

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB25-1269 be amended as follows:

1 Amend printed bill, page 2, strike lines 7 and 8 and substitute "SECTION,  
2 A BOARD OF COUNTY COMMISSIONERS IS NOT".

3 Page 2, line 10, before "AS" insert "SOLELY".

4 Page 3, strike lines 4 and 5 and substitute "SECTION, A GOVERNING BODY  
5 OF A MUNICIPALITY IS".

6 Page 3, line 8, before "AS" insert "SOLELY".

7 Page 3, strike line 11 and substitute "(8.6), (8.7), and (8.8) as follows:".

8 Page 4, strike lines 8 and 9 and substitute:

9 "(q.5) "OPERATOR" MEANS AN OWNER, TENANT, OR OTHER  
10 INDIVIDUAL OR ENTITY:

11 (I) OCCUPYING OR NAMED ON THE UTILITY BILL FOR A COVERED  
12 BUILDING; AND

13 (II) THAT HAS ACCESS TO UTILITY DATA FOR THE COVERED  
14 BUILDING.".

15 Page 4, strike lines 15 through 18 and substitute "(a) ~~On or before  
16 December 1, 2022, and on or before June 1 of each subsequent year~~  
17 NOTWITHSTANDING THE RULES THAT THE COMMISSION ADOPTED BEFORE  
18 JULY 2025, BEGINNING IN 2026 FOR 2025 BENCHMARKING DATA AND FOR  
19 EACH SUBSEQUENT YEAR, the owner of a covered building shall submit a  
20 report of the benchmarking data for the previous calendar year to the  
21 office ON OR BEFORE NOVEMBER 1.".

22 Page 4, line 20, after "DEMONSTRATES" insert "TO THE OFFICE".

23 Page 5, strike lines 12 through 14 and substitute "the annual fee, as set  
24 forth in section 24-38.5-112 (1)(e)(II); FROM PAYMENT OF THE BUILDING  
25 DECARBONIZATION FEE, AS SET FORTH IN SECTION 24-38.5-123 (5)(b); or  
26 from payment of civil penalties, as set forth".

27 Page 6, line 3, strike "OFFICE AND IN CONSIDERATION OF" and substitute  
28 "OFFICE, SHALL CONSIDER".

29 Page 6, line 5, strike "SECTION," and substitute "SECTION AND".

1 Page 6, lines 6 and 7, strike "FOR THE COMMISSION TO CONSIDER  
2 INCLUDING" and substitute "FOR CONSIDERATION".

3 Page 6, strike lines 14 and 15 and substitute "25-7-102 (2)(g), TAKING  
4 INTO CONSIDERATION:

5 (A) THE CAPITAL PLANNING PERIODS FOR COVERED BUILDINGS;  
6 (B) THE FEASIBILITY OF AN OWNER".

7 Page 6, strike line 19 and substitute "SECTION; AND

8 (C) THE PRACTICAL AND FINANCIAL FEASIBILITY OF MEETING THE  
9 TARGETS.".

10 Page 6, line 26, after "DIRECTOR" insert "OF THE OFFICE".

11 Page 7, line 2, strike "2027" and substitute "2026".

12 Page 7, line 19, strike "OFFICE" and substitute "OFFICE, THE PUBLIC  
13 UTILITIES COMMISSION,".

14 Page 7, after line 22 insert:

15 (III) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION OR THE  
16 DIRECTOR'S DESIGNEE;".

17 Renumber succeeding subparagraphs accordingly.

18 Page 8, line 19, strike "AND".

19 Page 8, strike line 22 and substitute "OFFICE; AND  
20 (XIV) ONE MEMBER REPRESENTING HOSPITALS OR OTHER  
21 HEALTH-CARE FACILITIES.

22 (e) AN INDIVIDUAL APPLYING TO SERVE ON THE TASK FORCE MUST  
23 SUBMIT A RECOMMENDATION FROM A MEMBER OF THE GROUP THAT THE  
24 INDIVIDUAL SEEKS TO REPRESENT ON THE TASK FORCE OR, IF A TRADE  
25 ORGANIZATION EXISTS THAT REPRESENTS THE GROUP, A  
26 RECOMMENDATION FROM THE TRADE ORGANIZATION.

27 (f) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE DIRECTOR  
28 OF THE OFFICE SHALL STRIVE TO ENSURE GEOGRAPHIC REPRESENTATION.".

29 Page 9, line 9, strike "AND".

30 Page 9, line 20, after "STATUS" insert "BY SUBMITTING AN AFFIDAVIT,  
31 SUBJECT TO CIVIL PENALTIES FOR MISREPRESENTATION, WHICH AFFIDAVIT

1 ATTESTS THAT THE COVERED BUILDING MEETS THE REQUIREMENTS OF THE  
2 LOCAL PROGRAM,".

3 Page 9, line 21, after "OFFICE;" insert "AND".

4 Page 9, line 27, strike "SECTION." and substitute "SECTION;  
5 (III) A LOCAL JURISDICTION THAT HAS ADOPTED AND  
6 IMPLEMENTED A BUILDING PERFORMANCE STANDARDS PROGRAM MAY  
7 ISSUE A CERTIFICATION OR REPORT TO THE OFFICE CONFIRMING WHICH  
8 COVERED BUILDINGS ARE IN COMPLIANCE WITH THE PROGRAM; AND".

9 Page 10, strike lines 1 through 3 and substitute:

10 "(IV) DECISIONS MADE BY THE OFFICE REGARDING EQUIVALENCE  
11 PURSUANT TO SUBSECTION (8.6)(a)(II)(B) OF THIS SECTION ARE SUBJECT  
12 TO JUDICIAL".

13 Page 10, after line 16 insert:

14 "(II) ANY RULES THAT THE COMMISSION ADOPTED BEFORE JULY 1,  
15 2025, THAT IMPOSE ADDITIONAL COMPLIANCE OBLIGATIONS UPON A  
16 COVERED BUILDING OWNER THAT FAILS TO TIMELY MEET A BUILDING  
17 PERFORMANCE STANDARD DO NOT APPLY UNTIL 2031 FOR THE 2030  
18 BUILDING PERFORMANCE STANDARDS.".

19 Renumber succeeding subparagraphs accordingly.

20 Page 11, line 3, after "NECESSARY" insert "FOR COVERED BUILDINGS".

21 Page 11, strike lines 5 through 8 and substitute "COMMISSION IS NOT  
22 REQUIRED TO REVISE RULES ADOPTED PURSUANT TO THIS SECTION.

23 (8.8) ENERGY USE THAT A COVERED BUILDING OWNER  
24 DEMONSTRATES IS ATTRIBUTABLE TO ELECTRIC VEHICLE CHARGING SHALL  
25 NOT BE INCLUDED IN A COVERED BUILDING'S TOTAL ENERGY USAGE FOR  
26 PURPOSES OF COMPLIANCE WITH BUILDING PERFORMANCE STANDARDS.".

27 Page 11, line 9, strike "25-7-142.5" and substitute "24-38.5-123".

28 Page 11, line 11, strike "**25-7-142.5.**" and substitute "**24-38.5-123.**".

29 Page 11, line 13, after "**rules -**" insert "**report -**".

30 Page 12, line 4, before "EFFECTIVELY" insert "MORE".

1 Page 12, strike lines 6 through 8 and substitute "LIMITED TO, PROGRAMS  
2 THAT:".

3 Page 12, line 12, after "AUDITS," insert "DEVELOPING ANALYSES TO HELP  
4 BUILDING OWNERS EVALUATE THE BEST STRATEGIES FOR ACHIEVING  
5 FUTURE PERFORMANCE STANDARD TARGETS,".

6 Page 13, line 17, strike "STEWARDSHIP" and substitute "BUILDING  
7 DECARBONIZATION".

8 Page 13, line 18, strike "STEWARDSHIP" and substitute "BUILDING  
9 DECARBONIZATION".

10 Page 13, line 21, before "EFFECTIVELY" insert "MORE".

11 Page 13, line 22, before "IMPROVEMENTS" insert "FEASIBILITY ANALYSES  
12 AND".

13 Page 14, line 12, strike "OF A NONEXEMPT" and substitute "OR OPERATOR  
14 OF A".

15 Page 15, line 7, strike "REPAYMENT".

16 Page 15, line 8, strike "REPAYMENT".

17 Page 15, strike lines 15 through 18.

18 Page 15, line 19, strike "**created.**" and substitute "**created - loan from  
19 the office - repayment.**".

20 Page 16, strike lines 3 through 6 and substitute "CONDUCTING BUILDING  
21 ENERGY AUDITS, DEVELOPING ANALYSES TO HELP BUILDING OWNERS  
22 EVALUATE THE BEST STRATEGIES FOR ACHIEVING FUTURE PERFORMANCE  
23 STANDARD TARGETS, CONSULTING BUILDING ENGINEERS, PURCHASING  
24 ENERGY USE TRACKING SOFTWARE, AND PROVIDING TRAINING ON SUCH  
25 SOFTWARE;  
26 (III) HAVING AND EXERCISING ALL RIGHTS AND POWERS  
27 NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS  
28 AND DUTIES GRANTED UNDER THIS SECTION; AND".

29 Renumber succeeding subparagraph accordingly.

30 Page 16, after line 24 insert:

1                 "(d) (I) THE OFFICE MAY TRANSFER MONEY FROM ANY LEGALLY  
2 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING  
3 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE  
4 REVENUE. THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO  
5 TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR  
6 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE  
7 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A  
8 TRANSFER IS A LOAN FROM THE OFFICE TO THE ENTERPRISE THAT IS  
9 REQUIRED TO BE REPAYED AND IS NOT A GRANT FOR PURPOSES OF SECTION  
10 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN  
11 SECTION 24-77-102 (7).

12                 (II) AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS  
13 OF ITS EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE OFFICE FOR THE  
14 PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE OFFICE, PLUS INTEREST AT  
15 A RATE AGREED UPON BY THE OFFICE AND THE ENTERPRISE.".

16 Page 18, line 19, after "CONSULTANTS," insert "THE DIVISION OF  
17 ADMINISTRATION DESCRIBED IN SECTION 25-1-102 (2)(a),".

18 Page 19, line 5, strike "ON-BILL REPAYMENT".

19 Page 19, strike lines 18 and 19 and substitute "SHALL ADOPT RULES FOR  
20 THE SOLE PURPOSE OF SETTING THE AMOUNT OF THE BUILDING  
21 DECARBONIZATION ENTERPRISE FEE AT THE MAXIMUM AMOUNT  
22 AUTHORIZED IN THIS SECTION TO BE IMPOSED UPON ALL COVERED  
23 BUILDING OWNERS; EXCEPT THAT THE FEE SHALL NOT BE IMPOSED ON THE  
24 OWNER OF A PUBLIC BUILDING, AS DEFINED IN SECTION 25-7-142 (2)(t).".

25 Page 19, line 20, strike "2026," and substitute "2025,".

26 Page 19, line 26, strike "2026-27," and substitute "2027-28,".

27 Page 19, line 27, strike "SHALL" and substitute "MAY".

28 Page 20, line 5, strike "OFFICE'S" and substitute "ENTERPRISE'S".

29 Page 21, line 3, after "FIVE" insert "FISCAL".

30 Page 21, after line 14 insert:

31                 **"(7) Legislative review of building decarbonization enterprise.**  
32 ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE ENTERPRISE SHALL  
33 SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DETAILING THE

1 ENTERPRISE'S EXPENDITURES AND PROGRAM OUTCOMES FROM THE  
2 PRECEDING YEAR AND THE ENTERPRISE'S FINANCIAL PROJECTIONS FOR THE  
3 FOLLOWING YEAR.".

4 Page 22, strike lines 19 and 20 and substitute:

5 "(II) The division shall not assess a civil penalty for a violation  
6 related to a public building.

7 (II.5) NOTWITHSTANDING RULES THAT THE COMMISSION ADOPTED  
8 BEFORE JULY 1, 2025, A CIVIL PENALTY FOR A VIOLATION OF SECTION  
9 25-7-142 OR RULES ADOPTED BY THE COMMISSION TO IMPLEMENT SECTION  
10 25-7-142 SHALL BE DETERMINED IN A MANNER CONSISTENT WITH  
11 SUBSECTIONS (1)(b) AND (2) OF THIS SECTION.".

12 Page 22, line 21, strike "(II)" and substitute "(III)".

13 Page 22, line 24, strike "25-7-142," and substitute "25-7-142 OR RULES  
14 ADOPTED BY THE COMMISSION TO IMPLEMENT SECTION 25-7-142,".

15 Page 23, line 9, strike "COVER THE" and substitute "COVER THE COSTS OF  
16 THE FOLLOWING:".

17 Page 23, strike line 10 and substitute:

18 "(a) THE ENERGY CODE BOARD CONVENED PURSUANT TO SECTION  
19 24-38.5-401 (2);  
20 (b) THE TASK FORCE CREATED IN SECTION 25-7-142 (8.5); AND  
21 (c) THE".

22 Page 23, strike lines 20 and 21 and substitute:

23 "(a) Civil penalties ASSESSED PURSUANT TO SECTION 25-7-122  
24 (1)(b) AND credited to the fund pursuant to section 25-7-122 (1)(i)(III);".

25 Page 23, strike line 23 and substitute "(1)(a)(III) and (1)(a)(IV); and **add**  
26 (1)(a)(V) as follows:".

27 Page 24, after line 3 insert:

28 "(III) Maintaining a list of noncompliant owners; **and**".

29 Page 24, strike line 9 and substitute "SECTIONS 25-7-115, 25-7-121, AND  
30 25-7-122 (1)(i); AND

1 (V) IN CONSULTATION WITH THE DEPARTMENT, DEVELOPING  
2 GUIDANCE THAT DESCRIBES THE CRITERIA THAT THE OFFICE WILL USE TO  
3 DETERMINE WHICH BUILDINGS TO REFER TO THE DEPARTMENT FOR  
4 ENFORCEMENT. SPECIFIC CRITERIA MUST INCLUDE, BUT NEED NOT BE  
5 LIMITED TO:

6 (A) CONSIDERATION OF MITIGATING CIRCUMSTANCES BEYOND THE  
7 OWNER'S CONTROL;

8 (B) GOOD FAITH EFFORTS BY THE OWNER TO COMPLY WITH  
9 BENCHMARKING AND BUILDING PERFORMANCE REQUIREMENTS; AND

10 (C) FINANCIAL SOLVENCY CONCERNS.".

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