

**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

SENATE SPONSORSHIP

Hansen and Fenberg, Priola

HOUSE SPONSORSHIP

(None),

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.

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

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

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

16 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

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

21 (b) A FAIR AND CONSISTENT APPROACH TO SITING AND PERMITTING
22 IS NECESSARY TO:

23 (I) REDUCE POLLUTION AND ACHIEVE THE STATE'S CLIMATE
24 GOALS;

25 (II) PROVIDE FOR ECONOMIC PROSPERITY FOR LANDOWNERS AND
26 LOCAL COMMUNITIES THROUGH INFRASTRUCTURE DEVELOPMENT;

27 (III) ACHIEVE ENERGY AFFORDABILITY BY UNLOCKING LOWER

- 1 PRICED AND MORE COST-PREDICTABLE RENEWABLE ENERGY;
- 2 (IV) ENSURE THE SECURITY OF THE STATE'S ENERGY SUPPLY; AND
- 3 (V) ENABLE JOB CREATION.

4 **29-20-403. Definitions.** AS USED IN THIS PART 4, UNLESS THE

5 CONTEXT OTHERWISE REQUIRES:

6 (1) "COLORADO ENERGY OFFICE" OR "OFFICE" MEANS THE

7 COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

8 (2) "COMMERCIAL ENERGY STORAGE FACILITY" MEANS

9 COMMERCIALLY AVAILABLE TECHNOLOGY THAT IS CAPABLE OF RETAINING

10 ENERGY, STORING THE ENERGY FOR A PERIOD OF TIME, AND DELIVERING

11 THE ENERGY AFTER STORAGE BY CHEMICAL MEANS.

12 (3) "COMMERCIAL ENERGY TRANSMISSION FACILITY" MEANS ALL

13 STRUCTURES, EQUIPMENT, AND REAL PROPERTY NECESSARY TO TRANSFER

14 ELECTRICITY AT SYSTEM BULK SUPPLY VOLTAGE OF ONE HUNDRED

15 KILOVOLTS OR MORE.

16 (4) "COMMERCIAL SOLAR ENERGY FACILITY" MEANS ANY DEVICE

17 OR ASSEMBLY OF DEVICES THAT:

- 18 (a) IS GROUND INSTALLED;
- 19 (b) HAS AT LEAST FIVE MEGAWATTS OF TOTAL NAMEPLATE
- 20 GENERATING CAPACITY; AND

21 (c) USES SOLAR ENERGY TO GENERATE ELECTRICITY FOR THE

22 PRIMARY PURPOSE OF WHOLESALE OR RETAIL SALE AND NOT PRIMARILY

23 FOR CONSUMPTION ON THE PROPERTY ON WHICH THE DEVICE OR DEVICES

24 RESIDE.

25 (5) "COMMERCIAL WIND ENERGY FACILITY" MEANS A WIND

26 ENERGY CONVERSION FACILITY WITH A TOTAL NAMEPLATE GENERATING

27 CAPACITY OF ONE-HALF MEGAWATT OR GREATER.

1 (6) "DIVISION OF PARKS AND WILDLIFE" OR "DIVISION" MEANS THE
2 DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104.

3 (7) "ENERGY AND CARBON MANAGEMENT COMMISSION" MEANS
4 THE ENERGY AND CARBON MANAGEMENT COMMISSION CREATED IN
5 SECTION 34-60-104.3.

6 (8) "FACILITY" MEANS:

- 7 (a) A COMMERCIAL WIND ENERGY FACILITY;
- 8 (b) A COMMERCIAL SOLAR ENERGY FACILITY;
- 9 (c) A COMMERCIAL ENERGY STORAGE FACILITY; OR
- 10 (d) A COMMERCIAL ENERGY TRANSMISSION FACILITY.

11 (9) "FACILITY OWNER" MEANS:

12 (a) A PERSON WITH A DIRECT OWNERSHIP INTEREST IN A FACILITY,
13 REGARDLESS OF WHETHER THE PERSON IS INVOLVED IN ACQUIRING RIGHTS
14 AND PERMITS FOR THE FACILITY OR OTHERWISE PLANNING FOR THE
15 CONSTRUCTION AND OPERATION OF THE FACILITY; OR

16 (b) DURING THE TIME A FACILITY IS BEING DEVELOPED, A PERSON
17 THAT IS ACTING AS A DEVELOPER OF THE FACILITY BY ACQUIRING
18 NECESSARY RIGHTS, PERMITS, AND APPROVALS OR BY PLANNING FOR THE
19 CONSTRUCTION AND OPERATION OF THE FACILITY, REGARDLESS OF
20 WHETHER THE PERSON WILL OWN OR OPERATE THE FACILITY.

21 (10) "HIGH-PRIORITY HABITAT" HAS THE MEANING SET FORTH IN
22 SECTION 34-60-132.

23 (11) "RENEWABLE ENERGY PROJECT" OR "PROJECT" MEANS A
24 PROJECT TO ESTABLISH A FACILITY.

25 (12) "TRIBAL GOVERNMENT" MEANS THE TRIBAL GOVERNMENT OF
26 THE UTE MOUNTAIN UTE TRIBE OR THE SOUTHERN UTE INDIAN TRIBE.

27 **29-20-404. Technical support for renewable energy projects**

1 - **duties of energy and carbon management commission - duties of**
2 **division of parks and wildlife - duties of Colorado energy office - code repository - report - repeal.** (1) (a) AT THE REQUEST OF A LOCAL

3 GOVERNMENT OR A TRIBAL GOVERNMENT, THE DIRECTOR OF THE ENERGY
4 AND CARBON MANAGEMENT COMMISSION SHALL PROVIDE TECHNICAL
5 SUPPORT TO THE LOCAL GOVERNMENT OR TRIBAL GOVERNMENT
6 CONCERNING:

7
8 (I) THE DEVELOPMENT OF LOCAL CODES GOVERNING RENEWABLE
9 ENERGY PROJECTS; OR

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

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

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

1 PLANNING, SITING, PERMITTING, AND DEVELOPING RENEWABLE ENERGY
2 PROJECTS.

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

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

14 THE REPORT MUST:

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

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

20 (III) EVALUATE THE IMPACT OF RENEWABLE ENERGY PROJECTS ON
21 WILDLIFE RESOURCES; THE USE OF WILDLIFE MITIGATION,
22 DECOMMISSIONING, AND COMMUNITY BENEFIT AGREEMENTS; AND THE
23 RANGE OF FEES IMPOSED BY LOCAL GOVERNMENTS.

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

1 BEFORE THE FINAL REPORT IS COMPLETED.

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

3 **29-20-405. Consultation with tribal government required -**

4 **Brunot agreement of 1874.** A LOCAL GOVERNMENT SHALL NOT GRANT
5 A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A FACILITY IN ANY
6 AREA THAT IS INCLUDED WITHIN THE LANDS PROVIDED FOR THE USE OF
7 THE UTE MOUNTAIN UTE AND SOUTHERN UTE INDIAN TRIBES BY THE
8 FEDERAL GOVERNMENT PURSUANT TO THE BRUNOT AGREEMENT OF 1874
9 UNLESS THE LOCAL GOVERNMENT FIRST CONSULTS WITH THE TRIBAL
10 GOVERNMENTS OF THE UTE MOUNTAIN UTE AND SOUTHERN UTE INDIAN
11 TRIBES CONCERNING THE CONSTRUCTION OF THE FACILITY.

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

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

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

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

1 this appropriation for program costs.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2024 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.