumped hydroelectricity generation.

12 **SECTION 2. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly (August  
15 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
16 referendum petition is filed pursuant to section 1 (3) of article V of the  
17 state constitution against this act or an item, section, or part of this act  
18 within such period, then the act, item, section, or part will not take effect  
19 unless approved by the people at the general election to be held in  
20 November 2012 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.