

HB1268_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB26-1268 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article
4 20 of title 29 as follows:

5 PART 5

6 SITING OF RENEWABLE ENERGY PROJECTS

7 **29-20-501. Definitions.**

8 AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (1) "BROWNFIELD SITE" HAS THE MEANING SET FORTH IN SECTION
11 30-31-103 (3).

12 (2) "BRUNOT AGREEMENT" MEANS THE AGREEMENT OF
13 SEPTEMBER 13, 1873, RATIFIED BY ACT OF APRIL 29, 1874, CH. 136, 18
14 STAT. 36 (1874).

15 (3) "BRUNOT AREA" MEANS THE LAND RELINQUISHED AND
16 CONVEYED BY THE CONFEDERATED BANDS OF THE UTE NATION TO THE
17 UNITED STATES IN THE BRUNOT AGREEMENT AND UPON WHICH THE
18 UNITED STATES AGREED TO PERMIT THE UTE INDIANS TO HUNT "SO LONG
19 AS THE GAME LASTS AND THE INDIANS ARE AT PEACE WITH THE WHITE
20 PEOPLE."

21 (4) "CLOSED LANDFILL" HAS THE MEANING SET FORTH IN SECTION
22 30-20-124 (1)(c).

23 (5) "DEVELOPER" MEANS A PERSON RESPONSIBLE FOR DEVELOPING
24 AN ELIGIBLE PROJECT.

25 (6) "ELIGIBLE PROJECT" MEANS UNDERTAKINGS AND ACTIVITIES
26 RELATED TO THE DEVELOPMENT OF RENEWABLE ENERGY OR ENERGY
27 STORAGE SYSTEM INFRASTRUCTURE, WHICH UNDERTAKINGS AND
28 ACTIVITIES ARE RELATED TO AN ELIGIBLE SITE AND MAY INCLUDE
29 ACQUISITION OF LAND AND OTHER PROPERTY; DEMOLITION AND REMOVAL
30 OF BUILDINGS AND IMPROVEMENTS; SITE PREPARATION, CLEANUP, AND
31 REMEDIATION; AND INSTALLATION OF RENEWABLE ENERGY OR ENERGY
32 STORAGE SYSTEM INFRASTRUCTURE.

33 (7) "ELIGIBLE SITE" MEANS:

34 (a) A BROWNFIELD SITE;

35 (b) MINING OPERATION AFFECTED LAND AND MINING OPERATION
36 AFFECTED LAND FOR WHICH THE LIFE OF THE MINE HAS BEEN TERMINATED;

37 (c) A CLOSED LANDFILL;

38 (d) LAND AFFECTED BY AN OIL AND GAS OPERATION FOR WHICH
39 ALL OIL AND GAS INFRASTRUCTURE HAS BEEN DECOMMISSIONED AND THE
40 SITE IS ELIGIBLE FOR FINAL RECLAMATION, AS DETERMINED BY THE

1 DIRECTOR OF THE ENERGY AND CARBON MANAGEMENT COMMISSION
2 UNDER THE "ENERGY AND CARBON MANAGEMENT ACT", ARTICLE 60 OF
3 TITLE 34; OR
4 (e) LAND THAT IS:
5 (a) DESIGNATED BY THE UNITED STATES ENVIRONMENTAL
6 PROTECTION AGENCY UNDER THE FEDERAL "COMPREHENSIVE
7 ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF
8 1980", 42 U.S.C. SEC. 9601 ET SEQ.;
9 (b) DESIGNATED BY THE UNITED STATES ENVIRONMENTAL
10 PROTECTION AGENCY UNDER THE CORRECTIVE ACTION PROGRAM OF THE
11 FEDERAL "RESOURCE CONSERVATION AND RECOVERY ACT OF 1976", 42
12 U.S.C. SEC. 6901 ET SEQ.;
13 (c) REGULATED BY THE DEPARTMENT OF PUBLIC HEALTH AND
14 ENVIRONMENT UNDER THE "VOLUNTARY CLEAN-UP AND
15 REDEVELOPMENT ACT", PART 3 OF ARTICLE 16 OF TITLE 25; OR
16 (d) REGULATED BY THE ENERGY AND CARBON MANAGEMENT
17 COMMISSION UNDER THE "ENERGY AND CARBON MANAGEMENT ACT",
18 ARTICLE 60 OF TITLE 34.
19 (8) "ENERGY STORAGE SYSTEM" HAS THE MEANING SET FORTH IN
20 SECTION 40-2-130 (2)(a).
21 (9) "LIFE OF THE MINE":
22 (a) WITH RESPECT TO A MINING OPERATION FOR THE EXTRACTION
23 OF MINERALS, HAS THE MEANING SET FORTH IN SECTION 34-32-103 (6); OR
24 (b) WITH RESPECT TO A MINING OPERATION FOR THE EXTRACTION
25 OF CONSTRUCTION MATERIALS, HAS THE MEANING SET FORTH IN SECTION
26 34-32.5-103 (11).
27 (10) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE
28 CITY, TOWN, COUNTY, OR CITY AND COUNTY.
29 (11) "LOCAL PERMITTING ENTITY" MEANS THE GOVERNING BODY
30 OF A LOCAL GOVERNMENT OR AN AGENCY OF A LOCAL GOVERNMENT WITH
31 PERMITTING AUTHORITY OVER LAND USES.
32 (12) "MINING OPERATION AFFECTED LAND AND MINING OPERATION
33 AFFECTED LAND FOR WHICH THE LIFE OF THE MINE HAS BEEN
34 TERMINATED":
35 (a) WITH RESPECT TO A MINING OPERATION FOR THE EXTRACTION
36 OF MINERALS, HAS THE SAME MEANING AS "AFFECTED LAND" AS DEFINED
37 IN SECTION 34-32-103 (1.5); OR
38 (b) WITH RESPECT TO A MINING OPERATION FOR THE EXTRACTION
39 OF CONSTRUCTION MATERIALS, HAS THE SAME MEANING AS "AFFECTED
40 LAND" AS DEFINED IN SECTION 34-32.5-103 (1).
41 (13) (a) "RENEWABLE ENERGY" MEANS USEFUL ELECTRIC,
42 THERMAL, OR MECHANICAL ENERGY:
43 (I) THAT IS:
44 (A) CONVERTED DIRECTLY OR INDIRECTLY FROM RESOURCES OF
45 CONTINUOUS ENERGY FLOW; OR

1 (B) PERPETUALLY REPLENISHED; AND
2 (II) THE UTILIZATION OF WHICH IS SUSTAINABLE INDEFINITELY.
3 (b) "RENEWABLE ENERGY" INCLUDES SOLAR, WIND, AND
4 GEOTHERMAL ENERGY.
5 (14) "RENEWABLE ENERGY REINVESTMENT AREA" MEANS ONE OR
6 MORE ELIGIBLE SITES THAT A LOCAL PERMITTING ENTITY DESIGNATES AS
7 AN APPROPRIATE LOCATION FOR THE SITING OF ELIGIBLE PROJECTS AND
8 FOR WHICH COSTS ASSOCIATED WITH A PROJECT MAY BE FINANCED OR
9 REIMBURSED THROUGH TAX INCREMENT REVENUE PURSUANT TO SECTION
10 30-31-109 OR 31-25-107.
11 (15) (a) "UTILITY" MEANS AN ELECTRIC UTILITY IN THE STATE.
12 (b) "UTILITY" INCLUDES:
13 (I) AN INVESTOR-OWNED ELECTRIC UTILITY;
14 (II) A COOPERATIVE ELECTRIC ASSOCIATION FORMED PURSUANT
15 TO ARTICLE 9.5 OF TITLE 40;
16 (III) A MUNICIPALLY OWNED UTILITY; AND
17 (IV) A WHOLESALE ELECTRIC COOPERATIVE AS DEFINED IN
18 SECTION 40-2-136 (3)(c).
19 **29-20-502. Renewable energy reinvestment areas - designation**
20 **by a local permitting entity - consultation with tribal governments.**
21 (1) (a) A LOCAL PERMITTING ENTITY MAY DESIGNATE ONE OR
22 MORE ELIGIBLE SITES WITHIN ITS JURISDICTION AS A RENEWABLE ENERGY
23 REINVESTMENT AREA FOR THE SITING OF ELIGIBLE PROJECTS.
24 (b) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, TO
25 DESIGNATE ONE OR MORE ELIGIBLE SITES AS A RENEWABLE ENERGY
26 REINVESTMENT AREA, A LOCAL PERMITTING ENTITY MUST:
27 (I) COMPILE AND MAKE PUBLICLY AVAILABLE RELEVANT
28 DOCUMENTATION DEMONSTRATING THAT THE SITE IS AN ELIGIBLE SITE;
29 (II) CONSULT WITH THE DIVISION OF PARKS AND WILDLIFE
30 CREATED IN SECTION 33-9-104(1) REGARDING THE WILDLIFE AND HABITAT
31 IMPACTS OF CONSTRUCTING ELIGIBLE PROJECTS ON THE SITE, INCLUDING
32 IMPACTS TO STATE AND FEDERALLY LISTED SPECIES AND SPECIES AND
33 HABITATS OF CONSERVATION CONCERN;
34 (III) (A) HOLD ONE OR MORE PUBLIC HEARINGS REGARDING THE
35 DESIGNATION OF THE SITE OR SITES AS A RENEWABLE ENERGY
36 REINVESTMENT AREA; OR
37 (B) DESIGNATE THE ELIGIBLE SITE OR SITES AS PART OF A NEW
38 URBAN RENEWAL PLAN OR A SUBSTANTIAL MODIFICATION TO AN EXISTING
39 URBAN RENEWAL PLAN PURSUANT TO SECTION 31-25-107 OR AS PART OF
40 A NEW COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION
41 TO AN EXISTING COUNTY REVITALIZATION PLAN PURSUANT TO SECTION
42 30-31-109;
43 (IV) ENSURE THAT OUTREACH TO AND ENGAGEMENT OF
44 DISPROPORTIONATELY IMPACTED COMMUNITIES REGARDING THE
45 DESIGNATION OF A RENEWABLE ENERGY REINVESTMENT AREA WITHIN THE

1 JURISDICTION OF THE LOCAL PERMITTING ENTITY IS SUBSTANTIALLY
2 CONSISTENT WITH THE PROCESS SET FORTH IN SECTION 24-4-109 (3)
3 REGARDING THE DESIGNATION; AND

4 (V) ENSURE THAT DESIGNATED ELIGIBLE PROJECTS CAN BE
5 PERMITTED AND CONSTRUCTED PURSUANT TO AN ADMINISTRATIVE
6 APPROVAL PROCESS THROUGH WHICH THE PROJECT IS APPROVED,
7 APPROVED WITH CONDITIONS, OR DENIED BY LOCAL GOVERNMENT
8 ADMINISTRATIVE STAFF BASED SOLELY ON ITS COMPLIANCE WITH
9 OBJECTIVE STANDARDS. A LOCAL PERMITTING ENTITY SHALL DESIGNATE
10 AT LEAST ONE POINT OF CONTACT TO COORDINATE THE LOCAL
11 GOVERNMENT REVIEW PROCESS AND COMMUNICATE WITH THE ELIGIBLE
12 PROJECT APPLICANT.

13 (2) A LOCAL PERMITTING ENTITY SHALL NOT DESIGNATE AN
14 ELIGIBLE SITE:

15 (a) WITHIN THE SOUTHERN UTE INDIAN TRIBE RESERVATION AS A
16 RENEWABLE ENERGY REINVESTMENT AREA UNLESS THE LOCAL
17 GOVERNMENT FIRST CONSULTS WITH THE TRIBAL GOVERNMENT OF THE
18 SOUTHERN UTE INDIAN TRIBE; AND

19 (b) WITHIN THE BRUNOT AREA AS A RENEWABLE ENERGY
20 REINVESTMENT AREA UNLESS THE LOCAL GOVERNMENT FIRST CONSULTS
21 WITH THE TRIBAL GOVERNMENTS OF THE UTE MOUNTAIN UTE TRIBE AND
22 THE SOUTHERN UTE INDIAN TRIBE CONCERNING THE POTENTIAL IMPACTS
23 TO HUNTING, FISHING, AND GATHERING RIGHTS RELATED TO DESIGNATION
24 OF THE ELIGIBLE SITE.

25 **29-20-503. Information for siting eligible projects in**
26 **renewable energy reinvestment areas - requests from local**
27 **governments or developers.**

28 UPON A REQUEST BY A LOCAL GOVERNMENT OR A DEVELOPER FOR
29 INFORMATION REGARDING THE DESIGNATED RENEWABLE ENERGY
30 REINVESTMENT AREA, A UTILITY SHALL ACKNOWLEDGE THE REQUEST
31 WITHIN THIRTY DAYS AFTER THE REQUEST IS MADE AND PROVIDE THE
32 REQUESTOR READILY AVAILABLE INFORMATION.

33 **29-20-504. Saving clause.** NOTHING IN THIS PART 5 SHALL BE
34 CONSTRUED TO AUTHORIZE THE CONSTRUCTION, OPERATION, OR
35 EXPANSION OF AN ELIGIBLE PROJECT IN A RENEWABLE ENERGY
36 REINVESTMENT AREA IF THE PROJECT WOULD OTHERWISE BE PROHIBITED
37 OR DISALLOWED UNDER APPLICABLE FEDERAL OR STATE ENVIRONMENTAL
38 STATUTES, RULES, OR REGULATIONS, INCLUDING STATUTES, RULES, OR
39 REGULATIONS GOVERNING THE IDENTIFICATION, ASSESSMENT,
40 REMEDIATION, OR REUSE OF A BROWNFIELD SITE.

41 **SECTION 2.** In Colorado Revised Statutes, **add** 24-38.5-126 as
42 follows:

43 **24-38.5-126. Development guidance for renewable energy**
44 **development in renewable energy reinvestment areas - definition.**

45 (1) ON OR BEFORE SEPTEMBER 1, 2027, THE COLORADO ENERGY

1 OFFICE SHALL:

2 (a) PUBLISH ON THE COLORADO ENERGY OFFICE'S WEBSITE AN
3 OUTLINE OF THE GENERAL PROCESS FOR SITING, PERMITTING, AND
4 DEVELOPING RENEWABLE ENERGY PROJECTS IN RENEWABLE ENERGY
5 REINVESTMENT AREAS; AND

6 (b) CONSOLIDATE RELEVANT TECHNICAL AND INFORMATIONAL
7 RESOURCES FOR RENEWABLE ENERGY DEVELOPMENT IN RENEWABLE
8 ENERGY REINVESTMENT AREAS.

9 (2) THE COLORADO ENERGY OFFICE SHALL PERIODICALLY REVIEW
10 AND UPDATE THE INFORMATION PROVIDED PURSUANT TO SUBSECTION (1)
11 OF THIS SECTION ON THE OFFICE'S WEBSITE.

12 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES, "RENEWABLE ENERGY REINVESTMENT AREA" HAS THE MEANING
14 SET FORTH IN SECTION 29-20-501 (14).

15 **SECTION 3.** In Colorado Revised Statutes, 31-25-103, **add** (3.6)
16 and (6.3) as follows:

17 **31-25-103. Definitions.**

18 As used in this part 1, unless the context otherwise requires:

19 (3.6) "ELIGIBLE PROJECT" HAS THE MEANING SET FORTH IN
20 SECTION 29-20-501 (6).

21 (6.3) "RENEWABLE ENERGY REINVESTMENT AREA" HAS THE
22 MEANING SET FORTH IN SECTION 29-20-501 (14).

23 **SECTION 4.** In Colorado Revised Statutes, 31-25-105, **amend**
24 (1)(l); and **add** (1)(m) as follows:

25 **31-25-105. Powers of an authority.**

26 (1) Every authority has all the powers necessary or convenient to
27 carry out and effectuate the purposes and provisions of this part 1,
28 including, but not limited to, the following powers in addition to others
29 granted in this part 1:

30 (l) To rent or to provide by any other means suitable quarters for
31 the use of the authority or to accept the use of such quarters as may be
32 furnished by the municipality or any other public body, and to equip such
33 quarters with such furniture, furnishings, equipment, records, and
34 supplies as the authority may deem necessary to enable it to exercise its
35 powers under this part 1; AND

36 (m) PURSUANT TO SECTION 31-25-107 (9)(a)(II), TO AUTHORIZE
37 THE DISTRIBUTION OF TAX INCREMENT REVENUE TO FINANCE COSTS
38 NEEDED FOR ONE OR MORE ELIGIBLE PROJECTS SITED IN A RENEWABLE
39 ENERGY REINVESTMENT AREA.

40 **SECTION 5.** In Colorado Revised Statutes, 31-25-107, **add**
41 (1)(c)(IV), (7.3), and (9)(j) as follows:

42 **31-25-107. Approval of urban renewal plans by local**
43 **governing body - renewable energy reinvestment areas - definitions.**

44 (1) (c) (IV) AN URBAN RENEWAL PLAN OR A SUBSTANTIAL
45 MODIFICATION TO AN EXISTING URBAN RENEWAL PLAN APPROVED

1 PURSUANT TO THIS SECTION MUST INCLUDE:

2 (A) A MAP DEPICTING THE BOUNDARIES OF ANY RENEWABLE
3 ENERGY REINVESTMENT AREA INCLUDED IN THE URBAN RENEWAL PLAN OR
4 SUBSTANTIAL MODIFICATION; AND

5 (B) A DESCRIPTION OF THE ELIGIBLE PROJECTS AND ELIGIBLE
6 PROJECT COSTS TO BE FINANCED OR REIMBURSED WITH TAX INCREMENT
7 REVENUE WITHIN EACH RENEWABLE ENERGY REINVESTMENT AREA
8 INCLUDED IN THE URBAN RENEWAL PLAN OR SUBSTANTIAL MODIFICATION.

9 (7.3) AN URBAN RENEWAL PLAN OR A SUBSTANTIAL MODIFICATION
10 TO AN EXISTING URBAN RENEWAL PLAN MAY INCLUDE ONE OR MORE
11 ELIGIBLE PROJECTS LOCATED WITHIN A RENEWABLE ENERGY
12 REINVESTMENT AREA REGARDLESS OF WHETHER THE RENEWABLE ENERGY
13 REINVESTMENT AREA IS LOCATED WITHIN OR IS CONTIGUOUS TO THE
14 BOUNDARIES OF THE URBAN RENEWAL AREA.

15 (9) (j) (I) A RENEWABLE ENERGY REINVESTMENT AREA INCLUDED
16 IN AN URBAN RENEWAL PLAN PURSUANT TO THIS SECTION SHALL BE
17 DEEMED PART OF THE URBAN RENEWAL AREA FOR ALL PURPOSES SET
18 FORTH IN THIS PART 1.

19 (II) AN URBAN RENEWAL AUTHORITY MAY USE TAX INCREMENT
20 REVENUE GENERATED FROM ANY PORTION OF THE URBAN RENEWAL AREA
21 APPROVED PURSUANT TO THIS SECTION TO FINANCE OR REIMBURSE COSTS
22 INCURRED TO CARRY OUT ELIGIBLE PROJECTS WITHIN THE URBAN
23 RENEWAL AREA, INCLUDING WITHIN A RENEWABLE ENERGY
24 REINVESTMENT AREA INCLUDED IN THE URBAN RENEWAL AREA.

25 **SECTION 6.** In Colorado Revised Statutes, 30-31-103, **add** (9.5)
26 and (13.5) as follows:

27 **30-31-103. Definitions.**

28 As used in this article 31, unless the context otherwise requires:

29 (9.5) "ELIGIBLE PROJECT" HAS THE MEANING SET FORTH IN
30 SECTION 29-20-501 (6).

31 (13.5) "RENEWABLE ENERGY REINVESTMENT AREA" HAS THE
32 MEANING SET FORTH IN SECTION 29-20-501 (14).

33 **SECTION 7.** In Colorado Revised Statutes, 30-31-105, **add** (5)
34 as follows:

35 **30-31-105. Powers of an authority.**

36 (5) PURSUANT TO SECTION 30-31-109 (13)(a)(II), AN AUTHORITY
37 MAY DISTRIBUTE TAX INCREMENT REVENUE TO FINANCE COSTS INCURRED
38 TO CARRY OUT ONE OR MORE ELIGIBLE PROJECTS SITED IN A RENEWABLE
39 ENERGY REINVESTMENT AREA.

40 **SECTION 8.** In Colorado Revised Statutes, 30-31-109, **amend**
41 (1)(d); and **add** (1)(c)(IV) and (13)(j) as follows:

42 **30-31-109. Approval of county revitalization plans by local**
43 **governing body - renewable energy reinvestment areas - definitions.**

44 (1) (c) (IV) A COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL
45 MODIFICATION TO AN EXISTING COUNTY REVITALIZATION PLAN MAY

1 INCLUDE ONE OR MORE ELIGIBLE PROJECTS LOCATED WITHIN A
2 RENEWABLE ENERGY REINVESTMENT AREA REGARDLESS OF WHETHER THE
3 RENEWABLE ENERGY REINVESTMENT AREA IS LOCATED WITHIN OR IS
4 CONTIGUOUS TO THE BOUNDARIES OF THE COUNTY REVITALIZATION AREA.

5 (d) (I) A county revitalization plan that is approved or
6 substantially modified must include a legal description of the county
7 revitalization area, including the legal description of any agricultural land
8 proposed for inclusion within the county revitalization area pursuant to
9 subsection (1)(c)(II) of this section.

10 (II) A COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL
11 MODIFICATION TO AN EXISTING COUNTY REVITALIZATION PLAN APPROVED
12 PURSUANT TO THIS SECTION MUST INCLUDE:

13 (A) A MAP DEPICTING THE BOUNDARIES OF ANY RENEWABLE
14 ENERGY REINVESTMENT AREA INCLUDED IN THE COUNTY REVITALIZATION
15 PLAN OR SUBSTANTIAL MODIFICATION; AND

16 (B) A DESCRIPTION OF THE ELIGIBLE PROJECTS AND ELIGIBLE
17 PROJECT COSTS TO BE FINANCED OR REIMBURSED WITH TAX INCREMENT
18 REVENUE WITHIN EACH RENEWABLE ENERGY REINVESTMENT AREA
19 INCLUDED IN THE COUNTY REVITALIZATION PLAN OR SUBSTANTIAL
20 MODIFICATION.

21 (13)(j)(I) A RENEWABLE ENERGY REINVESTMENT AREA INCLUDED
22 IN A COUNTY REVITALIZATION PLAN PURSUANT TO THIS SECTION SHALL BE
23 DEEMED PART OF THE COUNTY REVITALIZATION AREA FOR ALL PURPOSES
24 SET FORTH IN THIS ARTICLE 31.

25 (II) A COUNTY REVITALIZATION AUTHORITY MAY USE TAX
26 INCREMENT REVENUE GENERATED FROM ANY PORTION OF THE COUNTY
27 REVITALIZATION AREA APPROVED PURSUANT TO THIS SECTION TO FINANCE
28 OR REIMBURSE COSTS INCURRED TO CARRY OUT ELIGIBLE PROJECTS WITHIN
29 THE COUNTY REVITALIZATION AREA, INCLUDING WITHIN A RENEWABLE
30 ENERGY REINVESTMENT AREA INCLUDED IN THE COUNTY REVITALIZATION
31 AREA.

32 **SECTION 9. Act subject to petition - effective date.** This act
33 takes effect at 12:01 a.m. on the day following the expiration of the
34 ninety-day period after final adjournment of the general assembly (August
35 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
36 referendum petition is filed pursuant to section 1 (3) of article V of the
37 state constitution against this act or an item, section, or part of this act
38 within such period, then the act, item, section, or part will not take effect
39 unless approved by the people at the general election to be held in
40 November 2026 and, in such case, will take effect on the date of the
41 official declaration of the vote thereon by the governor."

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