

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

REVISED

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

LLS NO. 24-0838.01 Richard Sweetman x4333

SENATE BILL 24-212

SENATE SPONSORSHIP

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

HOUSE SPONSORSHIP

Brown and McCormick,

Senate Committees

Transportation & Energy
Appropriations

House Committees

Transportation, Housing & Local Government
Appropriations

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.*

HOUSE
Amended 2nd Reading
May 7, 2024

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 ■ ■

21 **29-20-403. Definitions.** AS USED IN THIS PART 4, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

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

26 (2) "BRUNOT AREA" MEANS THE LAND RELINQUISHED AND
27 CONVEYED BY THE CONFEDERATED BANDS OF THE UTE NATION TO THE

1 UNITED STATES IN THE BRUNOT AGREEMENT AND UPON WHICH THE
2 UNITED STATES AGREED TO PERMIT THE UTE INDIANS TO HUNT "SO LONG
3 AS THE GAME LASTS AND THE INDIANS ARE AT PEACE WITH THE WHITE
4 PEOPLE".

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

7 (4) "COMMERCIAL ENERGY STORAGE FACILITY" MEANS
8 COMMERCIALLY AVAILABLE TECHNOLOGY THAT IS CAPABLE OF RETAINING
9 ENERGY, STORING THE ENERGY FOR A PERIOD OF TIME, AND DELIVERING
10 THE ENERGY AFTER STORAGE BY CHEMICAL MEANS.

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

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

- 17 (a) IS GROUND INSTALLED;
- 18 (b) HAS AT LEAST FIVE MEGAWATTS ALTERNATING CURRENT OF
19 TOTAL NAMEPLATE GENERATING CAPACITY; AND
- 20 (c) USES SOLAR ENERGY TO GENERATE ELECTRICITY FOR THE
21 PRIMARY PURPOSE OF WHOLESALE OR RETAIL SALE AND NOT PRIMARILY
22 FOR CONSUMPTION ON THE PROPERTY ON WHICH THE DEVICE OR DEVICES
23 RESIDE.

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

27 (8) "DIVISION OF PARKS AND WILDLIFE" OR "DIVISION" MEANS THE

1 DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104.

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

5 (10) "FACILITY" MEANS:

6 (a) A COMMERCIAL WIND ENERGY FACILITY;

7 (b) A COMMERCIAL SOLAR ENERGY FACILITY; OR

8 (c) A COMMERCIAL ENERGY STORAGE FACILITY.

9 (11) "FACILITY OWNER" MEANS:

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

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

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

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

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

4 (15) "RENEWABLE ENERGY PROJECT" OR "PROJECT" MEANS A
5 PROJECT TO ESTABLISH A FACILITY.

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

8 **29-20-404. Technical support for renewable energy projects**

9 **- duties of energy and carbon management commission - duties of**
10 **division of parks and wildlife - duties of Colorado energy office - ---**

11 **code repository - report - repeal.** (1) (a) AT THE REQUEST OF A LOCAL
12 GOVERNMENT OR A TRIBAL GOVERNMENT, THE DIRECTOR OF THE ENERGY
13 AND CARBON MANAGEMENT COMMISSION SHALL PROVIDE TECHNICAL
14 SUPPORT TO THE LOCAL GOVERNMENT OR TRIBAL GOVERNMENT
15 CONCERNING:

16 (I) THE DEVELOPMENT OF LOCAL CODES GOVERNING RENEWABLE
17 ENERGY PROJECTS; OR

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

21 (b) WHEN PROVIDING TECHNICAL SUPPORT AS DESCRIBED IN
22 SUBSECTION (1)(a) OF THIS SECTION, THE DIRECTOR OF THE ENERGY AND
23 CARBON MANAGEMENT COMMISSION MAY COLLABORATE WITH OTHER
24 STATE AGENCIES.

25 (c) IN ITS ANNUAL PRESENTATION TO THE LEGISLATIVE
26 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE
27 DEPARTMENT OF NATURAL RESOURCES SHALL INCLUDE INFORMATION

1 INDICATING HOW MANY LOCAL AND TRIBAL GOVERNMENTS REQUESTED
2 SUPPORT FROM THE ENERGY AND CARBON MANAGEMENT COMMISSION, AS
3 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, DURING THE
4 PRECEDING YEAR.

5
6 (2) (a) AT THE REQUEST OF A FACILITY OWNER, LOCAL
7 GOVERNMENT, OR TRIBAL GOVERNMENT, THE DIVISION OF PARKS AND
8 WILDLIFE SHALL PROVIDE THE FACILITY OWNER, LOCAL GOVERNMENT, OR
9 TRIBAL GOVERNMENT A SET OF BEST MANAGEMENT PRACTICES TO AVOID,
10 MINIMIZE, AND MITIGATE WILDLIFE IMPACTS OF RENEWABLE ENERGY
11 PROJECTS.

12 (b) THE BEST MANAGEMENT PRACTICES AVAILABLE AT THE TIME
13 OF APPLICATION WITH A LOCAL GOVERNMENT OR TRIBAL GOVERNMENT
14 FOR LAND USE APPROVAL OF A RENEWABLE ENERGY PROJECT MAY BE
15 INCORPORATED INTO PROJECT PLANS AT THE DISCRETION OF THE FACILITY
16 OWNER.

17 (c) THE BEST MANAGEMENT PRACTICES MAY BE CONSIDERED AS
18 CONDITIONS OF APPROVAL BY A LOCAL GOVERNMENT OR TRIBAL
19 GOVERNMENT WITH LAND USE AUTHORITY OR REGULATORY AUTHORITY
20 OVER A PROJECT FOR A RENEWABLE ENERGY PROJECT FOR WHICH THE
21 LOCAL GOVERNMENT OR TRIBAL GOVERNMENT RECEIVES AN APPLICATION
22 FOR LAND USE APPROVAL AFTER JUNE 30, 2024.

23 (d) THE DIVISION OF PARKS AND WILDLIFE SHALL IDENTIFY
24 HIGH-PRIORITY HABITATS FOR RENEWABLE ENERGY PROJECTS BASED ON
25 THE BEST AVAILABLE SCIENCE AND SHALL UPDATE THE LIST OF
26 HIGH-PRIORITY HABITATS AT LEAST ANNUALLY AND MAKE THE LIST
27 PUBLICLY AVAILABLE. A FACILITY OWNER, LOCAL GOVERNMENT, OR

1 TRIBAL GOVERNMENT MAY CONSIDER THE HIGH-PRIORITY HABITATS IN
2 PLANNING, SITING, PERMITTING, AND DEVELOPING RENEWABLE ENERGY
3 PROJECTS.

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

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

17 (I) EVALUATE AND ASSESS LOCAL GOVERNMENT PROCESSES FOR
18 THE SITING OF COMMERCIALLY VIABLE RENEWABLE ENERGY PROJECTS
19 AND COMMERCIAL ENERGY TRANSMISSION FACILITIES; AND

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

25 (b) IN PREPARING THE REPORT, THE OFFICE SHALL PROVIDE
26 OPPORTUNITIES FOR MUNICIPAL AND COUNTY GOVERNMENTS; RENEWABLE
27 ENERGY PROJECT DEVELOPERS; CONSERVATION ORGANIZATIONS; LOCAL

1 STAKEHOLDERS, INCLUDING PROPERTY OWNERS; TRIBAL GOVERNMENTS;
2 ELECTRIC UTILITIES; AND LABOR ORGANIZATIONS TO PROVIDE INPUT AND
3 SHALL ALLOW OPPORTUNITY FOR PUBLIC COMMENT BEFORE THE FINAL
4 REPORT IS COMPLETED.

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

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

16 **SECTION 2. Appropriation.** (1) For the 2024-25 state fiscal
17 year, \$307,991 is appropriated to the department of natural resources.
18 This appropriation is from the wildlife cash fund created in section
19 33-1-112 (1)(a), C.R.S. To implement this act, the department may use
20 this appropriation as follows:

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

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

26 (2) For the 2024-25 state fiscal year, \$95,490 is appropriated to
27 the department of natural resources for use by the energy and carbon

1 management commission. This appropriation is from the energy and
2 carbon management cash fund created in section 34-60-122 (5)(a),
3 C.R.S., and is based on an assumption that the commission will require
4 an additional 0.8 FTE. To implement this act, the commission may use
5 this appropriation for program costs.

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