

## CHAPTER 160

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**PUBLIC UTILITIES**

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**HOUSE BILL 26-1268**

BY REPRESENTATIVE(S) McCormick and Smith, Bacon, Boesenecker, Brown, Camacho, Carter, Duran, Jackson, Joseph, Lindsay, Nguyen, Story, Valdez, McCluskie, Goldstein, Phillips;  
also SENATOR(S) Lindstedt, Amabile, Benavidez, Cutter, Jodeh, Kipp, Wallace, Coleman.

**AN ACT****CONCERNING MEASURES TO ADVANCE RENEWABLE ENERGY PROJECTS ON PREVIOUSLY DISTURBED LANDS THROUGH THE DESIGNATION OF RENEWABLE ENERGY REINVESTMENT AREAS.**

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

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

**PART 5**  
**SITING OF RENEWABLE ENERGY PROJECTS**

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

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

- (1) "BROWNFIELD SITE" HAS THE MEANING SET FORTH IN SECTION 30-31-103 (3).
- (2) "BRUNOT AGREEMENT" MEANS THE AGREEMENT OF SEPTEMBER 13, 1873, RATIFIED BY ACT OF APRIL 29, 1874, CH. 136, 18 STAT. 36 (1874).
- (3) "BRUNOT AREA" MEANS THE LAND RELINQUISHED AND CONVEYED BY THE CONFEDERATED BANDS OF THE UTE NATION TO THE UNITED STATES IN THE BRUNOT AGREEMENT AND UPON WHICH THE UNITED STATES AGREED TO PERMIT THE UTE INDIANS TO HUNT "SO LONG AS THE GAME LASTS AND THE INDIANS ARE AT PEACE WITH THE WHITE PEOPLE."
- (4) "CLOSED LANDFILL" HAS THE MEANING SET FORTH IN SECTION 30-20-124 (1)(c).

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

(7) "ELIGIBLE SITE" MEANS:

(a) A BROWNFIELD SITE;

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

(c) A CLOSED LANDFILL;

(d) LAND AFFECTED BY AN OIL AND GAS OPERATION FOR WHICH ALL OIL AND GAS INFRASTRUCTURE HAS BEEN DECOMMISSIONED AND THE SITE IS ELIGIBLE FOR FINAL RECLAMATION, AS DETERMINED BY THE DIRECTOR OF THE ENERGY AND CARBON MANAGEMENT COMMISSION UNDER THE "ENERGY AND CARBON MANAGEMENT ACT", ARTICLE 60 OF TITLE 34; OR

(e) LAND THAT IS:

(I) DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER THE FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980", 42 U.S.C. SEC. 9601 ET SEQ.;

(II) DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER THE CORRECTIVE ACTION PROGRAM OF THE FEDERAL "RESOURCE CONSERVATION AND RECOVERY ACT OF 1976", 42 U.S.C. SEC. 6901 ET SEQ.; OR

(III) REGULATED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT UNDER THE "VOLUNTARY CLEAN-UP AND REDEVELOPMENT ACT", PART 3 OF ARTICLE 16 OF TITLE 25.

(8) "ENERGY STORAGE SYSTEM" HAS THE MEANING SET FORTH IN SECTION 40-2-130 (2)(a).

(9) "LIFE OF THE MINE":

(a) WITH RESPECT TO A MINING OPERATION FOR THE EXTRACTION OF MINERALS, HAS THE MEANING SET FORTH IN SECTION 34-32-103 (6); OR

(b) WITH RESPECT TO A MINING OPERATION FOR THE EXTRACTION OF CONSTRUCTION MATERIALS, HAS THE MEANING SET FORTH IN SECTION 34-32.5-103 (11).

(10) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE CITY, TOWN, COUNTY, OR CITY AND COUNTY.

(11) "LOCAL PERMITTING ENTITY" MEANS THE GOVERNING BODY OF A LOCAL GOVERNMENT OR AN AGENCY OF A LOCAL GOVERNMENT WITH PERMITTING AUTHORITY OVER LAND USES.

(12) "MINING OPERATION AFFECTED LAND AND MINING OPERATION AFFECTED LAND FOR WHICH THE LIFE OF THE MINE HAS BEEN TERMINATED":

(a) WITH RESPECT TO A MINING OPERATION FOR THE EXTRACTION OF MINERALS, HAS THE SAME MEANING AS "AFFECTED LAND" AS DEFINED IN SECTION 34-32-103 (1.5); OR

(b) WITH RESPECT TO A MINING OPERATION FOR THE EXTRACTION OF CONSTRUCTION MATERIALS, HAS THE SAME MEANING AS "AFFECTED LAND" AS DEFINED IN SECTION 34-32.5-103 (1).

(13) (a) "RENEWABLE ENERGY" MEANS USEFUL ELECTRIC, THERMAL, OR MECHANICAL ENERGY:

(I) THAT IS:

(A) CONVERTED DIRECTLY OR INDIRECTLY FROM RESOURCES OF CONTINUOUS ENERGY FLOW; OR

(B) PERPETUALLY REPLENISHED; AND

(II) THE UTILIZATION OF WHICH IS SUSTAINABLE INDEFINITELY.

(b) "RENEWABLE ENERGY" INCLUDES SOLAR, WIND, AND GEOTHERMAL ENERGY.

(14) "RENEWABLE ENERGY REINVESTMENT AREA" MEANS ONE OR MORE ELIGIBLE SITES THAT A LOCAL PERMITTING ENTITY DESIGNATES AS AN APPROPRIATE LOCATION FOR THE SITING OF ELIGIBLE PROJECTS AND FOR WHICH COSTS ASSOCIATED WITH A PROJECT MAY BE FINANCED OR REIMBURSED THROUGH TAX INCREMENT REVENUE PURSUANT TO SECTION 30-31-109 OR 31-25-107.

(15) (a) "UTILITY" MEANS AN ELECTRIC UTILITY IN THE STATE.

(b) "UTILITY" INCLUDES:

(I) AN INVESTOR-OWNED ELECTRIC UTILITY;

(II) A COOPERATIVE ELECTRIC ASSOCIATION FORMED PURSUANT TO ARTICLE 9.5 OF TITLE 40;

(III) A MUNICIPALLY OWNED UTILITY; AND

(IV) A WHOLESALE ELECTRIC COOPERATIVE AS DEFINED IN SECTION 40-2-136 (3)(c).

**29-20-502. Renewable energy reinvestment areas - designation by a local permitting entity - consultation with tribal governments.**

(1) (a) A LOCAL PERMITTING ENTITY MAY DESIGNATE ONE OR MORE ELIGIBLE SITES WITHIN ITS JURISDICTION AS A RENEWABLE ENERGY REINVESTMENT AREA FOR THE SITING OF ELIGIBLE PROJECTS.

(b) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, TO DESIGNATE ONE OR MORE ELIGIBLE SITES AS A RENEWABLE ENERGY REINVESTMENT AREA, A LOCAL PERMITTING ENTITY MUST:

(I) COMPILE AND MAKE PUBLICLY AVAILABLE RELEVANT DOCUMENTATION DEMONSTRATING THAT THE SITE IS AN ELIGIBLE SITE;

(II) CONSULT WITH THE DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104 (1) REGARDING THE WILDLIFE AND HABITAT IMPACTS OF CONSTRUCTING ELIGIBLE PROJECTS ON THE SITE, INCLUDING IMPACTS TO STATE AND FEDERALLY LISTED SPECIES AND SPECIES AND HABITATS OF CONSERVATION CONCERN;

(III) (A) HOLD ONE OR MORE PUBLIC HEARINGS REGARDING THE DESIGNATION OF THE SITE OR SITES AS A RENEWABLE ENERGY REINVESTMENT AREA AND HOLD ONE OR MORE PUBLIC HEARINGS REGARDING APPLICATIONS FOR ANY CONSTRUCTION PERMITS REQUIRED FOR EACH PROPOSED ELIGIBLE PROJECT IN THE RENEWABLE ENERGY REINVESTMENT AREA; OR

(B) DESIGNATE THE ELIGIBLE SITE OR SITES AS PART OF A NEW URBAN RENEWAL PLAN OR A SUBSTANTIAL MODIFICATION TO AN EXISTING URBAN RENEWAL PLAN PURSUANT TO SECTION 31-25-107 OR AS PART OF A NEW COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO AN EXISTING COUNTY REVITALIZATION PLAN PURSUANT TO SECTION 30-31-109; AND

(IV) ENSURE THAT OUTREACH TO AND ENGAGEMENT OF DISPROPORTIONATELY IMPACTED COMMUNITIES REGARDING THE DESIGNATION OF A RENEWABLE ENERGY REINVESTMENT AREA WITHIN THE JURISDICTION OF THE LOCAL PERMITTING ENTITY INCLUDES COMMUNITY MEETINGS THAT ARE SUBSTANTIALLY CONSISTENT WITH THE PROCESS SET FORTH IN SECTION 24-4-109 (3) REGARDING THE DESIGNATION.

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

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

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

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

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

**29-20-504. Saving clause.**

NOTHING IN THIS PART 5 SHALL BE CONSTRUED TO AUTHORIZE THE CONSTRUCTION, OPERATION, OR EXPANSION OF AN ELIGIBLE PROJECT IN A RENEWABLE ENERGY REINVESTMENT AREA IF THE PROJECT WOULD OTHERWISE BE PROHIBITED OR DISALLOWED UNDER APPLICABLE FEDERAL OR STATE ENVIRONMENTAL STATUTES, RULES, OR REGULATIONS, INCLUDING STATUTES, RULES, OR REGULATIONS GOVERNING THE IDENTIFICATION, ASSESSMENT, REMEDIATION, OR REUSE OF A BROWNFIELD SITE.

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

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

(1) ON OR BEFORE SEPTEMBER 1, 2027, THE COLORADO ENERGY OFFICE SHALL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(c)(IV) AN URBAN RENEWAL PLAN OR A SUBSTANTIAL MODIFICATION TO AN EXISTING URBAN RENEWAL PLAN APPROVED PURSUANT TO THIS SECTION MUST INCLUDE:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) (c) (IV) A COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO AN EXISTING COUNTY REVITALIZATION PLAN MAY INCLUDE ONE OR MORE ELIGIBLE PROJECTS LOCATED WITHIN A RENEWABLE ENERGY REINVESTMENT AREA REGARDLESS OF WHETHER THE RENEWABLE ENERGY REINVESTMENT AREA IS LOCATED WITHIN OR IS CONTIGUOUS TO THE BOUNDARIES OF THE COUNTY REVITALIZATION AREA.

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

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

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

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

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

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

**SECTION 9. Act subject to petition - effective date.** This act takes 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 12, 2026, if adjournment sine die is on May 13, 2026); 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 will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 27, 2026