

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0838.01 Richard Sweetman x4333

**SENATE BILL 24-212**

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**SENATE SPONSORSHIP**

**Hansen and Fenberg**, Priola, Buckner, Cutter, Fields, Jaquez Lewis, Michaelson Jenet,  
Winter F.

**HOUSE SPONSORSHIP**

**Brown and McCormick**,

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**Senate Committees**

Transportation & Energy  
Appropriations

**House Committees**

Transportation, Housing & Local Government  
Appropriations

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**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.**

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**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  
3rd Reading Unamended  
May 1, 2024

SENATE  
Amended 2nd Reading  
April 30, 2024



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; ■

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; AND

18 (e) THERE MAY BE OPPORTUNITIES TO STREAMLINE AND EXPEDITE  
19 PERMITTING OF RENEWABLE ENERGY PROJECTS IN STRATEGIC AREAS.

20 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

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

25 (b) A FAIR AND CONSISTENT APPROACH TO SITING AND PERMITTING  
26 IS NECESSARY TO:

27 (I) REDUCE POLLUTION AND ACHIEVE THE STATE'S CLIMATE

1 GOALS;

2 (II) PROVIDE FOR ECONOMIC PROSPERITY FOR LANDOWNERS AND  
3 LOCAL COMMUNITIES THROUGH INFRASTRUCTURE AND WORKFORCE  
4 DEVELOPMENT;

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

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

8 (V) ENABLE JOB CREATION.

9 **29-20-403. Definitions.** AS USED IN THIS PART 4, UNLESS THE  
10 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

26 (5) "COMMERCIAL ENERGY TRANSMISSION FACILITY" MEANS ALL  
27 STRUCTURES, EQUIPMENT, AND REAL PROPERTY NECESSARY TO TRANSFER

1 ELECTRICITY AT SYSTEM BULK SUPPLY VOLTAGE OF ONE HUNDRED  
2 KILOVOLTS OR MORE.

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

5 (a) IS GROUND INSTALLED;

6 (b) HAS AT LEAST FIVE MEGAWATTS ALTERNATING CURRENT OF  
7 TOTAL NAMEPLATE GENERATING CAPACITY; AND

8 (c) USES SOLAR ENERGY TO GENERATE ELECTRICITY FOR THE  
9 PRIMARY PURPOSE OF WHOLESALE OR RETAIL SALE AND NOT PRIMARILY  
10 FOR CONSUMPTION ON THE PROPERTY ON WHICH THE DEVICE OR DEVICES  
11 RESIDE.

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

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

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

20 (10) "FACILITY" MEANS:

21 (a) A COMMERCIAL WIND ENERGY FACILITY;

22 (b) A COMMERCIAL SOLAR ENERGY FACILITY; OR

23 (c) A COMMERCIAL ENERGY STORAGE FACILITY.

24 (11) "FACILITY OWNER" MEANS:

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

1 CONSTRUCTION AND OPERATION OF THE FACILITY; OR

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

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

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

16 (14) "LOCAL GOVERNMENT" MEANS A MUNICIPAL OR COUNTY  
17 GOVERNMENT OF A COMMUNITY IN WHICH A RENEWABLE ENERGY PROJECT  
18 IS PROPOSED TO BE LOCATED.

19 (15) "RENEWABLE ENERGY PROJECT" OR "PROJECT" MEANS A  
20 PROJECT TO ESTABLISH A FACILITY.

21 (16) "TRIBAL GOVERNMENT" MEANS THE TRIBAL GOVERNMENT OF  
22 THE UTE MOUNTAIN UTE TRIBE OR THE SOUTHERN UTE INDIAN TRIBE.

23 **29-20-404. Technical support for renewable energy projects**  
24 **- duties of energy and carbon management commission - duties of**  
25 **division of parks and wildlife - duties of Colorado energy office -**  
26 **code repository - report - repeal.** (1) (a) AT THE REQUEST OF A LOCAL  
27 GOVERNMENT OR A TRIBAL GOVERNMENT, THE DIRECTOR OF THE ENERGY

1 AND CARBON MANAGEMENT COMMISSION SHALL PROVIDE TECHNICAL  
2 SUPPORT TO THE LOCAL GOVERNMENT OR TRIBAL GOVERNMENT  
3 CONCERNING:

4 (I) THE DEVELOPMENT OF LOCAL CODES GOVERNING RENEWABLE  
5 ENERGY PROJECTS; OR

6 (II) THE REVIEW OF RENEWABLE ENERGY PROJECTS FOR WHICH A  
7 LOCAL GOVERNMENT OR A TRIBAL GOVERNMENT RECEIVES AN  
8 APPLICATION FOR LAND USE APPROVAL AFTER JUNE 30, 2024.

9 (b) WHEN PROVIDING TECHNICAL SUPPORT AS DESCRIBED IN  
10 SUBSECTION (1)(a) OF THIS SECTION, THE DIRECTOR OF THE ENERGY AND  
11 CARBON MANAGEMENT COMMISSION MAY COLLABORATE WITH OTHER  
12 STATE AGENCIES.

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

20 [REDACTED]

21 (2) (a) AT THE REQUEST OF A FACILITY OWNER, LOCAL  
22 GOVERNMENT, OR TRIBAL GOVERNMENT, THE DIVISION OF PARKS AND  
23 WILDLIFE SHALL PROVIDE THE FACILITY OWNER, LOCAL GOVERNMENT, OR  
24 TRIBAL GOVERNMENT A SET OF BEST MANAGEMENT PRACTICES TO AVOID,  
25 MINIMIZE, AND MITIGATE WILDLIFE IMPACTS OF RENEWABLE ENERGY  
26 PROJECTS.

27 (b) THE BEST MANAGEMENT PRACTICES AVAILABLE AT THE TIME

1 OF APPLICATION WITH A LOCAL GOVERNMENT OR TRIBAL GOVERNMENT  
2 FOR LAND USE APPROVAL OF A RENEWABLE ENERGY PROJECT MAY BE  
3 INCORPORATED INTO PROJECT PLANS AT THE DISCRETION OF THE FACILITY  
4 OWNER.

5 (c) THE BEST MANAGEMENT PRACTICES MAY BE CONSIDERED AS  
6 CONDITIONS OF APPROVAL BY A LOCAL GOVERNMENT OR TRIBAL  
7 GOVERNMENT WITH LAND USE AUTHORITY OR REGULATORY AUTHORITY  
8 OVER A PROJECT FOR A RENEWABLE ENERGY PROJECT FOR WHICH THE  
9 LOCAL GOVERNMENT OR TRIBAL GOVERNMENT RECEIVES AN APPLICATION  
10 FOR LAND USE APPROVAL AFTER JUNE 30, 2024.

11 (d) THE DIVISION OF PARKS AND WILDLIFE SHALL IDENTIFY  
12 HIGH-PRIORITY HABITATS FOR RENEWABLE ENERGY PROJECTS BASED ON  
13 THE BEST AVAILABLE SCIENCE AND SHALL UPDATE THE LIST OF  
14 HIGH-PRIORITY HABITATS AT LEAST ANNUALLY AND MAKE THE LIST  
15 PUBLICLY AVAILABLE. A FACILITY OWNER, LOCAL GOVERNMENT, OR  
16 TRIBAL GOVERNMENT MAY CONSIDER THE HIGH-PRIORITY HABITATS IN  
17 PLANNING, SITING, PERMITTING, AND DEVELOPING RENEWABLE ENERGY  
18 PROJECTS.

19 (3) ON OR BEFORE JUNE 30, 2025, THE COLORADO ENERGY OFFICE,  
20 IN COOPERATION WITH THE DEPARTMENT OF LOCAL AFFAIRS AND THE  
21 DEPARTMENT OF NATURAL RESOURCES, SHALL DEVELOP A REPOSITORY OF  
22 CODES AND ORDINANCES THAT SUPPORT RENEWABLE ENERGY PROJECTS  
23 AND COMMERCIAL ENERGY TRANSMISSION FACILITIES FOR THE PURPOSE  
24 OF PROVIDING CONCEPTUAL FRAMEWORKS THAT LOCAL GOVERNMENTS  
25 AND TRIBAL GOVERNMENTS MAY CONSIDER AND ADAPT TO SUIT LOCAL  
26 CIRCUMSTANCES AND ADDRESS LOCAL ENERGY RESOURCES.

27 (4) (a) ON OR BEFORE SEPTEMBER 30, 2025, THE COLORADO



1 ENERGY OFFICE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY. THE  
2 OFFICE SHALL COLLABORATE WITH OTHER STATE AGENCIES, INCLUDING  
3 THE DEPARTMENT OF NATURAL RESOURCES, IN DEVELOPING THE REPORT.

4 THE REPORT MUST:

5 (I) EVALUATE AND ASSESS LOCAL GOVERNMENT PROCESSES FOR  
6 THE SITING OF COMMERCIALY VIABLE RENEWABLE ENERGY PROJECTS  
7 AND COMMERCIAL ENERGY TRANSMISSION FACILITIES; AND

8 (II) EVALUATE THE IMPACT OF RENEWABLE ENERGY PROJECTS AND  
9 COMMERCIAL ENERGY TRANSMISSION FACILITIES ON WILDLIFE RESOURCES;  
10 THE USE OF WILDLIFE MITIGATION, DECOMMISSIONING, AND COMMUNITY  
11 BENEFIT AGREEMENTS; AND THE RANGE OF FEES IMPOSED BY LOCAL  
12 GOVERNMENTS.

13 (b) IN PREPARING THE REPORT, THE OFFICE SHALL PROVIDE  
14 OPPORTUNITIES FOR MUNICIPAL AND COUNTY GOVERNMENTS; RENEWABLE  
15 ENERGY PROJECT DEVELOPERS; CONSERVATION ORGANIZATIONS; LOCAL  
16 STAKEHOLDERS, INCLUDING PROPERTY OWNERS; TRIBAL GOVERNMENTS;  
17 ELECTRIC UTILITIES; AND LABOR ORGANIZATIONS TO PROVIDE INPUT AND  
18 SHALL ALLOW OPPORTUNITY FOR PUBLIC COMMENT BEFORE THE FINAL  
19 REPORT IS COMPLETED.

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

21 **29-20-405. Consultation with tribal government required -** ---  
22 **Brunot agreement of 1874.** FOR RENEWABLE ENERGY PROJECTS FOR  
23 WHICH A LOCAL GOVERNMENT RECEIVES AN APPLICATION FOR LAND USE  
24 APPROVAL AFTER JUNE 30, 2024, A LOCAL GOVERNMENT SHALL NOT  
25 GRANT A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A FACILITY IN  
26 ANY AREA THAT IS INCLUDED WITHIN THE BRUNOT AREA UNLESS THE  
27 LOCAL GOVERNMENT FIRST CONSULTS WITH THE TRIBAL GOVERNMENTS OF

1 THE UTE MOUNTAIN UTE TRIBE AND THE SOUTHERN UTE INDIAN TRIBE  
2 CONCERNING THE POTENTIAL IMPACTS TO HUNTING, FISHING, AND  
3 GATHERING RIGHTS RELATED TO THE CONSTRUCTION OF THE FACILITY.

4 **SECTION 2. Appropriation.** (1) For the 2024-25 state fiscal  
5 year, \$307,991 is appropriated to the department of natural resources.  
6 This appropriation is from the wildlife cash fund created in section  
7 33-1-112 (1)(a), C.R.S. To implement this act, the department may use  
8 this appropriation as follows:

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

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

14 (2) For the 2024-25 state fiscal year, \$95,490 is appropriated to  
15 the department of natural resources for use by the energy and carbon  
16 management commission. This appropriation is from the energy and  
17 carbon management cash fund created in section 34-60-122 (5)(a),  
18 C.R.S., and is based on an assumption that the commission will require  
19 an additional 0.8 FTE. To implement this act, the commission may use  
20 this appropriation for program costs.

21 **SECTION 3. Safety clause.** The general assembly finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety or for appropriations for  
24 the support and maintenance of the departments of the state and state  
25 institutions.