

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

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

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO FACILITATE THE CONSTRUCTION OF
102 RENEWABLE ENERGY PROJECTS.

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, energy storage, and energy transmission projects

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.

(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 ARE NEEDED IN ORDER TO
11 MAKE PROGRESS ON THE STATE'S GREENHOUSE GAS EMISSION REDUCTION
12 GOALS WHILE ALSO PROTECTING PUBLIC HEALTH, SAFETY, WELFARE, AND
13 THE ENVIRONMENT, INCLUDING WILDLIFE RESOURCES;

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 SOLAR ENERGY FACILITY" MEANS ANY DEVICE
9 OR ASSEMBLY OF DEVICES THAT:

- 10 (a) IS GROUND INSTALLED;
11 (b) HAS AT LEAST FIVE MEGAWATTS OF TOTAL NAMEPLATE
12 GENERATING CAPACITY; AND
13 (c) USES SOLAR ENERGY TO GENERATE ELECTRICITY FOR THE
14 PRIMARY PURPOSE OF WHOLESALE OR RETAIL SALE AND NOT PRIMARILY
15 FOR CONSUMPTION ON THE PROPERTY ON WHICH THE DEVICE OR DEVICES
16 RESIDE.

17 (3) "COMMERCIAL WIND ENERGY FACILITY" MEANS A WIND
18 ENERGY CONVERSION FACILITY WITH A TOTAL NAMEPLATE GENERATING
19 CAPACITY OF FIVE HUNDRED KILOWATTS OR GREATER.

20 (4) "DIVISION OF PARKS AND WILDLIFE" OR "DIVISION" MEANS THE
21 DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104.

22 (5) "ENERGY AND CARBON MANAGEMENT COMMISSION" MEANS
23 THE ENERGY AND CARBON MANAGEMENT COMMISSION CREATED IN
24 SECTION 34-60-104.3.

- 25 (6) "FACILITY" MEANS:
26 (a) A COMMERCIAL WIND ENERGY FACILITY;
27 (b) A COMMERCIAL SOLAR ENERGY FACILITY;

- 1 (c) A COMMERCIAL ENERGY STORAGE FACILITY; OR
- 2 (d) A COMMERCIAL ENERGY TRANSMISSION FACILITY.

3 (7) "FACILITY OWNER" MEANS:

4 (a) A PERSON WITH A DIRECT OWNERSHIP INTEREST IN A FACILITY,
5 REGARDLESS OF WHETHER THE PERSON IS INVOLVED IN ACQUIRING RIGHTS
6 AND PERMITS FOR THE FACILITY OR OTHERWISE PLANNING FOR THE
7 CONSTRUCTION AND OPERATION OF THE FACILITY; OR

8 (b) DURING THE TIME A FACILITY IS BEING DEVELOPED, A PERSON
9 THAT IS ACTING AS A DEVELOPER OF THE FACILITY BY ACQUIRING
10 NECESSARY RIGHTS, PERMITS, AND APPROVALS OR BY PLANNING FOR THE
11 CONSTRUCTION AND OPERATION OF THE FACILITY, REGARDLESS OF
12 WHETHER THE PERSON WILL OWN OR OPERATE THE FACILITY.

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

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

17 (10) "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 **model code repository - report - repeal.** (1) (a) AT THE REQUEST OF A
23 LOCAL GOVERNMENT OR A TRIBAL GOVERNMENT, THE DIRECTOR OF THE
24 ENERGY AND CARBON MANAGEMENT COMMISSION SHALL PROVIDE
25 TECHNICAL SUPPORT TO THE LOCAL GOVERNMENT OR TRIBAL
26 GOVERNMENT 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 (2) FOR ALL PROJECTS, AT THE REQUEST OF A FACILITY OWNER,
8 LOCAL GOVERNMENT, OR TRIBAL GOVERNMENT, THE DIVISION OF PARKS
9 AND WILDLIFE SHALL PROVIDE THE FACILITY OWNER, LOCAL
10 GOVERNMENT, OR TRIBAL GOVERNMENT A SET OF BEST MANAGEMENT
11 PRACTICES FOR RENEWABLE ENERGY PROJECTS. THE BEST MANAGEMENT
12 PRACTICES MAY BE INCORPORATED INTO PROJECT PLANS AT THE
13 DISCRETION OF THE FACILITY OWNER, LOCAL GOVERNMENT, OR TRIBAL
14 GOVERNMENT. THE DIVISION SHALL IDENTIFY PROJECT-SPECIFIC HABITAT
15 IMPACTS AND HIGH-PRIORITY HABITATS BASED ON THE BEST AVAILABLE
16 SCIENCE. THE DIVISION SHALL UPDATE ITS LIST OF HIGH-PRIORITY
17 HABITATS AT LEAST ANNUALLY AND MAKE THE LIST PUBLICLY AVAILABLE.
18 A FACILITY OWNER, LOCAL GOVERNMENT, OR TRIBAL GOVERNMENT MAY
19 CONSIDER THE HIGH-PRIORITY HABITATS IN PLANNING, SITING,
20 PERMITTING, AND DEVELOPING RENEWABLE ENERGY PROJECTS.

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

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

5 THE REPORT MUST:

6 (I) EVALUATE AND ASSESS LOCAL GOVERNMENT PROCESSES TO
7 DETERMINE WHETHER REASONABLE PATHWAYS FOR THE SITING OF
8 RENEWABLE ENERGY PROJECTS EXIST IN AREAS WITH SUITABLE WIND AND
9 SOLAR RESOURCES;

10 (II) IDENTIFY AREAS OF LOWER AND LOWEST CONFLICT FOR THE
11 DEVELOPMENT OF RENEWABLE ENERGY PROJECTS AND RECOMMEND
12 OPTIONS FOR STREAMLINING DEVELOPMENT IN THESE AREAS; AND

13 (III) EVALUATE WILDLIFE MITIGATION, DECOMMISSIONING, AND
14 COMMUNITY BENEFITS AGREEMENTS.

15 (b) IN PREPARING THE REPORT, THE OFFICE SHALL PROVIDE
16 OPPORTUNITIES FOR COUNTY GOVERNMENTS, RENEWABLE ENERGY
17 PROJECT DEVELOPERS, AND CONSERVATION ORGANIZATIONS TO PROVIDE
18 INPUT AND SHALL ALLOW OPPORTUNITY FOR PUBLIC COMMENT BEFORE
19 THE FINAL 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.** A LOCAL GOVERNMENT SHALL NOT GRANT
23 A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A FACILITY IN ANY
24 AREA THAT IS INCLUDED WITHIN THE LANDS PROVIDED FOR THE USE OF
25 THE UTE MOUNTAIN UTE AND SOUTHERN UTE INDIAN TRIBES BY THE
26 FEDERAL GOVERNMENT PURSUANT TO THE BRUNOT AGREEMENT OF 1874
27 UNLESS THE LOCAL GOVERNMENT FIRST CONSULTS WITH THE TRIBAL

1 GOVERNMENTS OF THE UTE MOUNTAIN UTE AND SOUTHERN UTE INDIAN
2 TRIBES CONCERNING THE CONSTRUCTION OF THE FACILITY.

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