

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0344.01 Christopher McMichael x4775

SENATE BILL 26-028

SENATE SPONSORSHIP

Pelton R.,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING REMOVAL OF WIND GENERATION AS A CLEAN ENERGY**
102 **SOURCE RELATED TO THE STATE'S CLEAN ENERGY GOALS.**

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 wind energy as an eligible renewable energy resource under Colorado's renewable energy standard and removes wind energy generation from consideration for the state's clean energy targets.

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

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

1 **SECTION 1.** In Colorado Revised Statutes, 40-2-124, **amend**
2 (1)(a)(VII) as follows:

3 **40-2-124. Renewable energy standards - qualifying retail and**
4 **wholesale utilities - definitions - net metering - legislative declaration**
5 **- rules.**

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

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

1 Fossil and nuclear fuels and their derivatives are not eligible energy
2 resources. As used in this section:

3 (VII) "Renewable energy resources" means solar, ~~wind~~,
4 geothermal, biomass that is greenhouse gas neutral, new hydroelectricity
5 with a nameplate rating of ten megawatts or less, and hydroelectricity in
6 existence on January 1, 2005, with a nameplate rating of thirty megawatts
7 or less and that does not require the construction of any new dams or
8 reservoirs. Notwithstanding any other provision of this subsection
9 (1)(a)(VII), a biomass electric generation facility that was in existence on
10 or before January 1, 2021, or that has a nameplate rating of ten megawatts
11 or less, shall be considered a renewable energy resource.

12 **SECTION 2.** In Colorado Revised Statutes, 40-2-125.5, **add**
13 (2)(b)(III) as follows:

14 **40-2-125.5. Carbon dioxide emission reductions - goal to**
15 **eliminate by 2050 - legislative declaration - interim targets -**
16 **submission and approval of plans - definitions - cost recovery -**
17 **reports - rules.**

18 (2) **Definitions.** As used in this section, unless the context
19 otherwise requires:

20 (b) (III) "CLEAN ENERGY RESOURCE" DOES NOT INCLUDE WIND
21 ENERGY.

22 **SECTION 3. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 12, 2026, if adjournment sine die is on May 13,
26 2026); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2026 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

5 (2) This act applies to clean energy plans filed and renewable
6 energy credits applied for on or after the applicable effective date of this
7 act.