

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
10/3/25

Bill 3

LLS NO. 26-0220.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Water Resources and Agriculture Review Committee

BILL TOPIC: Restrict Renewable Energy Projects in Rural Areas

A BILL FOR AN ACT

101 **CONCERNING LIMITING THE NUMBER OF RENEWABLE ENERGY**
102 **PROJECTS THAT ARE LOCATED IN RURAL AREAS OF THE STATE.**

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/>.)

Water Resources and Agriculture Review Committee. The bill states that on and after September 1, 2026, of the total number of renewable energy projects in the state for which the Colorado energy office provides financial or technical assistance, no more than 55% of such projects may be located in rural areas of the state. "Rural area of the state" means any county other than the following counties or cities and

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

counties:

- Adams county;
- Arapahoe county;
- Boulder county;
- City and county of Broomfield;
- City and county of Denver;
- Douglas county;
- El Paso county;
- Jefferson county; and
- Larimer county.

The restriction does not apply to a renewable energy project that concerns the use of agrivoltaics. Additionally, the restriction does not apply if:

- Each owner of private property in a rural area of the state upon which the renewable energy project is located or is projected to be located has been offered the opportunity to participate in a renewable energy project concerning the use of agrivoltaics; and
- Each such owner has declined the offer and signed a document indicating that the owner has declined the offer.

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) From the eastern plains to the western slope, agriculture stands
5 as one of Colorado's most enduring industries;

6 (b) The state's diverse landscapes, ranging from sweeping prairies
7 to high plateaus, offer abundant environments that support a wide range
8 of crops and livestock; and

9 (c) As a trade that is deeply rooted in Colorado's economic and
10 cultural history, agriculture has long been a cornerstone of the state's
11 identity.

12 (2) The general assembly further finds that:

13 (a) As one of the nation's leading agricultural states, Colorado
14 generates nearly \$47 billion in annual economic activity;

4 (c) These farms produce a wide array of valuable commodities,
5 with Colorado consistently ranking as a national leader in the production
6 of cattle, sheep, wheat, wool, alfalfa, potatoes, onions, apples, peaches,
7 grapes, and lemons; and

11 (3) The general assembly further finds that:

12 (a) Unfortunately, the rapid growth of green energy projects
13 across the state has threatened the very lifeblood of Colorado agriculture;

14 (b) As of 2023, more than 70 acts of state environmental
15 legislation have cost Colorado nearly \$18.3 billion in gross domestic
16 product, \$13.8 billion in personal income, and \$32 billion in output over
17 the preceding 15 years;

18 (c) As misguided environmental mandates continue to encroach
19 on valuable farmland, the productivity of Colorado's vital agricultural
20 industry has been continually disrupted;

21 (d) In many regions across the state, the sudden rise of onerous
22 green energy projects has led to the disappearance of entire farms;

23 (e) Since 2017, the number of farms in Colorado has decreased by
24 7%; and

25 (f) This dissolution can be attributed to harmful environmental
26 policies that balance ambitious clean energy targets on the backs of
27 Colorado farmers.

1 (4) The general assembly further finds that:

2 (a) The displacement of agricultural lands undermines food
3 security for Colorado families, jeopardizes the existence of rural
4 communities, and risks eroding the state's long-term prosperity;

11 (5) Now, therefore, the general assembly declares that:

12 (a) It is in the best interests of the state to limit the expansion of
13 green energy projects into valuable agricultural lands; and

14 (b) By protecting Colorado farms from further assault by
15 misguided green energy projects, the general assembly can ensure that the
16 agriculture industry in Colorado will prosper for generations to come.

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

19 **24-38.5-126. Limitation of renewable energy projects in rural**
20 **areas - exception for agrivoltaic projects - definitions.** (1) AS USED IN
21 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

22 (a) "AGRIVOLTAICS" HAS THE MEANING SET FORTH IN SECTION
23 35-1-114 (4)(a).

24 (b) "OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN
25 SECTION 24-38.5-101.

26 (c) "RENEWABLE ENERGY PROJECTS" MEANS ONE OR MORE
27 PROJECTS TO INSTALL EQUIPMENT AND RELATED INFRASTRUCTURE FOR

1 RENEWABLE ENERGY GENERATION, INCLUDING GEOTHERMAL,
2 HYDROELECTRIC, WIND, SOLAR, OR BIOMASS ENERGY.

3 (d) "RURAL AREA OF THE STATE" MEANS ANY COUNTY OF THE
4 STATE OTHER THAN THE FOLLOWING COUNTIES AND CITIES AND COUNTIES:

- 5 (I) ADAMS COUNTY;
- 6 (II) ARAPAHOE COUNTY;
- 7 (III) BOULDER COUNTY;
- 8 (IV) CITY AND COUNTY OF BROOMFIELD;
- 9 (V) CITY AND COUNTY OF DENVER;
- 10 (VI) DOUGLAS COUNTY;
- 11 (VII) EL PASO COUNTY;
- 12 (VIII) JEFFERSON COUNTY; AND
- 13 (IX) LARIMER COUNTY.

14 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION,
15 AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 38.5 TO
16 THE CONTRARY, ON AND AFTER SEPTEMBER 1, 2026, OF THE TOTAL
17 NUMBER OF RENEWABLE ENERGY PROJECTS FOR WHICH THE OFFICE
18 PROVIDES FINANCIAL OR TECHNICAL ASSISTANCE IN THE STATE, NO MORE
19 THAN FIFTY-FIVE PERCENT OF SUCH PROJECTS MAY BE LOCATED EITHER
20 ENTIRELY OR PARTIALLY WITHIN A RURAL AREA OF THE STATE.

21 (3) (a) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO A
22 RENEWABLE ENERGY PROJECT THAT CONCERNS THE USE OF AGRIVOLTAICS.

23 (b) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO A
24 RENEWABLE ENERGY PROJECT IF:

25 (I) EACH OWNER OF PRIVATE PROPERTY IN A RURAL AREA OF THE
26 STATE UPON WHICH THE RENEWABLE ENERGY PROJECT IS LOCATED OR IS
27 PROJECTED TO BE LOCATED HAS BEEN OFFERED THE OPPORTUNITY TO

1 PARTICIPATE IN A RENEWABLE ENERGY PROJECT CONCERNING THE USE OF
2 AGRIVOLTAICS; AND

3 (II) EACH SUCH OWNER HAS DECLINED THE OFFER AND SIGNED A
4 DOCUMENT INDICATING THAT THE OWNER HAS DECLINED THE OFFER,
5 WHICH DOCUMENT IS RETAINED BY THE OFFICE.

6 (c) THE OFFICE SHALL RETAIN A DOCUMENT DESCRIBED IN
7 SUBSECTION (3)(b) OF THIS SECTION FOR AT LEAST TEN YEARS.

8 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE
9 AUTHORITY OF A LOCAL LAND USE AUTHORITY TO REGULATE THE USE OF
10 LAND AS DESCRIBED IN LAW.

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