

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

May 17, 2021

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB21-1286 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend the Energy and Environment Committee Report, dated May 6,  
2 2021, page 1, strike line 1 and substitute:
- 3 "Amend printed bill, page 3, line 6, strike the first "**declaration.**" and  
4 substitute "**declaration - repeal.**".
- 5 Page 7 of the bill, line 16, strike "AND".
- 6 Page 7 of the bill, strike line 25 and substitute:  
7 "(A) A STORAGE FACILITY, STAND-ALONE PARKING GARAGE, OR  
8 AIRPLANE HANGAR".
- 9 Page 11 of the bill, line 18, strike "AND".
- 10 Page 11 of the bill, line 19, strike "EDUCATION." and substitute  
11 "EDUCATION; AND  
12 (IV) THE OWNER OF A PRIVATE INSTITUTION OF HIGHER  
13 EDUCATION AS DEFINED IN SECTION 23-18-102 (9)".
- 14 Page 11 of the bill, line 20, strike "JANUARY 1," and substitute "JUNE 1,".
- 15 Page 12 of the bill, strike lines 7 and 8 and substitute:

1           "(II) PROVIDED TO THE OWNER WITHIN:  
2           (A) NINETY DAYS AFTER RECEIVING THE OWNER'S VALID WRITTEN  
3 OR ELECTRONIC REQUEST IF THE REQUEST IS RECEIVED IN 2022;  
4           (B) THIRTY DAYS AFTER RECEIVING THE OWNER'S VALID WRITTEN  
5 OR ELECTRONIC REQUEST IF THE REQUEST IS RECEIVED IN 2023 OR  
6 LATER;".

7 Page 12 of the bill, line 15, strike "AND".

8 Page 12 of the bill, line 18, strike "BUILDING." and substitute "BUILDING;  
9 AND

10           (VI) IF THE QUALIFYING UTILITY IS AN INVESTOR-OWNED UTILITY,  
11 PROVIDED IN ACCORDANCE WITH THE PUBLIC UTILITIES COMMISSION'S  
12 RULES CONCERNING CUSTOMER DATA AND PERSONALLY IDENTIFYING  
13 INFORMATION.".

14 Page 13 of the bill, line 14, strike "OR".

15 Page 13 of the bill, line 23, strike "RENEWAL." and substitute "RENEWAL;  
16 OR

17           (V) THE COVERED BUILDING HAS FOUR OR MORE UTILITY  
18 CUSTOMERS, IS NOT LOCATED WITHIN A QUALIFYING UTILITY'S SERVICE  
19 TERRITORY, AND IS UNABLE TO GET AGGREGATED DATA FROM THE UTILITY  
20 THAT SERVES THE COVERED BUILDING.".

21 Page 1 of the report, after line 8 insert:

22 "Page 16 of the bill, line 12, strike "(10)" and substitute "(11)".

23 Page 19 of the bill, line 3, strike "COMPARED." and substitute "COMPARED  
24 IF ENERGY-USE DATA FOR THE SUBSTITUTE YEAR IS AVAILABLE FROM THE  
25 QUALIFYING UTILITY.".

26 Page 2 of the report, after line 1 insert:

27 "Page 19 of the bill, line 12, strike "(10)" and substitute "(11)".

28 Page 2 of the report, strike lines 9 through 34.

29 Page 3 of the report, strike lines 1 through 28 and substitute:

1           **""(10) Task force recommendations for implementation -**  
2 **repeal.** (a) (I) NO LATER THAN OCTOBER 1, 2021, THE DIRECTOR OF THE  
3 OFFICE SHALL APPOINT AND CONVENE A TASK FORCE TO DEVELOP AND  
4 PROVIDE RECOMMENDATIONS TO THE COMMISSION, THE GENERAL  
5 ASSEMBLY, AND THE GOVERNOR ON MODIFICATIONS TO THE PERFORMANCE  
6 STANDARDS FOR COVERED BUILDINGS SET FORTH IN SUBSECTION (8) OF  
7 THIS SECTION. ANY RECOMMENDATIONS MUST BE APPROVED BY AT LEAST  
8 TWO-THIRDS OF THE MEMBERS APPOINTED TO THE TASK FORCE.  
9           (II) THE TASK FORCE MAY DEVELOP RECOMMENDATIONS  
10 REGARDING THE RULES THAT THE COMMISSION MAY PROMULGATE:  
11           (A) PURSUANT TO SUBSECTION (11)(a) OF THIS SECTION, FOR  
12 MODIFICATIONS TO THE PERFORMANCE STANDARDS FOR PERFORMANCE  
13 YEAR 2026 IF THE PERFORMANCE STANDARDS WOULD ACHIEVE A  
14 REDUCTION IN CARBON DIOXIDE EMISSIONS FROM THE PERFORMANCE  
15 STANDARDS SET FORTH IN SUBSECTION (8) OF THIS SECTION;  
16           (B) PURSUANT TO SUBSECTION (11)(b) OF THIS SECTION, FOR  
17 PERFORMANCE STANDARDS FOR PERFORMANCE YEAR 2031 AND BEYOND  
18 IF THE RECOMMENDATIONS WOULD ALIGN WITH THE  
19 GREENHOUSE-GAS-EMISSION-REDUCTION TARGETS SET FORTH IN SECTION  
20 25-7-102 (2)(g).  
21           (III) ADDITIONALLY, THE TASK FORCE MAY CONSIDER MAKING  
22 RECOMMENDATIONS RELATED TO:  
23           (A) WORKFORCE AVAILABILITY AND DEVELOPMENT RELATED TO  
24 BUILDING ENERGY PERFORMANCE;  
25           (B) FINANCIAL AND NONFINANCIAL COSTS AND BENEFITS OF  
26 UPGRADED BUILDING ENERGY PERFORMANCE;  
27           (C) AVAILABILITY OF PROGRAMS, TECHNICAL ASSISTANCE, AND  
28 INCENTIVES TO SUPPORT BUILDING OWNERS, UTILITIES, AND LOCAL  
29 GOVERNMENTS; AND  
30           (D) OPPORTUNITIES TO IMPROVE COMMERCIAL BUILDING ENERGY  
31 USE IN COLORADO.  
32           (IV) IN DEVELOPING ITS RECOMMENDATIONS, THE TASK FORCE  
33 MAY CONSIDER:  
34           (A) BENCHMARKING DATA REPORTED PURSUANT TO SUBSECTION  
35 (3) OF THIS SECTION;  
36           (B) BENCHMARKING DATA FROM COMMUNITIES THAT ARE  
37 CURRENTLY CONDUCTING COMMERCIAL BUILDING BENCHMARKING;  
38           (C) ANY OTHER PUBLICLY AVAILABLE BUILDING BENCHMARKING  
39 DATA THROUGH WHICH BENCHMARKING IS REPORTED TO A BUILDING  
40 BENCHMARKING PROGRAM IN COLORADO; AND  
41           (D) ANY OTHER INFORMATION THAT THE OFFICE DETERMINES IS

1 AVAILABLE REGARDING ENERGY USE IN COMMERCIAL BUILDINGS IN  
2 COLORADO.

3 (b) (I) IF AT LEAST TWO-THIRDS OF THE MEMBERS APPOINTED TO  
4 THE TASK FORCE AGREE ON RECOMMENDATIONS PURSUANT TO  
5 SUBSECTION (10)(a)(II)(A) OF THIS SECTION, AND THE DIRECTOR OF THE  
6 OFFICE IN CONSULTATION WITH THE COMMISSION DETERMINES THAT THE  
7 RECOMMENDATIONS MEET THE CARBON DIOXIDE REDUCTION  
8 REQUIREMENT SET FORTH IN SUBSECTION (10)(a)(II)(A) OF THIS SECTION,  
9 THE DIVISION SHALL, ON OR BEFORE JULY 1, 2023, REQUEST THAT THE  
10 COMMISSION, PURSUANT TO SUBSECTION (11)(a) OF THIS SECTION, PUBLISH  
11 A NOTICE OF PROPOSED RULE-MAKING TO ADOPT RULES TO IMPLEMENT  
12 THE TASK FORCE'S RECOMMENDATIONS.

13 (II) IF TWO-THIRDS OF THE MEMBERS OF THE TASK FORCE CANNOT  
14 AGREE ON RECOMMENDATIONS OR IF THE DIRECTOR OF THE OFFICE IN  
15 CONSULTATION WITH THE COMMISSION DETERMINES THAT THE TASK  
16 FORCE'S RECOMMENDATIONS WOULD NOT MEET THE CARBON DIOXIDE  
17 REDUCTION REQUIREMENT SET FORTH IN SUBSECTION (10)(a)(II)(A) OF  
18 THIS SECTION, THE PERFORMANCE STANDARDS SET FORTH IN SUBSECTION  
19 (8) OF THIS SECTION CONTINUE IN EFFECT UNTIL THE COMMISSION,  
20 PURSUANT TO SUBSECTION (11)(b) OF THIS SECTION, ADOPTS ANY RULES  
21 MODIFYING THE PERFORMANCE STANDARDS.

22 (c) ON OR BEFORE OCTOBER 1, 2022, THE TASK FORCE SHALL  
23 DELIVER TO THE DIRECTOR OF THE OFFICE ANY INTERIM  
24 RECOMMENDATIONS DEVELOPED. ON OR BEFORE JANUARY 1, 2023, THE  
25 TASK FORCE SHALL DELIVER TO THE DIRECTOR OF THE OFFICE ANY FINAL  
26 RECOMMENDATIONS DEVELOPED. THE DIRECTOR OF THE OFFICE SHALL  
27 SEND COPIES OF THE TASK FORCE'S FINAL RECOMMENDATIONS TO THE  
28 COMMISSION, THE GENERAL ASSEMBLY, AND THE GOVERNOR.

29 (d) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

30 (I) THE DIRECTOR OF THE OFFICE OR THE DIRECTOR'S DESIGNEE;

31 (II) THE DIRECTOR OF THE DIVISION OR THE DIRECTOR'S DESIGNEE;

32 (III) TWO MEMBERS WHO ARE OWNERS OF COVERED BUILDINGS OR  
33 WHO REPRESENT OWNERS OF COVERED BUILDINGS, WITH ONE  
34 REPRESENTING OWNERS OF COMMERCIAL BUILDINGS AND ONE  
35 REPRESENTING OWNERS OF MULTIFAMILY RESIDENTIAL BUILDINGS;

36 (IV) TWO MEMBERS WHO HAVE DIRECT EXPERIENCE IN, OR ARE  
37 MEMBERS OF ORGANIZATIONS REPRESENTING WORKERS IN, MECHANICAL,  
38 PLUMBING, OR ELECTRICAL WORK;

39 (V) ONE MEMBER REPRESENTING ARCHITECTS, PROFESSIONAL  
40 ENGINEERS WITH EXPERIENCE WORKING ON SYSTEMS FOR BUILDINGS, OR  
41 OTHER DESIGN PROFESSIONALS;

- 1 (VI) ONE MEMBER REPRESENTING DEVELOPERS, CONSTRUCTION  
2 ORGANIZATIONS, OR BUILDING CONTRACTORS;
- 3 (VII) ONE MEMBER REPRESENTING AN ELECTRIC UTILITY, A GAS  
4 UTILITY, OR A COMBINED ELECTRIC AND GAS UTILITY;
- 5 (VIII) TWO MEMBERS OF ENVIRONMENTAL CONSERVATION OR  
6 ENVIRONMENTAL JUSTICE GROUPS WITH EXPERIENCE IN ENERGY  
7 EFFICIENCY OR THE BUILT ENVIRONMENT;
- 8 (IX) ONE MEMBER FROM A LOCAL GOVERNMENT THAT HAS  
9 ENACTED OR ADOPTED A BENCHMARKING OR BUILDING ENERGY  
10 PERFORMANCE ORDINANCE OR RESOLUTION;
- 11 (X) ONE MEMBER FROM A LOCAL GOVERNMENT THAT HAS NOT  
12 ENACTED OR ADOPTED A BENCHMARKING OR BUILDING ENERGY  
13 PERFORMANCE ORDINANCE OR RESOLUTION; AND
- 14 (XI) TWO MEMBERS WITH RELEVANT BUILDING PERFORMANCE  
15 EXPERTISE, AS DETERMINED BY THE DIRECTOR OF THE OFFICE.
- 16 (e) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2025.
- 17 (11) **Performance standard rules.** (a) ON OR BEFORE JANUARY  
18 1, 2024, IF THE DIVISION, PURSUANT TO SUBSECTION (10)(b) OF THIS  
19 SECTION, REQUESTS THAT THE COMMISSION PUBLISH A NOTICE OF  
20 PROPOSED RULE-MAKING TO ADOPT RULES TO IMPLEMENT  
21 RECOMMENDATIONS OF THE TASK FORCE, THE COMMISSION MAY ENGAGE  
22 IN SUCH A RULE-MAKING PROCEEDING TO MODIFY THE PERFORMANCE  
23 STANDARDS FOR PERFORMANCE YEAR 2026.
- 24 (b) ON OR AFTER DECEMBER".".

25 Page 3 of the report, after line 29 insert:

26 "Page 21 of the bill, line 16, strike "SECTION" and substitute "SECTION, OR  
27 ANY MODIFIED PERFORMANCE STANDARDS SET FORTH IN RULES THAT THE  
28 COMMISSION PROMULGATES PURSUANT TO SUBSECTION (11)(a) OF THIS  
29 SECTION,"."

30 Page 3 of the report, after line 31 insert:

31 "Page 22 of the bill, line 1, strike "(10)" and substitute "(11)".

32 Page 22 of the bill, line 19, strike "(10)." and substitute "(11)".

33 Page 22 of the bill, line 27, strike "(11)" and substitute "(12)".

34 Page 24 of the bill, strike lines 5 and 6 and substitute "ADMINISTERING



1 THE BUILDING PERFORMANCE PROGRAM DEFINED IN SECTION 24-38.5-110  
2 (3)(b) AND DESCRIBED IN THAT SECTION AND SECTION 25-7-142."

3 Page 25 of the bill, line 17, strike "OR".

4 Page 25 of the bill, line 18, strike "32." and substitute "32;

5 (C) A STATE INSTITUTION OF HIGHER EDUCATION;

6 (D) A SCHOOL DISTRICT CREATED PURSUANT TO ARTICLE 30 OF  
7 TITLE 22; OR

8 (E) A CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF  
9 ARTICLE 30.5 OF TITLE 22."

10 Page 25 of the bill, after line 18 insert:

11 "(2) TO IMPLEMENT THE BUILDING PERFORMANCE PROGRAM, THE  
12 COLORADO ENERGY OFFICE SHALL ASSIST BUILDING OWNERS TO INCREASE  
13 ENERGY EFFICIENCY AND REDUCE GREENHOUSE GAS EMISSIONS FROM  
14 THEIR BUILDINGS, INCLUDING BY PROVIDING OUTREACH, TRAINING,  
15 TECHNICAL ASSISTANCE, AND GRANTS TO BUILDING OWNERS TO HELP  
16 THEIR BUILDINGS COME INTO COMPLIANCE WITH THE BUILDING  
17 PERFORMANCE PROGRAM."

18 Renumber succeeding subsection accordingly.

19 Page 27, strike line 1 and substitute:

20 "(C) A SCHOOL DISTRICT CREATED PURSUANT TO ARTICLE 30 OF  
21 TITLE 22 OR A CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF  
22 ARTICLE 30.5 OF TITLE 22;".

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