

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0838.01 Richard Sweetman x4333

SENATE BILL 24-212

SENATE SPONSORSHIP

Hansen and Fenberg, Priola

HOUSE SPONSORSHIP

Brown and McCormick,

Senate Committees

Transportation & Energy
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO FACILITATE THE CONSTRUCTION OF**
102 **RENEWABLE ENERGY PROJECTS, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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 requires the energy and carbon management commission in the department of natural resources, at the request of a local government or tribal government, to provide technical support concerning:

- The development of local codes governing wind, solar,

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.

SENATE
Amended 2nd Reading
April 30, 2024

energy storage, and energy transmission projects (renewable energy projects); or

- The review of proposed renewable energy projects.

For all renewable energy projects, at the request of an owner or operator of a renewable energy facility (facility owner), local government, or tribal government, the division of parks and wildlife shall provide the facility owner, local government, or tribal government a set of best management practices for renewable energy projects. The best management practices may be incorporated into project plans at the discretion of the facility owner, local government, or tribal government. The division shall also identify project-specific habitat impacts and high-priority habitats based on the best available science.

The bill requires the Colorado energy office, in cooperation with the department of local affairs and the department of natural resources, to develop a repository of model codes and ordinances for renewable energy projects for the purpose of providing conceptual frameworks that local governments and tribal governments may consider and adapt to suit local circumstances and address local energy resources. On or before September 30, 2025, the Colorado energy office must submit to the general assembly a report that evaluates local government processes to determine whether reasonable pathways for renewable energy siting exist in areas with suitable wind and solar resources.

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

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

4 PART 4

5 RENEWABLE ENERGY PROJECTS

6 **29-20-401. Short title.** THE SHORT TITLE OF THIS PART 4 IS THE
7 "RENEWABLE ENERGY PROJECTS ACT".

8 **29-20-402. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 FINDS THAT:

10 (a) NEW RENEWABLE ENERGY PROJECTS AND DEVELOPMENT OF A
11 SKILLED RENEWABLE ENERGY WORKFORCE ARE NEEDED IN ORDER TO
12 MAKE PROGRESS ON THE STATE'S GREENHOUSE GAS EMISSION REDUCTION
13 GOALS WHILE ALSO PROTECTING PUBLIC HEALTH, SAFETY, WELFARE, AND

1 THE ENVIRONMENT, INCLUDING WILDLIFE RESOURCES;

2 (b) THE PROTECTION OF HEALTHY, INTACT ECOSYSTEMS RESULTS
3 IN RESILIENT LANDS AND WATERS THAT CAN BE UTILIZED AS
4 NATURE-BASED SOLUTIONS TO MITIGATE SOME IMPACTS OF CLIMATE
5 CHANGE;

6 (c) COLORADO WILL LIKELY NEED TO TRIPLE WIND ENERGY
7 CAPACITY AND QUINTUPLE SOLAR ENERGY CAPACITY BY THE YEAR 2040
8 IN ORDER TO MEET THE STATE'S GREENHOUSE GAS EMISSION REDUCTION
9 GOALS DESCRIBED IN SECTION 25-7-102; AND

10 (d) THE DEVELOPMENT OF RENEWABLE ENERGY RESOURCES AND
11 TRANSMISSION WILL GENERATE COST SAVINGS FOR ELECTRICITY
12 CONSUMERS, PROVIDE ECONOMIC OPPORTUNITY AND WORKFORCE
13 DEVELOPMENT, PROVIDE MORE STABLE ENERGY PRICES BY REDUCING
14 DEPENDENCE ON COMMODITIES WITH VARIABLE PRICES, REDUCE HARMFUL
15 AIR POLLUTION, IMPROVE PUBLIC HEALTH, INCREASE ENERGY SECURITY,
16 AND BRING ECONOMIC BENEFITS TO LANDOWNERS AND LOCAL
17 COMMUNITIES.

18 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

19 (a) A FAIR AND CONSISTENT APPROACH TO THE SITING AND
20 PERMITTING OF SOLAR, WIND, STORAGE, AND TRANSMISSION PROJECTS
21 WILL ENCOURAGE NEEDED ENERGY-BASED ECONOMIC DEVELOPMENT
22 ACROSS THE STATE; AND

23 (b) A FAIR AND CONSISTENT APPROACH TO SITING AND PERMITTING
24 IS NECESSARY TO:

25 (I) REDUCE POLLUTION AND ACHIEVE THE STATE'S CLIMATE
26 GOALS;

27 (II) PROVIDE FOR ECONOMIC PROSPERITY FOR LANDOWNERS AND

1 LOCAL COMMUNITIES THROUGH INFRASTRUCTURE AND WORKFORCE
2 DEVELOPMENT;

3 (III) ACHIEVE ENERGY AFFORDABILITY BY UNLOCKING LOWER
4 PRICED AND MORE COST-PREDICTABLE RENEWABLE ENERGY;

5 (IV) ENSURE THE SECURITY OF THE STATE'S ENERGY SUPPLY; AND

6 (V) ENABLE JOB CREATION.

7 **29-20-403. Definitions.** AS USED IN THIS PART 4, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "BRUNOT AGREEMENT" MEANS THE AGREEMENT OF
10 SEPTEMBER 13, 1873, RATIFIED BY ACT OF APRIL 29, 1874, CH. 136, 18
11 STAT. 36 (1874).

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

18 (3) "COLORADO ENERGY OFFICE" OR "OFFICE" MEANS THE
19 COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

20 (4) "COMMERCIAL ENERGY STORAGE FACILITY" MEANS
21 COMMERCIALLY AVAILABLE TECHNOLOGY THAT IS CAPABLE OF RETAINING
22 ENERGY, STORING THE ENERGY FOR A PERIOD OF TIME, AND DELIVERING
23 THE ENERGY AFTER STORAGE BY CHEMICAL MEANS.

24 (5) "COMMERCIAL ENERGY TRANSMISSION FACILITY" MEANS ALL
25 STRUCTURES, EQUIPMENT, AND REAL PROPERTY NECESSARY TO TRANSFER
26 ELECTRICITY AT SYSTEM BULK SUPPLY VOLTAGE OF ONE HUNDRED
27 KILOVOLTS OR MORE.

1 (6) "COMMERCIAL SOLAR ENERGY FACILITY" MEANS ANY DEVICE
2 OR ASSEMBLY OF DEVICES THAT:

- 3 (a) IS GROUND INSTALLED;
- 4 (b) HAS AT LEAST FIVE MEGAWATTS ALTERNATING CURRENT OF
5 TOTAL NAMEPLATE GENERATING CAPACITY; AND
- 6 (c) USES SOLAR ENERGY TO GENERATE ELECTRICITY FOR THE
7 PRIMARY PURPOSE OF WHOLESALE OR RETAIL SALE AND NOT PRIMARILY
8 FOR CONSUMPTION ON THE PROPERTY ON WHICH THE DEVICE OR DEVICES
9 RESIDE.

10 (7) "COMMERCIAL WIND ENERGY FACILITY" MEANS A WIND
11 ENERGY CONVERSION FACILITY WITH A TOTAL NAMEPLATE GENERATING
12 CAPACITY OF ONE-HALF MEGAWATT OR GREATER.

13 (8) "DIVISION OF PARKS AND WILDLIFE" OR "DIVISION" MEANS THE
14 DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104.

15 (9) "ENERGY AND CARBON MANAGEMENT COMMISSION" MEANS
16 THE ENERGY AND CARBON MANAGEMENT COMMISSION CREATED IN
17 SECTION 34-60-104.3.

18 (10) "FACILITY" MEANS:

- 19 (a) A COMMERCIAL WIND ENERGY FACILITY;
- 20 (b) A COMMERCIAL SOLAR ENERGY FACILITY;
- 21 (c) A COMMERCIAL ENERGY STORAGE FACILITY; OR
- 22 (d) A COMMERCIAL ENERGY TRANSMISSION FACILITY.

23 (11) "FACILITY OWNER" MEANS:

- 24 (a) A PERSON WITH A DIRECT OWNERSHIP INTEREST IN A FACILITY,
25 REGARDLESS OF WHETHER THE PERSON IS INVOLVED IN ACQUIRING RIGHTS
26 AND PERMITS FOR THE FACILITY OR OTHERWISE PLANNING FOR THE
27 CONSTRUCTION AND OPERATION OF THE FACILITY; OR

1 (b) DURING THE TIME A FACILITY IS BEING DEVELOPED, A PERSON
2 THAT IS ACTING AS A DEVELOPER OF THE FACILITY BY ACQUIRING
3 NECESSARY RIGHTS, PERMITS, AND APPROVALS OR BY PLANNING FOR THE
4 CONSTRUCTION AND OPERATION OF THE FACILITY, REGARDLESS OF
5 WHETHER THE PERSON WILL OWN OR OPERATE THE FACILITY.

6 (12) "HIGH-PRIORITY HABITAT" HAS THE MEANING SET FORTH IN
7 SECTION 34-60-132.

8 (13) "LABOR ORGANIZATION" MEANS A BONA FIDE LABOR
9 ORGANIZATION WITHIN THE MEANING OF 29 U.S.C. SEC. 152 OF THE
10 FEDERAL "NATIONAL LABOR RELATIONS ACT", PUB.L. 74-198, THAT
11 REPRESENTS OR SEEKS TO REPRESENT WORKERS ENGAGED IN THE
12 CONSTRUCTION, OPERATIONS, AND MAINTENANCE OF COVERED
13 RENEWABLE ENERGY PROJECTS OR WORKING IN THE SUPPLY CHAIN FOR
14 SUCH PROJECTS.

15 (14) "RENEWABLE ENERGY PROJECT" OR "PROJECT" MEANS A
16 PROJECT TO ESTABLISH A FACILITY.

17 (15) "TRIBAL GOVERNMENT" MEANS THE TRIBAL GOVERNMENT OF
18 THE UTE MOUNTAIN UTE TRIBE OR THE SOUTHERN UTE INDIAN TRIBE.

19 **29-20-404. Technical support for renewable energy projects**
20 **- duties of energy and carbon management commission - duties of**
21 **division of parks and wildlife - duties of Colorado energy office -**
22 **code repository - report - repeal. (1) (a) AT THE REQUEST OF A LOCAL**
23 **GOVERNMENT OR A TRIBAL GOVERNMENT, THE DIRECTOR OF THE ENERGY**
24 **AND CARBON MANAGEMENT COMMISSION SHALL PROVIDE TECHNICAL**
25 **SUPPORT TO THE LOCAL GOVERNMENT OR TRIBAL GOVERNMENT**
26 **CONCERNING:**

27 (I) THE DEVELOPMENT OF LOCAL CODES GOVERNING RENEWABLE

1 ENERGY PROJECTS; OR

2 (II) THE REVIEW OF PROPOSED RENEWABLE ENERGY PROJECTS.

3 (b) WHEN PROVIDING TECHNICAL SUPPORT AS DESCRIBED IN
4 SUBSECTION (1)(a) OF THIS SECTION, THE DIRECTOR OF THE ENERGY AND
5 CARBON MANAGEMENT COMMISSION MAY COLLABORATE WITH OTHER
6 STATE AGENCIES.

7 (c) IN ITS ANNUAL PRESENTATION TO THE LEGISLATIVE
8 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE
9 DEPARTMENT OF NATURAL RESOURCES SHALL INCLUDE INFORMATION
10 INDICATING HOW MANY LOCAL AND TRIBAL GOVERNMENTS REQUESTED
11 SUPPORT FROM THE ENERGY AND CARBON MANAGEMENT COMMISSION, AS
12 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, DURING THE
13 PRECEDING YEAR.

14 (2) AT THE REQUEST OF A FACILITY OWNER, LOCAL GOVERNMENT,
15 OR TRIBAL GOVERNMENT, THE DIVISION OF PARKS AND WILDLIFE SHALL
16 PROVIDE THE FACILITY OWNER, LOCAL GOVERNMENT, OR TRIBAL
17 GOVERNMENT A SET OF BEST MANAGEMENT PRACTICES TO AVOID,
18 MINIMIZE, AND MITIGATE WILDLIFE IMPACTS OF RENEWABLE ENERGY
19 PROJECTS. THE BEST MANAGEMENT PRACTICES MAY BE INCORPORATED
20 INTO PROJECT PLANS AT THE DISCRETION OF THE FACILITY OWNER, LOCAL
21 GOVERNMENT, OR TRIBAL GOVERNMENT. THE DIVISION SHALL IDENTIFY
22 HIGH-PRIORITY HABITATS FOR RENEWABLE ENERGY PROJECTS BASED ON
23 THE BEST AVAILABLE SCIENCE. THE DIVISION SHALL UPDATE ITS LIST OF
24 HIGH-PRIORITY HABITATS AT LEAST ANNUALLY AND MAKE THE LIST
25 PUBLICLY AVAILABLE. A FACILITY OWNER, LOCAL GOVERNMENT, OR
26 TRIBAL GOVERNMENT MAY CONSIDER THE HIGH-PRIORITY HABITATS IN
27 PLANNING, SITING, PERMITTING, AND DEVELOPING RENEWABLE ENERGY

1 PROJECTS.

2 (3) ON OR BEFORE JUNE 30, 2025, THE COLORADO ENERGY OFFICE,
3 IN COOPERATION WITH THE DEPARTMENT OF LOCAL AFFAIRS AND THE
4 DEPARTMENT OF NATURAL RESOURCES, SHALL DEVELOP A REPOSITORY OF
5 CODES AND ORDINANCES THAT SUPPORT RENEWABLE ENERGY PROJECTS
6 FOR THE PURPOSE OF PROVIDING CONCEPTUAL FRAMEWORKS THAT LOCAL
7 GOVERNMENTS AND TRIBAL GOVERNMENTS MAY CONSIDER AND ADAPT TO
8 SUIT LOCAL CIRCUMSTANCES AND ADDRESS LOCAL ENERGY RESOURCES.

9 (4) (a) ON OR BEFORE SEPTEMBER 30, 2025, THE COLORADO
10 ENERGY OFFICE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY. THE
11 OFFICE SHALL COLLABORATE WITH PRIVATE LANDOWNERS AND OTHER
12 STATE AGENCIES, INCLUDING THE DEPARTMENT OF NATURAL RESOURCES,
13 IN DEVELOPING THE REPORT. THE REPORT MUST:

14 (I) EVALUATE AND ASSESS LOCAL GOVERNMENT PROCESSES FOR
15 THE SITING OF COMMERCIALY VIABLE RENEWABLE ENERGY PROJECTS;

16 (II) IDENTIFY AREAS OF LOWER AND LOWEST ENVIRONMENTAL
17 AND HABITAT CONFLICT FOR THE DEVELOPMENT OF RENEWABLE ENERGY
18 PROJECTS AND RECOMMEND OPTIONS FOR STREAMLINING DEVELOPMENT
19 IN THESE AREAS; AND

20 (III) EVALUATE WILDLIFE MITIGATION, DECOMMISSIONING, AND
21 COMMUNITY BENEFITS AGREEMENTS OR POTENTIAL AGREEMENTS THAT
22 REFLECT DISCUSSION BETWEEN KEY COMMUNITY STAKEHOLDERS,
23 INCLUDING RATE-PAYER, ENVIRONMENTAL, AND LABOR ORGANIZATIONS.

24 (b) IN PREPARING THE REPORT, THE OFFICE SHALL PROVIDE
25 OPPORTUNITIES FOR MUNICIPAL AND COUNTY GOVERNMENTS, RENEWABLE
26 ENERGY PROJECT DEVELOPERS, CONSERVATION ORGANIZATIONS, AND
27 LABOR ORGANIZATIONS TO PROVIDE INPUT AND SHALL ALLOW

1 OPPORTUNITY FOR PUBLIC COMMENT BEFORE THE FINAL REPORT IS
2 COMPLETED.

3 (c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2026.

4 **29-20-405. Consultation with tribal government required -**
5 **Brunot agreement of 1874.** FOR PROJECTS PROPOSED AFTER JUNE 30,
6 2024, A LOCAL GOVERNMENT SHALL NOT GRANT A DEVELOPMENT PERMIT
7 FOR THE CONSTRUCTION OF A FACILITY IN ANY AREA THAT IS INCLUDED
8 WITHIN THE BRUNOT AREA UNLESS THE LOCAL GOVERNMENT FIRST
9 CONSULTS WITH THE TRIBAL GOVERNMENTS OF THE UTE MOUNTAIN UTE
10 TRIBE AND THE SOUTHERN UTE INDIAN TRIBE CONCERNING THE
11 POTENTIAL IMPACTS TO HUNTING, FISHING, AND GATHERING RIGHTS
12 RELATED TO THE CONSTRUCTION OF THE FACILITY.

13 **SECTION 2. Appropriation.** (1) For the 2024-25 state fiscal
14 year, \$307,991 is appropriated to the department of natural resources.
15 This appropriation is from the wildlife cash fund created in section
16 33-1-112 (1)(a), C.R.S. To implement this act, the department may use
17 this appropriation as follows:

18 (a) \$304,297 for the division of parks and wildlife for wildlife
19 operations, which amount is based on an assumption that the division will
20 require an additional 2.5 FTE; and

21 (b) \$3,694 for the executive director's office for vehicle lease
22 payments.

23 (2) For the 2024-25 state fiscal year, \$95,490 is appropriated to
24 the department of natural resources for use by the energy and carbon
25 management commission. This appropriation is from the energy and
26 carbon management cash fund created in section 34-60-122 (5)(a),
27 C.R.S., and is based on an assumption that the commission will require

1 an additional 0.8 FTE. To implement this act, the commission may use
2 this appropriation for program costs.

3 **SECTION 3. Safety clause.** The general assembly finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety or for appropriations for
6 the support and maintenance of the departments of the state and state
7 institutions.