

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0550.01 Sarah Lozano x3858

SENATE BILL 26-033

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING CLEAN ENERGY PERMITTING PROCESSES, AND, IN**
102 **CONNECTION THEREWITH, CREATING THE COLORADO CLEAN**
103 **ENERGY PERMITTING COORDINATION OFFICE.**

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 creates the Colorado clean energy permitting coordination office (office) in the Colorado energy office to provide coordination and technical assistance to owners or operators, local governments, and state permitting authorities regarding permitting for the construction, expansion, repowering, or material modification of a clean energy

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.

resource facility project (covered clean energy project).

At the request of the owner or operator of a covered clean energy project (owner or operator) or a local government with jurisdiction over the covered clean energy project or that the owner or operator determines is likely to experience direct and significant impacts from the covered clean energy project (host community), the office must convene a meeting (application coordination meeting) to coordinate the filing of permit applications for the covered clean energy project that includes certain interested parties. Following an application coordination meeting, the office must prepare a coordinated permitting schedule for the covered clean energy project that identifies the permits and approvals likely to be required for the covered clean energy project and certain other information (coordinated permitting schedule).

The office is required to develop and maintain a public dashboard (public dashboard) on the office's website for an owner or operator that receives a coordinated permitting schedule or that receives state technical assistance from the office.

Effective July 1, 2027, at least 90 days before the owner or operator submits the first state permit application for a covered clean energy project, the owner or operator must submit a community engagement plan to the office and relevant state permitting authorities. A community engagement plan must identify host communities for the project and describe certain other community engagement efforts regarding the project.

Effective July 1, 2027, an owner or operator must prepare a community benefit agreement and submit the community benefit agreement to the office and the parties participating in the covered clean energy project's application coordination meeting. The office is required to develop model community benefit agreement terms for a covered clean energy project and post the terms on the covered clean energy project's public dashboard or the office's website.

The office is required to prioritize technical assistance and permitting readiness support for covered clean energy projects that repower or reuse retired or retiring fossil fuel generation sites, are located in coal transition communities, or are located on brownfield sites. On or before December 1, 2027, the office shall publish and update annually an inventory identifying coal plant and industrial sites and brownfield sites suitable for redevelopment for clean energy resource facilities and other key infrastructure considerations.

Effective July 1, 2027, an owner or operator must develop and submit to the office a safety and emergency preparedness plan and coordinate with relevant local emergency management agencies and the Colorado division of homeland security and emergency management in implementing the safety and emergency preparedness plan. The office shall post a safety and emergency preparedness plan on the covered clean

energy project's public dashboard or the office's website.

Effective November 1, 2027, an owner or operator of a covered clean energy project must submit to the office a grid reliability and security statement. The office must coordinate with the public utilities commission and utilities as appropriate to align permitting readiness with grid reliability needs.

On or before December 1, 2027, and on or before each December 1 thereafter, the office must submit a report to certain committees of the general assembly summarizing certain information about the functions of the office.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Colorado's continued prosperity, affordability, environmental
5 stewardship, and public health depend on the timely, reliable, safe, and
6 community-supported deployment of clean and abundant energy
7 resources, including resources that provide firm, dispatchable, and
8 resilient power;

9 (b) Colorado is experiencing and anticipates further accelerated
10 demand for electricity and energy services driven by economic growth,
11 electrification, advanced manufacturing, and data-intensive industries,
12 which accelerated demand requires deliberate and coordinated planning
13 for new generation, storage, transmission, and enabling infrastructure;

14 (c) Colorado communities deserve early, meaningful, accessible,
15 and ongoing engagement regarding the siting and permitting of major
16 clean energy facilities and associated infrastructure, including clear
17 information about benefits, impacts, timelines, and safety and emergency
18 preparedness;

19 (d) Communities hosting clean energy facilities may realize
20 significant benefits, including high-quality jobs, workforce pathways,

1 expanded tax bases, and supply chain development, but also may face
2 impacts that require mitigation, planning, and sustained partnership;

3 (e) Colorado's coal transition communities and communities with
4 brownfield sites have unique opportunities and needs and should be
5 prioritized for planning support, reuse of existing infrastructure, and
6 job-creating investment;

7 (f) Safety and emergency preparedness are fundamental to public
8 trust. For nuclear energy facilities, the federal government retains primary
9 authority for licensing and radiological safety, and Colorado's role is
10 coordination, preparedness, training, and public communication
11 consistent with federal law.

12 (g) Grid reliability and security, including physical security,
13 cybersecurity, fuel assurance, and security of long-term operations, must
14 be incorporated early into permitting readiness and community benefit
15 planning.

16 (2) Therefore, it is the intent of the general assembly to establish
17 statewide processes and structures that:

18 (a) Improve coordination and predictability of clean energy
19 permitting;

20 (b) Set minimum community engagement and benefit evaluation
21 requirements;

22 (c) Prioritize coal transition communities and brownfield site
23 redevelopment;

24 (d) Strengthen safety and emergency preparedness;

25 (e) Support grid reliability and security; and

26 (f) Ensure communities are at the forefront of consideration to
27 bring clean and abundant energy sources to Colorado for a prosperous

1 and environmentally sustainable future for all.

2 **SECTION 2.** In Colorado Revised Statutes, **add** part 6 to article
3 38.5 of title 24 as follows:

4 **PART 6**

5 **COLORADO CLEAN ENERGY PERMITTING**
6 **COORDINATION OFFICE**

7 **24-38.5-601. Definitions.**

8 AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (1) "APPLICATION COORDINATION MEETING" MEANS THE
11 COORDINATION MEETING DESCRIBED IN SECTION 24-38.5-603 (1).

12 (2) "BROWNFIELD SITE" HAS THE MEANING SET FORTH IN 42 U.S.C.
13 SEC. 9601 (39), AS AMENDED.

14 (3) "CLEAN ENERGY RESOURCE" HAS THE MEANING SET FORTH IN
15 SECTION 40-2-125.5 (2)(b)(II).

16 (4) "COAL TRANSITION COMMUNITY" HAS THE MEANING SET FORTH
17 IN SECTION 8-83-502 (1).

18 (5) "COVERED CLEAN ENERGY PROJECT" OR "PROJECT" MEANS A
19 PROJECT FOR THE CONSTRUCTION, EXPANSION, REPOWERING, OR MATERIAL
20 MODIFICATION OF A CLEAN ENERGY RESOURCE FACILITY, INCLUDING
21 ASSOCIATED INTERCONNECTION AND ON-SITE ENABLING FACILITIES.

22 (6) "HOST COMMUNITY" MEANS A LOCAL GOVERNMENT:

23 (a) WITH JURISDICTION OVER A COVERED CLEAN ENERGY PROJECT;

24 OR

25 (b) THAT THE OWNER OR OPERATOR OF A COVERED CLEAN ENERGY
26 PROJECT DETERMINES IS LIKELY TO EXPERIENCE DIRECT AND SIGNIFICANT
27 IMPACTS FROM THE COVERED CLEAN ENERGY PROJECT DUE TO PROXIMITY,

1 THE USE OF ACCESS ROUTES, OR CONSTRUCTION-RELATED IMPACTS,
2 INCLUDING ROAD CLOSURES AND NOISE IMPACTS.

3 (7) "LOCAL GOVERNMENT" MEANS A CITY, COUNTY, CITY AND
4 COUNTY, SPECIAL DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE
5 STATE.

6 (8) "MATERIAL MODIFICATION" MEANS A CHANGE TO A PROJECT
7 FACILITY OR SITE THAT IS REASONABLY LIKELY TO RESULT IN A
8 SIGNIFICANT CHANGE IN:

9 (a) NAMEPLATE GENERATING CAPACITY OR THERMAL OUTPUT;

10 (b) THE FACILITY OR SITE FOOTPRINT OR ON-SITE
11 INFRASTRUCTURE;

12 (c) SAFETY-RELATED SYSTEMS OR EMERGENCY PLANNING
13 ASSUMPTIONS; OR

14 (d) TRANSPORTATION, CONSTRUCTION, OR OPERATIONAL IMPACTS
15 TO A HOST COMMUNITY.

16 (9) "OFFICE" MEANS THE COLORADO CLEAN ENERGY PERMITTING
17 COORDINATION OFFICE CREATED IN SECTION 24-38.5-602 (1).

18 (10) "PERMITTING AUTHORITY" MEANS A STATE AGENCY, BOARD,
19 COMMISSION, DEPARTMENT, OFFICE, OR DIVISION THAT ISSUES, DENIES,
20 CONDITIONS, OR ENFORCES A STATE PERMIT, CERTIFICATION,
21 AUTHORIZATION, LEASE, RIGHT-OF-WAY, OR APPROVAL APPLICABLE TO A
22 COVERED CLEAN ENERGY PROJECT.

23 (11) "PUBLIC DASHBOARD" MEANS A PUBLIC DASHBOARD FOR AN
24 OWNER OR OPERATOR OF A COVERED CLEAN ENERGY PROJECT, AS
25 DESCRIBED IN SECTION 24-38.5-610 (1).

26 **24-38.5-602. Colorado clean energy permitting coordination**
27 **office - creation - duties.**

5 (3) THE OFFICE SHALL:

6 (a) SERVE AS A SINGLE POINT OF CONTACT FOR OWNERS OR
7 OPERATORS OF A COVERED CLEAN ENERGY PROJECT, LOCAL
8 GOVERNMENTS, AND PERMITTING AUTHORITIES;

11 (c) MAINTAIN PUBLIC DASHBOARDS;

12 (d) PROVIDE TECHNICAL ASSISTANCE TO PERMITTING AUTHORITIES,
13 LOCAL GOVERNMENTS, LOCAL PERMITTING OFFICES, AND FEDERALLY
14 RECOGNIZED TRIBAL GOVERNMENTS:

15 (e) DEVELOP MODEL COMMUNITY BENEFIT AGREEMENT TERMS
16 PURSUANT TO SECTION 24-38.5-606 (3); AND

17 (f) COORDINATE WITH WORKFORCE AND ECONOMIC DEVELOPMENT
18 PARTNERS

19 (4) THE AUTHORITY GRANTED TO THE OFFICE PURSUANT TO THIS
20 PART 6 DOES NOT PREEMPT THE AUTHORITY OF A PERMITTING AUTHORITY,
21 LOCAL GOVERNMENT, OR FEDERALLY RECOGNIZED TRIBE AND DOES NOT
22 SUPERSEDE FEDERAL JURISDICTION OVER NUCLEAR FACILITY LICENSING
23 AND RADIOLOGICAL SAFETY REGULATIONS

24 24-38.5-603. Application coordination meeting - coordinated
25 permitting schedule.

26 (1) AT THE REQUEST OF AN OWNER OR OPERATOR OF A COVERED
27 CLEAN ENERGY PROJECT OR HOST COMMUNITY THE OFFICE SHALL

1 CONVENE A MEETING TO COORDINATE THE FILING OF APPLICATIONS FOR
2 PERMITS FOR THE COVERED CLEAN ENERGY PROJECT, WHICH MEETING MAY
3 ALSO INCLUDE RELEVANT PERMITTING AUTHORITIES AND LOCAL
4 GOVERNMENTS, FEDERALLY RECOGNIZED TRIBAL GOVERNMENTS, AND
5 UTILITIES, AS APPLICABLE.

6 (2) FOLLOWING AN APPLICATION COORDINATION MEETING, THE
7 OFFICE SHALL PREPARE A COORDINATED PERMITTING SCHEDULE FOR THE
8 COVERED CLEAN ENERGY PROJECT THAT IDENTIFIES, TO THE EXTENT
9 KNOWN, THE FEDERAL, STATE, AND LOCAL GOVERNMENT PERMITS AND
10 APPROVALS LIKELY TO BE REQUIRED, KEY INFORMATION NEEDS,
11 ANTICIPATED REVIEW MILESTONES, AND OPPORTUNITIES FOR CONCURRENT
12 REVIEW BY PERMITTING AUTHORITIES AND OTHER PARTIES REVIEWING
13 PERMIT APPLICATIONS.

14 (3) TO THE GREATEST EXTENT PRACTICABLE AND CONSISTENT
15 WITH APPLICABLE LAW, IN REVIEWING AN APPLICATION FOR A COVERED
16 CLEAN ENERGY PROJECT, PERMITTING AUTHORITIES SHALL COORDINATE
17 THEIR REVIEWS, SHARE NONCONFIDENTIAL INFORMATION WITH EACH
18 OTHER, AND IDENTIFY A SINGLE POINT OF CONTACT. A COORDINATED
19 PERMITTING SCHEDULE IS INFORMATIONAL AND DOES NOT MODIFY
20 APPLICABLE LAW.

21 (4) THE OFFICE MAY:

22 (a) FACILITATE ISSUE RESOLUTION AMONG THE PARTIES
23 PARTICIPATING IN AN APPLICATION COORDINATION MEETING AND OTHER
24 PARTIES INVOLVED IN THE REVIEW OF PERMIT APPLICATIONS FOR A
25 COVERED CLEAN ENERGY PROJECT; AND

26 (b) PROVIDE TECHNICAL ASSISTANCE ON PROCESS AND
27 SEQUENCING FOR A PROJECT.

24-38.5-604. Local government and tribal participation - best practices.

5 (1) A LOCAL GOVERNMENT OR FEDERALLY RECOGNIZED TRIBAL
6 GOVERNMENT MAY PARTICIPATE IN ACTIVITIES DESCRIBED IN THIS PART 6
7 ON A VOLUNTARY BASIS.

12 (3) NOTHING IN THIS PART 6 LIMITS OR EXPANDS LOCAL LAND USE
13 AUTHORITY OR TRIBAL SOVEREIGNTY.

14 24-38.5-605. Community engagement plans.

4 (3) AT A MINIMUM, A COMMUNITY ENGAGEMENT PLAN MUST:

5 (a) IDENTIFY HOST COMMUNITIES;

6 (b) DESCRIBE AT LEAST TWO PUBLIC MEETINGS THAT THE OWNER
7 OR OPERATOR OF THE COVERED CLEAN ENERGY PROJECT HAS CONDUCTED
8 OR WILL BE CONDUCTING, WHICH MEETINGS MUST BE AT ACCESSIBLE
9 TIMES AND LOCATIONS, ALLOW REMOTE ACCESS, AND PROVIDE DISABILITY
10 ACCOMMODATIONS;

11 (c) DESCRIBE THE OWNER OR OPERATOR'S PLAN TO PROVIDE
12 TIMELY INFORMATION ABOUT THE PROJECT THROUGH A WEBSITE AND A
13 QUESTION-AND-RESPONSE MECHANISM THROUGH THE WEBSITE;

14 (d) IDENTIFY A COMMUNITY LIAISON; AND

15 (e) DESCRIBE HOW COMMUNITY ENGAGEMENT WILL BE
16 DOCUMENTED AND SUMMARIZED BY THE OWNER OR OPERATOR.

24-38.5-606. Community benefit agreements.

23 (2) AT A MINIMUM, A COMMUNITY BENEFIT AGREEMENT MUST
24 ADDRESS THE FOLLOWING CONCERNING THE PROJECT:

25 (a) JOBS AND WORKFORCE DEVELOPMENT;

26 (b) TAX AND FISCAL IMPACTS;

27 (c) SUPPLY CHAIN NEEDS AND COLORADO PROCUREMENT

1 OPPORTUNITIES;

2 (d) COMMUNITY IMPACTS AND MITIGATION, INCLUDING HOUSING
3 AND TRANSPORTATION IMPACTS DURING CONSTRUCTION;

4 (e) LONG-TERM OPERATIONS, MAINTENANCE, DECOMMISSIONING,
5 AND SITE RESTORATION CONCEPTS; AND

6 (f) SAFETY AND EMERGENCY PREPAREDNESS SUPPORT.

7 (3) THE OFFICE SHALL DEVELOP MODEL COMMUNITY BENEFIT
8 AGREEMENT TERMS FOR A COVERED CLEAN ENERGY PROJECT, WHICH THE
9 OFFICE SHALL POST ON THE COVERED CLEAN ENERGY PROJECT'S PUBLIC
10 DASHBOARD OR THE OFFICE'S WEBSITE IF THE COVERED CLEAN ENERGY
11 PROJECT DOES NOT HAVE A PUBLIC DASHBOARD.

12 (4) FOR COVERED CLEAN ENERGY PROJECTS LOCATED IN COAL
13 TRANSITION COMMUNITIES OR ON BROWNFIELD SITES OR FOR WHICH THE
14 OWNER OR OPERATOR SEEKS STATE FINANCIAL ASSISTANCE, THE OWNER
15 OR OPERATOR OF THE PROJECT SHALL NEGOTIATE IN GOOD FAITH TOWARD
16 EXECUTING A SIGNED COMMUNITY BENEFIT AGREEMENT WITH HOST
17 COMMUNITIES.

18 (5) A COMMUNITY BENEFIT AGREEMENT MAY ADDRESS, AS
19 APPLICABLE, LOCAL BUSINESS OPPORTUNITIES, INCLUDING OPPORTUNITIES
20 FOR SMALL AND DIVERSE BUSINESSES; WORKFORCE STANDARDS AND
21 PATHWAYS, INCLUDING APPRENTICESHIP UTILIZATION AND TARGETED
22 HIRING; WORKER SAFETY TRAINING EXPECTATIONS; COMMUNITY
23 INVESTMENTS AND MITIGATION; EMERGENCY MANAGEMENT SUPPORT; AND
24 MEASURABLE REPORTING COMMITMENTS.

25 (6) NOTHING IN THIS SECTION REQUIRES A PERMITTING AUTHORITY
26 TO DENY A PERMIT SOLELY BECAUSE A COMMUNITY BENEFIT AGREEMENT
27 HAS NOT BEEN EXECUTED, BUT THE PERMITTING AUTHORITY MAY

1 CONSIDER THE LACK OF AN EXECUTED COMMUNITY BENEFIT AGREEMENT
2 TO THE EXTENT THE PERMITTING AUTHORITY IS OTHERWISE AUTHORIZED
3 BY LAW TO CONSIDER COMMUNITY IMPACTS AND MITIGATION.

4 **24-38.5-607. Coal community and brownfield priority -**
5 **inventory.**

6 (1) THE OFFICE SHALL PRIORITIZE TECHNICAL ASSISTANCE AND
7 PERMITTING READINESS SUPPORT FOR COVERED CLEAN ENERGY PROJECTS
8 THAT REPOWER OR REUSE RETIRED OR RETIRING FOSSIL FUEL GENERATION
9 SITES, ARE LOCATED IN COAL TRANSITION COMMUNITIES, OR ARE LOCATED
10 ON BROWNFIELD SITES.

11 (2) ON OR BEFORE DECEMBER 1, 2027, THE OFFICE SHALL PUBLISH
12 ON THE OFFICE'S WEBSITE AND UPDATE ANNUALLY AN INVENTORY
13 IDENTIFYING COAL PLANT AND INDUSTRIAL SITES AND BROWNFIELD SITES
14 SUITABLE FOR REDEVELOPMENT FOR CLEAN ENERGY RESOURCE FACILITIES
15 AND OTHER KEY INFRASTRUCTURE CONSIDERATIONS. THE INVENTORY IS
16 INFORMATIONAL AND DOES NOT DESIGNATE OR COMPEL A LOCATION FOR
17 THE SITING OF A COVERED CLEAN ENERGY PROJECT.

18 **24-38.5-608. Safety and emergency preparedness plans.**

19 (1) EFFECTIVE JULY 1, 2027, AN OWNER OR OPERATOR OF A
20 COVERED CLEAN ENERGY PROJECT SHALL:

21 (a) DEVELOP AND SUBMIT TO THE OFFICE A SAFETY AND
22 EMERGENCY PREPAREDNESS PLAN PROPORTIONATE TO PROJECT TYPE,
23 SCALE, AND RISK; AND

24 (b) COORDINATE WITH RELEVANT LOCAL EMERGENCY
25 MANAGEMENT AGENCIES AND THE DIVISION OF HOMELAND SECURITY AND
26 EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-1603 IN
27 IMPLEMENTING THE SAFETY AND EMERGENCY PREPAREDNESS PLAN.

17 24-38.5-609. Grid reliability and security statement -
18 coordination with public utilities commission and utilities.

19 (1) EFFECTIVE NOVEMBER 1, 2027, AN OWNER OR OPERATOR OF A
20 COVERED CLEAN ENERGY PROJECT SHALL SUBMIT TO THE OFFICE A GRID
21 RELIABILITY AND SECURITY STATEMENT DESCRIBING INTERCONNECTION
22 STATUS, EXPECTED CONTRIBUTION TO GRID RELIABILITY AND RESILIENCE,
23 CYBERSECURITY AND PHYSICAL SECURITY PRACTICES APPROPRIATE TO
24 CRITICAL INFRASTRUCTURE, AND LONG-TERM OPERATIONS AND
25 MAINTENANCE PLANNING

26 (2) THE OFFICE SHALL COORDINATE WITH THE PUBLIC UTILITIES
27 COMMISSION AND UTILITIES AS APPROPRIATE TO ALIGN PERMITTING

1 READINESS WITH GRID RELIABILITY NEEDS.

2 **24-38.5-610. Public dashboard - annual report - metrics.**

3 (1) THE OFFICE SHALL DEVELOP AND MAINTAIN A PUBLIC
4 DASHBOARD ON THE OFFICE'S WEBSITE FOR AN OWNER OR OPERATOR OF A
5 COVERED CLEAN ENERGY PROJECT THAT RECEIVES A COORDINATED
6 PERMITTING SCHEDULE PURSUANT TO SECTION 24-38.5-603 (2) OR THAT
7 RECEIVES STATE TECHNICAL ASSISTANCE FROM THE OFFICE.

8 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
9 BEFORE DECEMBER 1, 2027, AND ON OR BEFORE EACH DECEMBER 1
10 THEREAFTER, THE OFFICE SHALL SUBMIT AN ANNUAL REPORT TO THE
11 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
12 REPRESENTATIVES AND THE TRANSPORTATION AND ENERGY COMMITTEE
13 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, SUMMARIZING
14 PROGRAM METRICS, COMMUNITY ENGAGEMENT LESSONS LEARNED, COAL
15 COMMUNITY AND BROWNFIELD SITE READINESS ACTIVITIES, GRID
16 RELIABILITY AND SECURITY STATEMENTS SUBMITTED TO THE OFFICE
17 PURSUANT TO SECTION 24-38.5-609 (1), SAFETY AND EMERGENCY
18 PREPAREDNESS COORDINATION ACTIVITIES, AND RECOMMENDATIONS FOR
19 IMPROVEMENTS.

20 **24-38.5-611. Repeal of part - sunset review.**

21 (1) THIS PART 6 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.

22 (2) BEFORE THE REPEAL, THIS PART 6 IS SCHEDULED FOR REVIEW
23 IN ACCORDANCE WITH SECTION 24-34-104.

24 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**
25 (32)(a)(XVI) as follows:

26 **24-34-104. General assembly review of regulatory agencies**
27 **and functions for repeal, continuation, or reestablishment - legislative**

1 **declaration - repeal.**

2 (32) (a) The following agencies, functions, or both, are scheduled
3 for repeal on September 1, 2031:

4 (XVI) THE COLORADO CLEAN ENERGY PERMITTING COORDINATION
5 OFFICE CREATED IN SECTION 24-38.5-602 (1).

6 **SECTION 4. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
8 the expiration of the ninety-day period after final adjournment of the
9 general assembly (August 12, 2026, if adjournment sine die is on May 13,
10 2026); except that, if a referendum petition is filed pursuant to section 1
11 (3) of article V of the state constitution against this act or an item, section,
12 or part of this act within such period, then the act, item, section, or part
13 will not take effect unless approved by the people at the general election
14 to be held in November 2026 and, in such case, will take effect on the
15 date of the official declaration of the vote thereon by the governor.

16 (2) This act applies to covered clean energy projects proposed on
17 or after the applicable effective date of this act.