

SENATE COMMITTEE OF REFERENCE REPORT

_____ May 5, 2022
Chair of Committee Date

Committee on State, Veterans, & Military Affairs.

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

HB22-1362 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** part 4 to article
4 38.5 of title 24 as follows:

5 PART 4
6 ENERGY CODE ADOPTION
7

8 **24-38.5-401. Energy code board - appointment - creation -**
9 **duties - definitions - repeal. (1) Definitions.** AS USED IN THIS SECTION,
10 UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (a) "ACCEPTABLE REFRIGERANT" MEANS A REFRIGERANT THAT IS:
12 (I) LISTED AS ACCEPTABLE IN 42 U.S.C. SEC. 7671k OF THE
13 FEDERAL "CLEAN AIR ACT" AND USED IN EQUIPMENT THAT IS LISTED AND
14 INSTALLED PURSUANT TO THE USE CONDITIONS IMPOSED WITHIN THAT
15 SECTION; AND

16 (II) LISTED AS ACCEPTABLE IN APPENDIX U AND APPENDIX V OF
17 SUBPART G OF 40 CFR 82 AND USED IN EQUIPMENT THAT IS LISTED AND
18 INSTALLED PURSUANT TO THE USE CONDITIONS IMPOSED WITHIN THOSE
19 APPENDICES.

20 (b) "ELECTRIC READY" MEANS ADEQUATE PANEL CAPACITY,
21 DEDICATED ELECTRIC PANEL SPACE, ELECTRICAL WIRE, ELECTRICAL
22 RECEPTACLES, AND ADEQUATE PHYSICAL SPACE TO ACCOMMODATE
23 FUTURE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC APPLIANCES
24 INCLUDING HEATING, WATER HEATING, COOKING, DRYING, AND AN
25 ELECTRIC VEHICLE.

26 (c) "ENERGY CODE BOARD" MEANS THE ENERGY CODE BOARD
27 APPOINTED BY THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND

1 THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (2) OF
2 THIS SECTION.

3 (d) (I) "EV CAPABLE" MEANS A PARKING SPACE THAT:

4 (A) HAS THE ELECTRICAL PANEL CAPACITY AND CONDUIT
5 INSTALLED TO SUPPORT FUTURE IMPLEMENTATION OF ELECTRICAL
6 VEHICLE CHARGING WITH A MINIMUM OF TWO HUNDRED EIGHT VOLTS AND
7 A MINIMUM OF FORTY-AMPERE RATED CIRCUITS; AND

8 (B) IS ADJACENT TO THE TERMINAL POINT OF THE CONDUIT FROM
9 THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION (1)(d)(I)(A) OF
10 THIS SECTION.

11 (II) "EV CAPABLE" INCLUDES TWO ADJACENT PARKING SPACES IF
12 THE CONDUIT FOR THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION
13 (1)(d)(I)(A) OF THIS SECTION TERMINATES ADJACENT TO AND BETWEEN
14 BOTH PARKING SPACES.

15 (e) (I) "EV READY" MEANS A PARKING SPACE THAT:

16 (A) HAS THE ELECTRICAL PANEL CAPACITY, RACEWAY WIRING,
17 RECEPTACLE, AND CIRCUIT OVERPROTECTION DEVICES INSTALLED TO
18 SUPPORT FUTURE IMPLEMENTATION OF ELECTRICAL VEHICLE CHARGING
19 WITH A MINIMUM OF TWO HUNDRED EIGHT VOLTS AND A MINIMUM OF
20 FORTY-AMPERE RATED CIRCUITS; AND

21 (B) IS ADJACENT TO THE RECEPTACLE FOR THE ELECTRICAL
22 FACILITIES DESCRIBED IN SUBSECTION (1)(e)(I)(A) OF THIS SECTION.

23 (II) "EV READY" INCLUDES TWO ADJACENT PARKING SPACES IF THE
24 RECEPTACLE FOR THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION
25 (1)(e)(I)(A) OF THIS SECTION IS INSTALLED ADJACENT TO AND BETWEEN
26 BOTH PARKING SPACES.

27 (f) "EV SUPPLY EQUIPMENT" MEANS:

28 (I) AN ELECTRIC VEHICLE CHARGING SYSTEM AS DEFINED IN
29 SECTION 38-12-601 (6)(a) THAT HAS POWER CAPACITY OF AT LEAST 6.2
30 KILOWATTS AND HAS THE ABILITY TO CONNECT TO THE INTERNET; OR

31 (II) AN INDUCTIVE RESIDENTIAL CHARGING SYSTEM FOR
32 BATTERY-POWERED ELECTRIC VEHICLES THAT:

33 (A) IS CERTIFIED BY UNDERWRITERS LABORATORIES OR AN
34 EQUIVALENT CERTIFICATION;

35 (B) COMPLIES WITH THE CURRENT VERSION OF ARTICLE 625 OF THE
36 NATIONAL ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE
37 PROTECTION ASSOCIATION, AND OTHER APPLICABLE INDUSTRY
38 STANDARDS;

39 (C) IS ENERGY STAR CERTIFIED; AND

40 (D) HAS THE ABILITY TO CONNECT TO THE INTERNET.

41 (g) "INDIVIDUAL WITH A DISABILITY" HAS THE SAME MEANING AS
42 SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
43 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND

1 IMPLEMENTING REGULATIONS.

2 (h) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE
3 ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, OR
4 SUBSEQUENT CODE OR ENTITY.

5 (i) "MIXED FUEL USE BUILDING" MEANS A RESIDENTIAL OR
6 COMMERCIAL BUILDING THAT IS DESIGNED AND BUILT WITH EQUIPMENT
7 THAT USES GASEOUS FUELS ON SITE IN ADDITION TO ELECTRICITY.

8 (j) "PROVISIONS FOR ELECTRICAL SERVICE CAPACITY" MEANS:

9 (I) BUILDING ELECTRICAL SERVICE, SIZED FOR THE ANTICIPATED
10 LOAD OF ELECTRIC VEHICLE CHARGING STATIONS, THAT HAS OVER
11 CURRENT PROTECTION DEVICES NECESSARY FOR ELECTRIC VEHICLE
12 CHARGING STATIONS OR HAS ADEQUATE SPACE TO ADD OVER CURRENT
13 PROTECTION DEVICES;

14 (II) A CONDUIT SYSTEM INSTALLED FROM BUILDING ELECTRICAL
15 SERVICE TO PARKING SPACES THAT CAN SUPPORT, AT A MINIMUM,
16 ELECTRICAL WIRING FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING
17 STATIONS, AND, IF THE CONDUIT SYSTEM IS FOR FUTURE INSTALLATION OF
18 ELECTRIC VEHICLE CHARGING STATIONS, THAT LABELS BOTH ENDS OF THE
19 CONDUIT SYSTEM TO MARK THE CONDUIT SYSTEM AS PROVIDED FOR
20 FUTURE ELECTRIC VEHICLE CHARGING STATIONS; AND

21 (III) SPACE WITHIN A BUILDING TO ADD ADDITIONAL BUILDING
22 ELECTRICAL SERVICE FOR INSTALLATION OF ELECTRICAL SERVICE
23 CAPACITY FOR ELECTRIC VEHICLE CHARGING STATIONS.

24 (k) "SOLAR READY" MEANS ADEQUATE PANEL CAPACITY,
25 DEDICATED ELECTRICAL PANEL SPACE, ELECTRICAL CONDUIT, PHYSICAL
26 ROOF SPACE, AND STRUCTURAL LOAD TO ACCOMMODATE FUTURE
27 INSTALLATION OF SOLAR PANELS, WITH EXEMPTIONS FOR SMALL ROOFS
28 AND CONSISTENTLY SHADED ROOFS.

29 (l) "STATE AGENCIES" MEANS THE OFFICE OF THE STATE
30 ARCHITECT, THE DIVISION OF FIRE PREVENTION AND CONTROL, AND THE
31 DIVISION OF HOUSING.

32 (2) **Appointment of the energy code board.** ON OR BEFORE
33 OCTOBER 1, 2022, THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND
34 THE DEPARTMENT OF LOCAL AFFAIRS SHALL APPOINT AND CONVENE AN
35 ENERGY CODE BOARD TO DEVELOP BOTH A MODEL ELECTRIC READY AND
36 SOLAR READY CODE AND A MODEL LOW ENERGY AND CARBON CODE FOR
37 ADOPTION BY COUNTIES, MUNICIPALITIES, AND STATE AGENCIES.

38 (3) (a) **Membership of the energy code board.** THE ENERGY
39 CODE BOARD CONSISTS OF THE FOLLOWING MEMBERS APPOINTED BY THE
40 DIRECTOR OF THE COLORADO ENERGY OFFICE:

41 (I) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
42 DIRECTOR'S DESIGNEE;

43 (II) ONE MEMBER REPRESENTING THE URBAN COUNTIES OF THE

1 STATE;
2 (III) ONE MEMBER REPRESENTING THE MUNICIPALITIES IN RURAL
3 AREAS OF THE STATE;
4 (IV) TWO MEMBERS REPRESENTING ENVIRONMENTAL OR
5 SUSTAINABILITY GROUPS;
6 (V) ONE MEMBER WHO IS A SOLAR POWER EXPERT;
7 (VI) ONE MEMBER WHO IS AN ENERGY EFFICIENCY EXPERT;
8 (VII) ONE MEMBER REPRESENTING PROFESSIONAL ENGINEERS
9 WITH EXPERIENCE WORKING ON SYSTEMS FOR BUILDINGS;
10 (VIII) ONE MEMBER REPRESENTING AN ELECTRICAL UTILITY, A
11 GAS UTILITY, OR A COMBINED ELECTRIC AND GAS UTILITY;
12 (IX) ONE MEMBER REPRESENTING ARCHITECTS; AND
13 (X) ONE MEMBER WHO IS A BUILDING ENERGY CODE EXPERT.
14 (b) THE ENERGY CODE BOARD CONSISTS OF THE FOLLOWING
15 MEMBERS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF LOCAL
16 AFFAIRS:
17 (I) THE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR THE
18 DIRECTOR'S DESIGNEE;
19 (II) ONE MEMBER REPRESENTING THE RURAL COUNTIES OF THE
20 STATE;
21 (III) ONE MEMBER REPRESENTING THE MUNICIPALITIES IN URBAN
22 AREAS OF THE STATE;
23 (IV) TWO MEMBERS REPRESENTING AFFORDABLE HOUSING
24 OPERATIONS:
25 (A) ONE OF THESE MEMBERS MUST REPRESENT A FOR-RENT
26 NONPROFIT BUILDER WHO SERVES POPULATIONS WITH INCOMES UNDER
27 EIGHTY PERCENT OF AN AREA'S MEDIAN INCOME; AND
28 (B) ONE OF THESE MEMBERS MUST REPRESENT A NONPROFIT
29 AFFORDABLE FOR-SALE HOUSING BUILDER;
30 (V) TWO MEMBERS WHO HOLD AN ELECTRICAL LICENSE, PLUMBING
31 LICENSE, OR A PROFESSIONAL CREDENTIAL IN THE MECHANICAL TRADES,
32 AT LEAST ONE OF WHOM IS A MEMBER OF A LABOR ORGANIZATION;
33 (VI) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
34 FOR HOME BUILDING PROFESSIONALS;
35 (VII) ONE MEMBER WITH BUILDING OPERATION EXPERTISE; AND
36 (VIII) ONE MEMBER WHO IS A CONTRACTOR WHO PROVIDES
37 MECHANICAL, ELECTRICAL, OR PLUMBING SERVICES OR REPRESENTS A
38 STATEWIDE ASSOCIATION THAT REPRESENTS MECHANICAL, ELECTRICAL,
39 OR PLUMBING CONTRACTORS; AND
40 (c) ONE OF THE MEMBERS IDENTIFIED IN SUBSECTIONS (3)(a)(II),
41 (3)(a)(III), (3)(b)(II), OR (3)(b)(III) OF THIS SECTION MUST BE A BUILDING
42 OFFICIAL.
43 (d) IN ORDER TO BE SELECTED BY THE DIRECTOR OF THE

1 COLORADO ENERGY OFFICE OR THE DIRECTOR OF THE DEPARTMENT OF
2 LOCAL AFFAIRS AS A MEMBER OF THE ENERGY CODE BOARD, AN APPLICANT
3 MUST SUBMIT WITH THEIR APPLICATION A RECOMMENDATION FROM A
4 RELEVANT MEMBER OR TRADE ORGANIZATION, IF SUCH MEMBER OR TRADE
5 ORGANIZATION EXISTS. IN MAKING APPOINTMENTS TO THE ENERGY CODE
6 BOARD, THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND THE
7 DEPARTMENT OF LOCAL AFFAIRS SHALL STRIVE TO ENSURE GEOGRAPHIC
8 DIVERSITY AND THAT EACH OF THE THREE MAJOR CLIMATE ZONES IN THE
9 STATE IS REPRESENTED.

10 (e) IF ANY MEMBER OF THE ENERGY CODE BOARD STEPS DOWN,
11 OTHERWISE ELECTS TO NO LONGER SERVE, OR OTHERWISE CAN NO LONGER
12 SERVE ON THE ENERGY CODE BOARD, THE DIRECTORS OF THE COLORADO
13 ENERGY OFFICE AND THE DEPARTMENT OF LOCAL AFFAIRS SHALL SELECT
14 THAT MEMBER'S REPLACEMENT ACCORDING TO THE SAME CRITERIA THAT
15 THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND THE DEPARTMENT
16 OF LOCAL AFFAIRS USED IN ORIGINALLY SELECTING THE MEMBER.

17 (f) THE ENERGY CODE BOARD SHALL ADOPT POLICIES AND
18 PROCEDURES AS NECESSARY TO MEET THE REQUIREMENTS OF THIS
19 SECTION.

20 (4) (a) **Energy code board executive committee.** THE DIRECTORS
21 OF THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF LOCAL
22 AFFAIRS SHALL APPOINT AN EXECUTIVE COMMITTEE FOR THE ENERGY
23 CODE BOARD THAT CONSISTS OF THE FOLLOWING MEMBERS:

24 (I) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
25 DIRECTOR'S DESIGNEE SELECTED TO SERVE ON THE ENERGY CODE BOARD
26 PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION;

27 (II) THE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR THE
28 DIRECTOR'S DESIGNEE SELECTED TO SERVE ON THE ENERGY CODE BOARD
29 PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION;

30 (III) ONE MEMBER OF THE ENERGY CODE BOARD SELECTED TO
31 REPRESENT EITHER URBAN OR RURAL COUNTIES WHO WAS SELECTED TO
32 SERVE ON THE ENERGY CODE BOARD PURSUANT TO SUBSECTION (3)(a)(II)
33 OR (3)(b)(II) OF THIS SECTION;

34 (IV) ONE MEMBER OF THE ENERGY CODE BOARD SELECTED TO
35 REPRESENT MUNICIPALITIES FROM EITHER URBAN OR RURAL AREAS OF THE
36 STATE WHO WAS SELECTED TO SERVE ON THE ENERGY CODE BOARD
37 PURSUANT TO SUBSECTION (3)(a)(III) OR (3)(b)(III) OF THIS SECTION; AND

38 (V) THE MEMBER OF THE ENERGY CODE BOARD WHO IS A BUILDING
39 ENERGY CODE EXPERT AND WHO WAS SELECTED TO SERVE ON THE ENERGY
40 CODE BOARD PURSUANT TO SUBSECTION (3)(a)(IX) OF THIS SECTION.

41 (b) EITHER THE MEMBER OF THE EXECUTIVE COMMITTEE SELECTED
42 PURSUANT TO SUBSECTION (4)(a)(III) OF THIS SECTION OR THE MEMBER OF
43 THE EXECUTIVE COMMITTEE SELECTED PURSUANT TO SUBSECTION

1 (4)(a)(IV) OF THIS SECTION MUST BE A BUILDING OFFICIAL.
2 (5) (a) **Duty of the energy code board to adopt a model electric**
3 **ready and solar ready code.** IT IS THE DUTY OF THE ENERGY CODE
4 BOARD TO DEVELOP A MODEL ELECTRIC READY AND SOLAR READY CODE
5 ON OR BEFORE JUNE 1, 2023, FOR ADOPTION BY COUNTIES,
6 MUNICIPALITIES, AND STATE AGENCIES.
7 (b) THE MODEL ELECTRIC READY AND SOLAR READY CODE
8 DEVELOPED BY THE ENERGY CODE BOARD MUST APPLY TO COMMERCIAL
9 AND RESIDENTIAL BUILDINGS AND MUST INCLUDE:
10 (I) SOLAR READY REQUIREMENTS;
11 (II) EV READY AND EV CAPABLE REQUIREMENTS FOR RESIDENTIAL
12 BUILDINGS;
13 (III) EV READY, EV CAPABLE, AND EV SUPPLY EQUIPMENT
14 INSTALLED REQUIREMENTS FOR MULTI-FAMILY AND COMMERCIAL
15 BUILDINGS WITH PROVISIONS FOR ELECTRICAL SERVICE CAPACITY IN
16 TWENTY PERCENT OR MORE OF THE VEHICLE PARKING SPACES IN THE
17 GARAGE OR PARKING AREA;
18 (IV) ELECTRIC READY REQUIREMENTS FOR ALL SINGLE-FAMILY
19 RESIDENTIAL MIXED FUEL USE BUILDINGS;
20 (V) ELECTRIC READY REQUIREMENTS FOR MULTI-FAMILY AND
21 SMALL COMMERCIAL MIXED FUEL USE BUILDINGS UNDER TEN THOUSAND
22 SQUARE FEET;
23 (VI) REQUIREMENTS THAT MULTI-FAMILY AND LARGE
24 COMMERCIAL MIXED FUEL USE BUILDINGS THAT ARE TEN THOUSAND
25 SQUARE FEET OR GREATER PROVIDE DEDICATED ELECTRIC PANEL SPACE,
26 ELECTRICAL WIRE, ELECTRICAL RECEPTACLES, AND ADEQUATE PANEL
27 CAPACITY TO ACCOMMODATE THE FUTURE INSTALLATION OF EFFICIENT,
28 ELECTRIC TECHNOLOGIES AND CHARGING FOR ELECTRIC VEHICLES. THESE
29 REQUIREMENTS MUST TAKE INTO ACCOUNT THE COST-EFFECTIVENESS OF
30 PRE-WIRING FOR EFFICIENT ELECTRIC EQUIPMENT AND THE ABILITY TO
31 DETERMINE WHAT WIRING AND RECEPTACLE LOCATIONS WOULD BE
32 NEEDED; AND
33 (VII) A PROCESS TO WAIVE ENERGY CODE REQUIREMENTS WHEN
34 THERE HAS BEEN A DECLARED NATURAL DISASTER THAT HAS DESTROYED
35 BUILDINGS OR OTHER CIRCUMSTANCES AS DETERMINED BY THE ENERGY
36 CODE BOARD.
37 (c) IN DEVELOPING A MODEL ELECTRIC READY AND SOLAR READY
38 CODE, THE ENERGY CODE BOARD SHALL:
39 (I) ENSURE THAT BUILDINGS CAN BE CONVERTED TO HIGH
40 EFFICIENCY ELECTRIC SPACE AND WATER HEATING EQUIPMENT AND
41 APPLIANCES AT THE LOWEST POSSIBLE COST TO BUILDING OWNERS;
42 (II) IN DEVELOPING THE MODEL ELECTRIC READY AND SOLAR
43 READY CODE LANGUAGE FOR MULTI-FAMILY AND LARGE COMMERCIAL

1 MIXED FUEL USE FOR BUILDINGS TEN THOUSAND SQUARE FEET OR
2 GREATER, THE ENERGY CODE BOARD SHALL DEVELOP CLEAR GUIDELINES
3 TO BE INCLUDED IN THE MODEL ENERGY READY AND SOLAR READY CODE
4 THAT SEEK TO MINIMIZE THE COSTS THAT BUILDERS, BUILDING OWNERS,
5 AND DEVELOPERS INCUR IN MEETING ELECTRIC READY AND SOLAR READY
6 CODE REQUIREMENTS WHILE ALSO ENSURING THAT BUILDINGS CAN BE
7 CONVERTED TO HIGH EFFICIENCY ELECTRIC SPACE AND WATER HEATING
8 EQUIPMENT AND APPLIANCES AT THE LOWEST POSSIBLE COST TO BUILDING
9 OWNERS. THESE GUIDELINES MUST INCLUDE PROVISIONS FOR:

10 (A) A STANDARD METHODOLOGY FOR DETERMINING HOW TO
11 CALCULATE OR MEASURE WHEN COMPLIANCE WITH A MODEL ELECTRIC
12 AND SOLAR READY CODE REACHES A SUBSTANTIAL COST DIFFERENTIAL
13 THAT WOULD REQUIRE A WAIVER OR VARIANCE FOR SOME OR ALL OF THE
14 PROVISIONS OF THE MODEL ELECTRIC AND SOLAR READY CODE; AND

15 (B) AN EVIDENCE-BASED, UNIFORM WAIVER OR VARIANCE
16 PROCESS TO ALLOW A BUILDER, DEVELOPER, OR BUILDING OWNER TO
17 REQUEST A WAIVER WHEN IT CAN BE DEMONSTRATED WITH REASONABLE
18 EVIDENCE THAT COMPLIANCE WILL CREATE A SUBSTANTIAL COST
19 DIFFERENTIAL; AND

20 (C) AS USED IN THIS SUBSECTION (5)(c)(II), "SUBSTANTIAL COST
21 DIFFERENTIAL" MEANS ONE PERCENT OR GREATER OF THE TOTAL
22 MECHANICAL, ELECTRICAL, AND PLUMBING CONSTRUCTION COSTS ON THE
23 PROJECT;

24 (III) TAKE INTO ACCOUNT HOME AFFORDABILITY;

25 (IV) (A) ENSURE THAT THE MODEL ELECTRIC READY AND SOLAR
26 READY CODE DEVELOPED BY THE ENERGY CODE BOARD DOES NOT APPLY
27 TO CONSTRUCTION OR RENOVATION THAT SERVES THE PRIMARY PURPOSE
28 OF MAKING A BUILDING ACCESSIBLE OR MORE ACCESSIBLE FOR AN
29 INDIVIDUAL WITH A DISABILITY.

30 (B) AS USED IN THIS SUBSECTION (5)(c)(IV), "ACCESSIBLE" MEANS
31 ABLE TO BE APPROACHED, ENTERED, AND USED;

32 (V) ENSURE THAT THE USE OF AN ACCEPTABLE REFRIGERANT IS
33 NOT PROHIBITED; AND

34 (VI) ENSURE THAT ALL ELECTRICAL AND PLUMBING
35 INSTALLATIONS REQUIRED UNDER THE MODEL ELECTRIC READY AND
36 SOLAR READY CODE ARE SUBJECT TO STATUTORY AND REGULATORY
37 INSPECTION AND PERMIT REQUIREMENTS.

38 (6) (a) **Duty of the energy code board to adopt a model low**
39 **energy and carbon code.** IT IS THE DUTY OF THE ENERGY CODE BOARD TO
40 DEVELOP A MODEL LOW ENERGY AND CARBON CODE ON OR BEFORE JUNE
41 1, 2025, FOR ADOPTION BY COUNTIES, MUNICIPALITIES, AND STATE
42 AGENCIES.

43 (b) THE MODEL LOW ENERGY AND CARBON CODE DEVELOPED BY

1 THE ENERGY CODE BOARD MUST APPLY TO COMMERCIAL AND RESIDENTIAL
2 BUILDINGS AND MUST:

3 (I) INCLUDE THE MORE ENERGY EFFICIENT OF EITHER THE 2021 OR
4 2024 INTERNATIONAL ENERGY CONSERVATION CODE, EXCEPT AS THE
5 ENERGY CODE BOARD MAY MODIFY THOSE INTERNATIONAL ENERGY
6 CONSERVATION CODES PURSUANT TO SUBSECTION (7) OF THIS SECTION,
7 INCLUDING ANY APPENDICES TO THE INTERNATIONAL ENERGY
8 CONSERVATION CODE THAT THE ENERGY CODE BOARD DEEMS
9 APPROPRIATE;

10 (II) INCLUDE THE MODEL ELECTRIC READY AND SOLAR READY
11 CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD
12 PURSUANT TO SUBSECTION (5) OF THIS SECTION, AND MODIFIED AS THE
13 ENERGY CODE BOARD DEEMS APPROPRIATE;

14 (III) PROVIDE COMPLIANCE PATHWAYS FOR ALL-ELECTRIC AND
15 MIXED FUEL USE RESIDENTIAL AND COMMERCIAL BUILDINGS;

16 (IV) EXEMPT ELECTRICITY CONSUMPTION IN RESIDENTIAL AND
17 COMMERCIAL BUILDINGS FROM ANY ONSITE OR OFFSITE RENEWABLE
18 ENERGY REQUIREMENTS;

19 (V) ALLOW PROJECTS CONSISTING OF ONLY REPLACING A SPACE OR
20 WATER HEATING SYSTEM, AT THE END OF THAT SYSTEM'S USEFUL LIFE,
21 WITH THE INSTALLATION OF A NEW SYSTEM USING THE SAME FUEL OR
22 POWER SOURCE, WITHOUT TRIGGERING PRE-WIRE REQUIREMENTS;

23 (VI) ENSURE THAT FOR ANY RENEWABLE ENERGY MEASURES USED
24 TO ENSURE THAT A HOME OR COMMERCIAL BUILDING IS COMPLIANT WITH
25 THE MODEL LOW ENERGY AND CARBON CODE DEVELOPED BY THE ENERGY
26 CODE BOARD, ANY ELECTRIC RENEWABLE ENERGY CREDITS GENERATED
27 MAY NOT BE DOUBLE COUNTED BETWEEN COMPLIANCE WITH THIS SECTION
28 AND THE REQUIREMENTS UNDER SECTION 25-7-105 (1)(e), SECTION
29 40-3.2-108 (3)(b), SECTION 40-2-125.5, OR ANY SIMILAR GREENHOUSE GAS
30 EMISSION REDUCTION PROGRAM OR SET OF REQUIREMENTS. NOTHING IN
31 THIS SECTION SHALL PRECLUDE A UTILITY FROM ACQUIRING RENEWABLE
32 ENERGY CREDITS FROM A BUILDING OWNER THROUGH A NET-METERING
33 AGREEMENT.

34 (VII) TAKE INTO ACCOUNT HOME AFFORDABILITY;

35 (VIII) MINIMIZE OVERALL CARBON DIOXIDE EMISSIONS
36 ASSOCIATED WITH NEW AND RENOVATED HOMES AND COMMERCIAL
37 BUILDINGS; AND

38 (IX) CREATE A PROCESS TO WAIVE ENERGY CODE REQUIREMENTS
39 WHEN THERE HAS BEEN A DECLARED NATURAL DISASTER THAT HAS
40 DESTROYED BUILDINGS OR OTHER CIRCUMSTANCES AS DETERMINED BY
41 THE ENERGY CODE BOARD.

42 (c) IN DEVELOPING A MODEL LOW ENERGY AND CARBON CODE, THE
43 ENERGY CODE BOARD SHALL:

1 (I) (A) ENSURE THAT THE MODEL ELECTRIC READY AND SOLAR
2 READY CODE DEVELOPED BY THE ENERGY CODE BOARD DOES NOT APPLY
3 TO CONSTRUCTION OR RENOVATION THAT SERVES THE PRIMARY PURPOSE
4 OF MAKING A BUILDING ACCESSIBLE OR MORE ACCESSIBLE FOR AN
5 INDIVIDUAL WITH A DISABILITY;

6 (B) AS USED IN THIS SUBSECTION (6)(c)(I), "ACCESSIBLE" MEANS
7 ABLE TO BE APPROACHED, ENTERED, AND USED; AND

8 (II) ENSURE THAT THE USE OF AN ACCEPTABLE REFRIGERANT IS
9 NOT PROHIBITED.

10 (7) **Option to relax international energy conservation code**
11 **appendices.** THE ENERGY CODE BOARD MAY AS NECESSARY RELAX THE
12 STRINGENCY OF ANY REQUIREMENTS IN THE INTERNATIONAL ENERGY
13 CONSERVATION CODE, INCLUDING APPENDICES THAT IT ADOPTS AS PART
14 OF THE MODEL LOW ENERGY AND CARBON CODE LANGUAGE IT DEVELOPS
15 PURSUANT TO SUBSECTION (5) OF THIS SECTION IF IT DEEMS THAT DOING
16 SO IS APPROPRIATE, BUT THE ENERGY CODE BOARD SHALL NOT INCREASE
17 THE STRINGENCY OF ANY REQUIREMENTS IN THE INTERNATIONAL ENERGY
18 CONSERVATION CODE INCLUDING APPENDICES THAT IT ADOPTS AS PART OF
19 THE MODEL LOW ENERGY AND CARBON CODE LANGUAGE IT DEVELOPS
20 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

21 (8) (a) **Process for model code development.** IN ORDER TO
22 DEVELOP EITHER THE MODEL ELECTRIC READY AND SOLAR READY CODE
23 PURSUANT TO SUBSECTION (5) OF THIS SECTION OR THE MODEL LOW
24 ENERGY AND CARBON CODE PURSUANT TO SUBSECTION (6) OF THIS
25 SECTION, TWO-THIRDS OF THE MEMBERS OF THE ENERGY CODE BOARD
26 MUST APPROVE EACH ELEMENT OF THE MODEL CODE.

27 (b) IF TWO-THIRDS OF THE ENERGY CODE BOARD FAIL, ON OR
28 BEFORE APRIL 1, 2023, TO ADOPT ANY ELEMENT OF THE MODEL ELECTRIC
29 READY AND SOLAR READY CODE REQUIRED BY SUBSECTION (5) OF THIS
30 SECTION, THE EXECUTIVE COMMITTEE SHALL VOTE ON THAT SAME
31 ELEMENT ON OR BEFORE MAY 15, 2023. IF TWO-THIRDS OF THE ENERGY
32 CODE BOARD FAIL, ON OR BEFORE FEBRUARY 1, 2025, TO ADOPT AN
33 ELEMENT OF THE MODEL LOW ENERGY AND CARBON REQUIRED BY
34 SUBSECTION (6) OF THIS SECTION, THE EXECUTIVE COMMITTEE SHALL VOTE
35 ON THAT SAME ELEMENT ON OR BEFORE MARCH 15, 2025.

36 (c) IF THE ENERGY CODE BOARD FAILS, ON OR BEFORE APRIL 1,
37 2023, TO ADOPT ANY ELEMENT OF THE MODEL ELECTRIC READY AND
38 SOLAR READY CODE REQUIRED BY SUBSECTION (5) OF THIS SECTION, THE
39 EXECUTIVE COMMITTEE SHALL VOTE ON THAT SAME ELEMENT ON OR
40 BEFORE MAY 15, 2023. IF THE ENERGY CODE BOARD FAILS, ON OR BEFORE
41 FEBRUARY 1, 2025, TO ADOPT AN ELEMENT OF THE MODEL LOW ENERGY
42 AND CARBON CODE REQUIRED BY SUBSECTION (6) OF THIS SECTION, THE
43 EXECUTIVE COMMITTEE SHALL VOTE ON THAT SAME ELEMENT ON OR

1 BEFORE MARCH 15, 2025.

2 (d) UPON A VOTE OF THE MAJORITY OF THE EXECUTIVE
3 COMMITTEE, AN ELEMENT THAT THE ENERGY CODE BOARD FAILED TO
4 ADOPT IS ADOPTED AS PART OF EITHER THE MODEL ELECTRIC READY AND
5 SOLAR READY CODE OR THE MODEL LOW ENERGY AND CARBON CODE IS
6 ADOPTED AS AN ELEMENT OF THE RESPECTIVE MODEL CODE.

7 (e) DURING THE DEVELOPMENT OF BOTH THE MODEL ELECTRIC
8 READY AND SOLAR READY CODE AND THE MODEL LOW ENERGY AND
9 CARBON CODE, THE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR
10 THE DIRECTOR'S DESIGNEE AND THE DIRECTOR OF THE COLORADO ENERGY
11 OFFICE OR THE DIRECTOR'S DESIGNEE SHALL ENSURE THAT THE ENERGY
12 CODE BOARD ADHERES TO THE REQUIREMENTS OF THIS SECTION.

13 (9) **Acceptable refrigerants.** THE USE OF AN ACCEPTABLE
14 REFRIGERANT MAY NOT BE PROHIBITED OR OTHERWISE RESTRICTED BY A
15 LOCALITY, COUNTY, OR OTHER STATE RULE OR REGULATION; EXCEPT THAT
16 NOTHING IN THIS ARTICLE 38.5 MAY BE CONSTRUED TO PROHIBIT, LIMIT, OR
17 OTHERWISE MODIFY THE REQUIREMENTS OF REGULATION NUMBER 22, 5
18 CCR 1001-26, AS AMENDED, OR ANY ENTITY'S PROCUREMENT
19 REQUIREMENTS FOR THEIR OWN USE.

20 (10) (a) **Reporting.** THE COLORADO ENERGY OFFICE SHALL
21 INCLUDE AN UPDATE REGARDING THE EFFECTIVENESS OF THE ENERGY
22 CODE BOARD IN ITS 2027 REPORT TO THE MEMBERS OF THE APPLICABLE
23 COMMITTEES OF REFERENCE IN THE SENATE AND HOUSE OF
24 REPRESENTATIVES AS REQUIRED BY THE "STATE MEASUREMENT FOR
25 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
26 GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

27 (b) THE DEPARTMENT OF LOCAL AFFAIRS SHALL INCLUDE AN
28 UPDATE REGARDING THE EFFECTIVENESS OF THE ENERGY CODE BOARD IN
29 ITS 2027 REPORT TO THE MEMBERS OF THE APPLICABLE COMMITTEES OF
30 REFERENCE IN THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED
31 BY THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
32 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
33 TITLE 2.

34 (11) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER
35 1, 2027.

36 **24-38.5-402. Model green energy code.** (1) BEFORE JULY 1,
37 2024, THE COLORADO ENERGY OFFICE SHALL IDENTIFY MODEL GREEN
38 CODE LANGUAGE FOR ADOPTION. THE COLORADO ENERGY OFFICE SHALL
39 PROMOTE THE VOLUNTARY ADOPTION OF THIS MODEL GREEN CODE
40 LANGUAGE.

41 **24-38.5-402. Energy code training - energy code adoption -**
42 **grant writing assistance.** (1) (a) THE COLORADO ENERGY OFFICE SHALL
43 PROVIDE ENERGY CODE TRAINING TO ASSIST LOCAL GOVERNMENTS,

1 DIVISIONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, BUILDERS,
2 AND CONTRACTORS IN ADOPTING AND IMPLEMENTING THE 2021
3 INTERNATIONAL ENERGY CONSERVATION CODE, ELECTRIC READY AND
4 SOLAR READY CODES, AND LOW ENERGY AND CARBON CODES. THE
5 TRAINING ITSELF AND THE MATERIALS PROVIDED ALONG WITH THIS
6 TRAINING MUST BE IN BOTH ENGLISH AND SPANISH.

7 (b) IF THE COLORADO ENERGY OFFICE IS ABLE TO OBTAIN
8 FUNDING, THE COLORADO ENERGY OFFICE SHALL PROVIDE FINANCIAL
9 ASSISTANCE THROUGH AN APPLICATION PROCESS TO SUPPORT THE
10 ADOPTION AND ENFORCEMENT BY LOCAL GOVERNMENTS OF THE 2021
11 INTERNATIONAL ENERGY CONSERVATION CODE, AN ELECTRIC READY AND
12 SOLAR READY CODE, AND A LOW ENERGY AND CARBON CODE.

13 (2) THE COLORADO ENERGY OFFICE SHALL ADOPT POLICIES AND
14 PROCEDURES AS NECESSARY FOR THE CREATION AND ADMINISTRATION OF
15 A GRANT PROGRAM TO AWARD THE GRANTS DESCRIBED IN SUBSECTION
16 (3)(a)(I) OF THIS SECTION, INCLUDING POLICIES AND PROCEDURES THAT AT
17 A MINIMUM ESTABLISH THE APPLICATION PROCESS AND THE GRANT AWARD
18 CRITERIA.

19 (3) (a) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
20 SUBSECTION (3)(a), THE STATE TREASURER SHALL TRANSFER THREE
21 MILLION DOLLARS FROM THE GENERAL FUND TO THE ENERGY FUND
22 CREATED IN SECTION 24-38.5-102.4. THE COLORADO ENERGY OFFICE
23 SHALL EXPEND THE MONEY TRANSFERRED BY THE GENERAL ASSEMBLY
24 PURSUANT TO THIS SUBSECTION (3)(a) FOR THE PURPOSES OF:

25 (I) ISSUING GRANTS, NOT TO EXCEED A TOTAL OF TWO MILLION
26 DOLLARS, TO LOCAL GOVERNMENTS TO SUPPORT THEIR ADOPTION AND
27 ENFORCEMENT OF THE 2021 INTERNATIONAL ENERGY CONSERVATION
28 CODE, AN ELECTRIC READY AND SOLAR READY CODE, AND A LOW ENERGY
29 AND CARBON CODE AND TO COVER THE DIRECT AND INDIRECT COSTS
30 ASSOCIATED WITH ISSUING THESE GRANTS; AND

31 (II) PROVIDING ENERGY CODE TRAINING AND TECHNICAL
32 ASSISTANCE, INCLUDING GRANT WRITING ASSISTANCE, NOT TO EXCEED A
33 TOTAL COST OF ONE MILLION DOLLARS, TO ASSIST LOCAL GOVERNMENTS
34 AND DIVISIONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT IN
35 ADOPTING AND ENFORCING THE 2021 INTERNATIONAL ENERGY
36 CONSERVATION CODE, AN ELECTRIC READY AND SOLAR READY CODE, A
37 LOW ENERGY AND CARBON CODE, OR A GREEN CODE AND COVERING THE
38 DIRECT AND INDIRECT COSTS ASSOCIATED WITH ALIGNING ENERGY CODES
39 AND WITH PROVIDING THIS TRAINING AND TECHNICAL ASSISTANCE.

40 (b) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
41 SUBSECTION (3)(b), THE STATE TREASURER SHALL TRANSFER ONE MILLION
42 DOLLARS FROM THE GENERAL FUND TO THE ENERGY FUND CREATED IN
43 SECTION 24-38.5-102.4. THE COLORADO ENERGY OFFICE SHALL EXPEND

1 THE MONEY TRANSFERRED BY THE GENERAL ASSEMBLY PURSUANT TO THIS
2 SUBSECTION (3)(b) FOR THE PURPOSE OF PROVIDING ENERGY CODE
3 TRAINING TO ASSIST ARCHITECTS, BUILDERS, CONTRACTORS, AND
4 DESIGNERS IN IMPLEMENTING THE 2021 INTERNATIONAL ENERGY
5 CONSERVATION CODE, ELECTRIC READY AND SOLAR READY CODES, AND
6 LOW ENERGY AND CARBON CODES. THE TRAINING AND MATERIALS
7 PROVIDED ALONG WITH THIS TRAINING MUST BE IN BOTH ENGLISH AND
8 SPANISH.

9 (c) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
10 SUBSECTION (3)(c), THE STATE TREASURER SHALL TRANSFER ONE
11 HUNDRED AND FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO
12 THE ENERGY FUND CREATED IN SECTION 24-38.5-102.4. THE COLORADO
13 ENERGY OFFICE SHALL EXPEND THE MONEY TRANSFERRED BY THE
14 GENERAL ASSEMBLY PURSUANT TO THIS SUBSECTION (3)(c) FOR THE COSTS
15 ASSOCIATED WITH ADMINISTERING THE ENERGY CODE BOARD
16 ESTABLISHED IN SECTION 24-38.5-401 (2).

17 **24-38.5-403. Building electrification for public buildings grant**
18 **program - creation - report - legislative declaration.** (1) THE GENERAL
19 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

20 (a) EMISSIONS FROM HEATING BUILDINGS ARE ONE OF THE FIVE
21 LARGEST SOURCES OF GREENHOUSE GAS POLLUTION IN COLORADO;

22 (b) MANY PUBLIC BUILDINGS OWNED BY LOCAL GOVERNMENTS,
23 SCHOOL DISTRICTS, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER
24 GOVERNMENTAL ENTITIES ARE OLDER BUILDINGS WITH BOTH HIGH ENERGY
25 COSTS AND EMISSIONS;

26 (c) ENERGY PERFORMANCE CONTRACTING IS AN IMPORTANT TOOL
27 THAT GOVERNMENTAL ENTITIES CAN USE TO UPGRADE THE ENERGY
28 PERFORMANCE OF BUILDINGS BY FINANCING ENERGY UPGRADES BASED ON
29 PROJECTED SAVINGS IN ENERGY COSTS;

30 (d) NEWER TECHNOLOGIES SUCH AS COLD CLIMATE HEAT PUMPS
31 AND HEAT PUMP WATER HEATERS OFFER MANY OPPORTUNITIES TO REDUCE
32 GREENHOUSE GAS AND NITROGEN OXIDE EMISSIONS AND IMPROVE INDOOR
33 AIR QUALITY; AND

34 (e) THEREFORE, IT IS IMPORTANT FOR STATE INVESTMENTS TO
35 SUPPORT PUBLIC AGENCIES IN INCLUDING HIGH-EFFICIENCY ELECTRIC
36 HEATING UPGRADES IN ENERGY PERFORMANCE CONTRACTS FOR PUBLIC
37 BUILDINGS.

38 (2) THERE IS CREATED IN THE COLORADO ENERGY OFFICE THE
39 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM TO
40 PROVIDE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION, LOCAL
41 GOVERNMENTS, SCHOOL DISTRICTS, STATE AGENCIES, AND SPECIAL
42 DISTRICTS FOR THE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC HEATING
43 EQUIPMENT.

1 (3) GRANTEES MAY USE MONEY RECEIVED THROUGH THE BUILDING
2 ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM FOR THE
3 FOLLOWING PURPOSES:

4 (a) THE PURCHASE AND INSTALLATION OF HIGH-EFFICIENCY
5 ELECTRIC EQUIPMENT FOR SPACE HEATING, WATER HEATING, OR COOKING;

6 (b) THE PURCHASE OF ELECTRICAL INSTALLATIONS AND UPGRADES
7 NECESSARY TO SUPPORT THE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC
8 EQUIPMENT;

9 (c) THE PURCHASE AND INSTALLATION OF OTHER INNOVATIVE
10 BUILDING HEATING TECHNOLOGIES THAT THE COLORADO ENERGY OFFICE
11 DETERMINES WILL LIKELY ACHIEVE EQUAL OR LOWER LEVELS OF
12 GREENHOUSE GAS EMISSIONS THAN HIGH EFFICIENCY HEAT PUMPS
13 OPERATED ON THE PROJECTED 2030 ELECTRIC GRID; AND

14 (d) IN THE CASE OF ELIGIBLE ENTITIES FROM LOW-INCOME,
15 DISPROPORTIONATELY IMPACTED COMMUNITIES, OR JUST TRANSITION
16 COMMUNITIES AS THOSE COMMUNITIES ARE IDENTIFIED BY THE COLORADO
17 ENERGY OFFICE, TO COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH
18 THE PURCHASE AND INSTALLATION DESCRIBED IN SUBSECTIONS (3)(a),
19 (3)(b), AND (3)(c) OF THIS SECTION.

20 (4) THE COLORADO ENERGY OFFICE SHALL ADMINISTER THE
21 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM,
22 AWARD GRANTS AS PROVIDED IN THIS SECTION, AND DEVELOP POLICIES
23 AND PROCEDURES AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

24 (5) GRANTS SHALL BE PAID OUT OF THE CLEAN AIR BUILDINGS
25 INVESTMENTS FUND CREATED IN SECTION 24-38.5-405.

26 (6) THE COLORADO ENERGY OFFICE MAY DEVELOP POLICIES AND
27 PROCEDURES PRIORITIZING THE GRANT APPLICATIONS OF ELIGIBLE
28 ENTITIES FROM LOW-INCOME, DISPROPORTIONATELY IMPACTED
29 COMMUNITIES, OR JUST TRANSITION COMMUNITIES AS THOSE
30 COMMUNITIES ARE IDENTIFIED BY THE COLORADO ENERGY OFFICE, AND
31 THE COLORADO ENERGY OFFICE SHALL AWARD AT LEAST THIRTY PERCENT
32 OF THE TOTAL AMOUNT OF MONEY IT AWARDS THROUGH GRANTS
33 PURSUANT TO THE BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS
34 GRANT PROGRAM TO SUCH ELIGIBLE ENTITIES.

35 (7)(a) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT AN
36 APPLICATION TO THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH
37 THE POLICIES AND PROCEDURES SPECIFIED BY THE COLORADO ENERGY
38 OFFICE.

39 (b) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL
40 ASSISTANCE IN APPLYING FOR GRANTS THROUGH THE BUILDING
41 ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM AS NEEDED TO
42 ELIGIBLE ENTITIES FROM LOW-INCOME, DISPROPORTIONATELY IMPACTED
43 COMMUNITIES, OR JUST TRANSITION COMMUNITIES AS THOSE

1 COMMUNITIES ARE IDENTIFIED BY THE COLORADO ENERGY OFFICE.

2 (8) (a) EACH GRANTEE THAT RECEIVES A GRANT THROUGH THE
3 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM
4 SHALL SUBMIT AN ANNUAL REPORT TO THE COLORADO ENERGY OFFICE
5 FOR THE FIRST FIVE YEARS AFTER RECEIVING THE GRANT.

6 (b) (I) ON OR BEFORE FEBRUARY 1, 2024, AND ON EACH YEAR
7 THEREAFTER, THE COLORADO ENERGY OFFICE SHALL SUBMIT A
8 SUMMARIZED REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE
9 OF THE SENATE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
10 HOUSE OF REPRESENTATIVES OR THEIR SUCCESSOR COMMITTEES, ON THE
11 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM. AT
12 A MINIMUM, THIS SUMMARIZED REPORT MUST INCLUDE:

13 (A) A DESCRIPTION OF THE GRANTS AWARDED, INCLUDING A
14 DESCRIPTION OF THE PROJECTS FUNDED BY THE GRANTS AS DESCRIBED TO
15 THE COLORADO ENERGY OFFICE IN THE GRANT APPLICATIONS;

16 (B) THE PERCENTAGE OF GRANTS AWARDED TO LOW-INCOME,
17 DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST TRANSITION
18 COMMUNITIES AND TO INDIVIDUALS WITH A DISABILITY OR ENTITIES THAT
19 USED THE GRANTS TO PROVIDE A SERVICE FOR INDIVIDUALS WITH A
20 DISABILITY; AND

21 (C) TO THE EXTENT AVAILABLE, THE IMPACTS OF THE GRANTS ON
22 GAS USE, ELECTRICITY USE, EMISSIONS, AND ENERGY COSTS.

23 (II) THIS SUBSECTION (8)(b) IS REPEALED, EFFECTIVE JULY 1, 2026.

24 **24-38.5-404. High-efficiency electric heating and appliances**
25 **grant program - creation - report - legislative declaration - repeal.**
26 (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES
27 THAT:

28 (a) EMISSIONS FROM HEATING BUILDINGS ARE ONE OF THE FIVE
29 LARGEST SOURCES OF GREENHOUSE GAS POLLUTION IN COLORADO;

30 (b) OVER A MILLION COLORADANS LIVE IN ENERGY BURDENED
31 HOUSEHOLDS THAT SPEND FIVE PERCENT OR MORE OF THEIR HOUSEHOLD
32 INCOME ON ENERGY EXPENDITURES;

33 (c) NEWER TECHNOLOGIES SUCH AS COLD CLIMATE HEAT PUMPS
34 AND HEAT PUMP WATER HEATERS OFFER MANY OPPORTUNITIES TO REDUCE
35 GREENHOUSE GAS AND NITROGEN OXIDE EMISSIONS AND IMPROVE INDOOR
36 AIR QUALITY;

37 (d) ENERGY UPGRADES TO RESIDENTIAL AND COMMERCIAL
38 BUILDINGS MAY BE MORE COST EFFECTIVE AND EASIER TO IMPLEMENT
39 WHEN DEPLOYED AT THE NEIGHBORHOOD SCALE, AND
40 NEIGHBORHOOD-SCALE UPGRADES MAY ALLOW UTILITIES TO AVOID OR
41 DEFER INVESTMENTS IN GAS AND ELECTRIC DISTRIBUTION, THEREBY
42 REDUCING COSTS FOR ALL UTILITY RATEPAYERS; AND

43 (e) THEREFORE, IT IS IMPORTANT FOR THE STATE TO SUPPORT

1 INVESTMENTS IN NEIGHBORHOOD-SCALE ENERGY EFFICIENCY UPGRADES.
2 (2) THERE IS CREATED IN THE COLORADO ENERGY OFFICE THE
3 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
4 TO PROVIDE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION, LOCAL
5 GOVERNMENTS, UTILITIES, NONPROFIT ORGANIZATIONS, BUSINESSES AND
6 OTHER ENTITIES AS DETERMINED BY THE COLORADO ENERGY OFFICE, AND
7 HOUSING DEVELOPERS FOR THE INSTALLATION OF HIGH-EFFICIENCY
8 ELECTRIC HEATING EQUIPMENT IN MULTIPLE STRUCTURES WITHIN A
9 NEIGHBORHOOD.
10 (3) GRANTEES MAY USE THE MONEY RECEIVED THROUGH THE
11 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
12 FOR THE FOLLOWING PURPOSES:
13 (a) THE PURCHASE AND INSTALLATION OF HIGH-EFFICIENCY
14 ELECTRIC EQUIPMENT FOR SPACE HEATING, WATER HEATING, OR COOKING
15 IN MULTIPLE RESIDENTIAL OR COMMERCIAL BUILDINGS LOCATED IN CLOSE
16 PROXIMITY;
17 (b) THE PURCHASE OF ELECTRICAL INSTALLATIONS AND UPGRADES
18 NECESSARY TO SUPPORT THE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC
19 EQUIPMENT;
20 (c) THE PURCHASE AND INSTALLATION OF OTHER INNOVATIVE
21 BUILDING HEATING TECHNOLOGIES THAT THE COLORADO ENERGY OFFICE
22 DETERMINES WILL LIKELY ACHIEVE EQUAL OR LOWER LEVELS OF
23 GREENHOUSE GAS EMISSIONS THAN HIGH-EFFICIENCY HEAT PUMPS
24 OPERATED ON THE PROJECTED 2030 ELECTRIC GRID; AND
25 (d) IN THE CASE OF LOCAL GOVERNMENTS, ELECTRIC AND GAS
26 UTILITIES, NONPROFIT ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES
27 AS DETERMINED BY THE COLORADO ENERGY OFFICE, OR HOUSING
28 DEVELOPERS THAT OPERATE IN LOW-INCOME, DISPROPORTIONATELY
29 IMPACTED COMMUNITIES OR JUST TRANSITION COMMUNITIES AS THOSE
30 COMMUNITIES ARE IDENTIFIED BY THE COLORADO ENERGY OFFICE, TO
31 COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE PURCHASE AND
32 INSTALLATION DESCRIBED IN SUBSECTIONS (3)(a), (3)(b), AND (3)(c) OF
33 THIS SECTION.
34 (4) THE COLORADO ENERGY OFFICE SHALL ADMINISTER THE
35 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM,
36 AWARD GRANTS AS PROVIDED IN THIS SECTION, AND DEVELOP POLICIES
37 AND PROCEDURES AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM.
38 (5) GRANTS SHALL BE PAID OUT OF THE CLEAN AIR BUILDINGS
39 INVESTMENTS FUND CREATED IN SECTION 24-38.5-405.
40 (6) THE COLORADO ENERGY OFFICE MAY DEVELOP POLICIES AND
41 PROCEDURES PRIORITIZING THE GRANT APPLICATIONS OF LOCAL
42 GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT
43 ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY

1 THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS THAT OPERATE
2 IN LOW-INCOME, DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST
3 TRANSITION COMMUNITIES AS THOSE COMMUNITIES ARE IDENTIFIED BY
4 THE COLORADO ENERGY OFFICE, AND THE COLORADO ENERGY OFFICE
5 SHALL AWARD AT LEAST THIRTY PERCENT OF THE TOTAL AMOUNT OF
6 MONEY IT AWARDS THROUGH GRANTS PURSUANT TO THE HIGH-EFFICIENCY
7 ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM TO SUCH LOCAL
8 GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT
9 ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY
10 THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS.

11 (7) (a) TO RECEIVE A GRANT, A LOCAL GOVERNMENT, ELECTRIC OR
12 GAS UTILITY, NONPROFIT ORGANIZATION, BUSINESS AND OTHER ENTITY AS
13 DETERMINED BY THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPER
14 MUST SUBMIT AN APPLICATION TO THE COLORADO ENERGY OFFICE IN
15 ACCORDANCE WITH THE POLICIES AND PROCEDURES SPECIFIED BY THE
16 COLORADO ENERGY OFFICE.

17 (b) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL
18 ASSISTANCE IN APPLYING FOR GRANTS THROUGH THE HIGH-EFFICIENCY
19 ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM AS NEEDED TO
20 LOCAL GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT
21 ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY
22 THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS THAT OPERATE
23 IN LOW-INCOME, DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST
24 TRANSITION COMMUNITIES AS THOSE COMMUNITIES ARE IDENTIFIED BY
25 THE COLORADO ENERGY OFFICE.

26 (8) (a) EACH GRANTEE THAT RECEIVES A GRANT THROUGH THE
27 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
28 SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE THE FIRST
29 FIVE YEARS AFTER RECEIVING THE GRANT.

30 (b) (I) ON OR BEFORE FEBRUARY 1, 2024, AND ON EACH YEAR
31 THEREAFTER, THE COLORADO ENERGY OFFICE SHALL SUBMIT A
32 SUMMARIZED REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE
33 OF THE SENATE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
34 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE
35 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM.
36 AT A MINIMUM, THIS SUMMARIZED REPORT MUST INCLUDE:

37 (A) A DESCRIPTION OF THE GRANTS AWARDED, INCLUDING A
38 DESCRIPTION OF THE PROJECTS FUNDED BY THE GRANTS AS DESCRIBED TO
39 THE COLORADO ENERGY OFFICE IN THE GRANT APPLICATIONS;

40 (B) THE PERCENTAGE OF GRANTS AWARDED TO LOW-INCOME,
41 DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST TRANSITION
42 COMMUNITIES AND TO INDIVIDUALS WITH A DISABILITY OR ENTITIES THAT
43 USED THE GRANTS TO PROVIDE A SERVICE FOR INDIVIDUALS WITH A

1 DISABILITY; AND

2 (C) TO THE EXTENT AVAILABLE, THE IMPACTS OF THE GRANTS ON
3 GAS USE, ELECTRICITY USE, EMISSIONS, AND ENERGY COSTS.

4 (II) THIS SUBSECTION (8)(b) IS REPEALED, EFFECTIVE JULY 1, 2026.

5 **24-38.5-405. Clean air building investments fund - creation -**
6 **use of fund.** (1) THE CLEAN AIR BUILDING INVESTMENTS FUND, REFERRED
7 TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY.
8 THE PRINCIPAL OF THE FUND CONSISTS OF MONEY TRANSFERRED TO THE
9 FUND FROM THE GENERAL FUND AND GIFTS, GRANTS, AND DONATIONS.
10 INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF
11 MONEY IN THE FUND ARE CREDITED TO THE FUND.

12 (2) ALL MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
13 THE COLORADO ENERGY OFFICE. THE COLORADO ENERGY OFFICE MAY
14 EXPEND MONEY FROM THE FUND FOR THE CREATION, IMPLEMENTATION,
15 AND ADMINISTRATION OF:

16 (a) THE BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT
17 PROGRAM CREATED IN SECTION 24-38.5-403; AND

18 (b) THE HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES
19 GRANT PROGRAM CREATED IN SECTION 24-38.5-404.

20 (3) (a) ON THE EFFECTIVE DATE OF THIS SECTION, OR AS SOON AS
21 POSSIBLE THEREAFTER, THE STATE TREASURER SHALL TRANSFER TWENTY
22 MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL
23 FUND TO THE FUND.

24 (b) THE COLORADO ENERGY OFFICE SHALL USE TEN MILLION
25 DOLLARS OF THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (3)
26 FOR THE CREATION, IMPLEMENTATION, AND ADMINISTRATION OF THE
27 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM
28 CREATED IN SECTION 24-38.5-403.

29 (c) THE COLORADO ENERGY OFFICE SHALL USE TEN MILLION EIGHT
30 HUNDRED FIFTY THOUSAND DOLLARS OF THE MONEY TRANSFERRED
31 PURSUANT TO THIS SUBSECTION (3) FOR THE CREATION, IMPLEMENTATION,
32 AND ADMINISTRATION OF THE HIGH-EFFICIENCY ELECTRIC HEATING AND
33 APPLIANCES GRANT PROGRAM CREATED IN SECTION 24-38.5-404.

34 **SECTION 2.** In Colorado Revised Statutes, 12-115-107, **amend**
35 (2)(a) as follows:

36 **12-115-107. Board powers and duties - rules - definition.**

37 (2) In addition to all other powers and duties conferred or imposed upon
38 the board by this article 115, the board is authorized to:

39 (a) (I) Adopt, and from time to time revise, rules pursuant to
40 section 12-20-204. In adopting the rules, the board shall be governed
41 when appropriate by the standards in the most current edition of the
42 national electrical code or by any modifications to the standards made by
43 the board after a hearing is held pursuant to the provisions of article 4 of

1 title 24. These standards are adopted as the minimum standards governing
2 the planning, laying out, and installing or the making of additions,
3 alterations, and repairs in the installation of wiring apparatus and
4 equipment for electric light, heat, and power in this state. A copy of the
5 code shall be kept in the office of the board and open to public inspection.
6 Nothing contained in this section prohibits any city, town, county, city
7 and county, or qualified state institution of higher education from making
8 and enforcing any such standards that are more stringent than the
9 minimum standards adopted by the board, and any city, town, county, city
10 and county, or qualified state institution of higher education that adopts
11 more stringent standards shall furnish a copy thereof to the board. The
12 standards adopted by the board shall be prima facie evidence of minimum
13 approved methods of construction for safety to life and property. The
14 affirmative vote of two-thirds of all appointed members of the board is
15 required to set any standards that are different from those set forth in the
16 national electrical code. If requested in writing, the board shall send a
17 copy of newly adopted standards and rules to any interested party at least
18 thirty days before the implementation and enforcement of the standards
19 or rules. The copies may be furnished for a fee established pursuant to
20 section 12-20-105.

21 (II) IN THE EVENT OF A CONFLICT BETWEEN THE 2021
22 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2024 INTERNATIONAL
23 ENERGY CONSERVATION CODE, THE MODEL ELECTRIC READY AND SOLAR
24 READY CODE DEVELOPED BY THE ENERGY CODE BOARD PURSUANT TO
25 SECTION 24-38.5-401 (5), OR ANY ENERGY CODES ADOPTED BY EITHER A
26 LOCAL GOVERNMENT OR DIVISIONS IN THE EXECUTIVE BRANCH OF STATE
27 GOVERNMENT AND THE NATIONAL ELECTRIC CODE OR THE STANDARDS
28 ADOPTED BY THE BOARD PURSUANT TO THIS SUBSECTION (2)(a), THE
29 NATIONAL ELECTRIC CODE OR THE STANDARDS ADOPTED BY THE BOARD
30 PURSUANT TO THIS SUBSECTION (2)(a) PREVAILS.

31 **SECTION 3.** In Colorado Revised Statutes, 12-155-106, **add**
32 (4.5) as follows:

33 **12-155-106. Colorado plumbing code - amendments -**
34 **variances - Colorado fuel gas code.** (4.5) IN THE EVENT OF A CONFLICT
35 BETWEEN THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE, THE
36 2024 INTERNATIONAL ENERGY CONSERVATION CODE, THE MODEL
37 ELECTRIC READY AND SOLAR READY CODE DEVELOPED BY THE ENERGY
38 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5), OR ANY ENERGY
39 CODES ADOPTED BY EITHER A LOCAL GOVERNMENT OR DIVISIONS IN THE
40 EXECUTIVE BRANCH OF STATE GOVERNMENT AND THE COLORADO
41 PLUMBING CODE, THE COLORADO PLUMBING CODE PREVAILS.

42 **SECTION 4.** In Colorado Revised Statutes, 24-30-1303, **add**
43 (1)(ff) as follows:

1 **24-30-1303. Office of the state architect - responsibilities.**
2 (1) The office of the state architect shall:
3 (ff) (I) (A) ON OR BEFORE JANUARY 1, 2025, ADOPT AND ENFORCE
4 AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER ENERGY
5 PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY CONSERVATION
6 CODE AND THE MODEL ELECTRIC READY AND SOLAR READY CODE
7 LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD
8 PURSUANT TO SECTION 24-38.5-401 (5). THIS ENERGY CODE MUST APPLY
9 TO ALL CONSTRUCTION BY STATE AGENCIES ON STATE-OWNED PROPERTIES
10 OR FACILITIES OR ON PROPERTIES OR FACILITIES THAT ARE LEASED BY THE
11 STATE UNDER A FINANCED PURCHASE OF AN ASSET OR CERTIFICATE OF
12 PARTICIPATION AGREEMENT.
13 (B) ON OR BEFORE JANUARY 1, 2030, ADOPT AND ENFORCE AN
14 ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER ENERGY AND
15 CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW ENERGY AND
16 CARBON CODE DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD
17 PURSUANT TO SECTION 24-38.5-401 (6). THIS ENERGY CODE MUST APPLY
18 TO ALL CONSTRUCTION BY STATE AGENCIES ON STATE-OWNED PROPERTIES
19 OR FACILITIES OR ON PROPERTIES OR FACILITIES THAT ARE LEASED BY THE
20 STATE UNDER A FINANCED PURCHASE OF AN ASSET OR CERTIFICATE OF
21 PARTICIPATION AGREEMENT.
22 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
23 SUBSECTION (1)(ff), THE OFFICE OF THE STATE ARCHITECT MAY MAKE ANY
24 AMENDMENTS TO AN ENERGY CODE THAT THE OFFICE OF THE STATE
25 ARCHITECT DEEMS APPROPRIATE, SO LONG AS THE AMENDMENTS DO NOT
26 DECREASE THE EFFECTIVENESS OR ENERGY EFFICIENCY OF THE ENERGY
27 CODE.
28 (III) NOTHING IN THIS SUBSECTION (1)(ff) RESTRICTS THE ABILITY
29 OF AN INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC
30 UTILITIES COMMISSION TO:
31 (A) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
32 SERVICES TO HELP THE OFFICE OF THE STATE ARCHITECT OR BUILDERS
33 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (1)(ff); OR
34 (B) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS TOWARD
35 ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE GAS
36 EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED BY
37 THE UTILITY TO HELP THE OFFICE OF THE STATE ARCHITECT OR BUILDERS
38 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (1)(ff).
39 (IV) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
40 UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
41 EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE OFFICE
42 OF THE STATE ARCHITECT OR ANY BUILDERS IN COMPLYING WITH THE
43 REQUIREMENTS OF THIS SUBSECTION (1)(ff).

1 (V) (A) A UTILITY SHALL BE ALLOWED TO COUNT MASS-BASED
2 EMISSIONS REDUCTIONS ASSOCIATED WITH THE REQUIREMENTS OF THIS
3 SUBSECTION (1)(ff) TOWARDS COMPLIANCE WITH ITS REQUIREMENTS
4 UNDER SECTION 25-7-105 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108
5 (3)(b), OR ANY SIMILAR GREENHOUSE GAS EMISSIONS REDUCTION
6 PROGRAM OR SET OF REQUIREMENTS.

7 (B) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
8 COMMISSION SHALL NOT BE ALLOWED TO COUNT ENERGY SAVINGS OR
9 GREENHOUSE GAS EMISSIONS REDUCTIONS ACHIEVED THROUGH THE
10 REQUIREMENTS OF THIS SUBSECTION (1)(ff) FOR THE PURPOSE OF
11 CALCULATING A SHAREHOLDER INCENTIVE ESTABLISHED PURSUANT TO
12 SECTIONS 40-3.2-103 (2)(d) AND 40-3.2-104 (5) IF THE UTILITY HAS NOT
13 PROVIDED A FINANCIAL INVESTMENT FOR CODE ADOPTION AS
14 DOCUMENTED IN A PLAN APPROVED BY THE COMMISSION.

15 **SECTION 5.** In Colorado Revised Statutes, 24-32-3305, **amend**
16 (3); and **add** (3.5) as follows:

17 **24-32-3305. Rules - advisory committee - energy code -**
18 **enforcement.** (3) EXCEPT WHEN ADOPTING AN ENERGY CODE PURSUANT
19 TO SUBSECTION (3.5) OF THIS SECTION, the board must consult with and
20 obtain the advice of an advisory committee on residential and
21 nonresidential structures in the drafting and promulgation of rules. The
22 committee consists of twelve members appointed by the division from the
23 following professional and technical disciplines: One from architecture,
24 one from structural engineering, three from building code enforcement,
25 one from mechanical engineering or contracting, one from electrical
26 engineering or contracting, one from the plumbing industry, one from the
27 construction design or producer industry, two from manufactured
28 housing, and one from organized labor. Committee members shall be
29 reimbursed for actual and necessary expenses incurred while engaged in
30 official duties.

31 (3.5) (a) (I) ON OR BEFORE JANUARY 1, 2025, THE DIVISION SHALL
32 ADOPT AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
33 BETTER ENERGY PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY
34 CONSERVATION CODE AND THE MODEL ELECTRIC READY AND SOLAR
35 READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE
36 BOARD PURSUANT TO SECTION 24-38.5-401 (5). THIS ENERGY CODE MUST
37 APPLY TO FACTORY-BUILT STRUCTURES AND HOTELS, MOTELS, AND
38 MULTI-FAMILY STRUCTURES IN AREAS OF THE STATE WHERE NO
39 CONSTRUCTION STANDARDS FOR HOTELS, MOTELS, AND MULTI-FAMILY
40 STRUCTURES EXIST.

41 (II) ON OR BEFORE JANUARY 1, 2030, THE DIVISION SHALL ADOPT
42 AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
43 ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW

1 ENERGY AND CARBON CODE DEVELOPED FOR ADOPTION BY THE ENERGY
2 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6). THIS ENERGY CODE
3 MUST APPLY TO FACTORY-BUILT STRUCTURES AND HOTELS, MOTELS, AND
4 MULTI-FAMILY STRUCTURES IN AREAS OF THE STATE WHERE NO
5 CONSTRUCTION STANDARDS FOR HOTELS, MOTELS, AND MULTI-FAMILY
6 STRUCTURES EXIST.

7 (b) NOTHING IN THIS SUBSECTION (3.5) ESTABLISHES STANDARDS
8 APPLICABLE TO MANUFACTURED HOMES CONSTRUCTED PURSUANT TO THE
9 "NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY
10 STANDARDS ACT OF 1974", ESTABLISHED IN 42 U.S.C. SEC. 5401, ET SEQ.,
11 AND ANY CORRESPONDING REGULATIONS PROMULGATED BY THE UNITED
12 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN 24 CFR
13 3280, ET SEQ.

14 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
15 SUBSECTION (3.5), THE DIVISION MAY MAKE ANY AMENDMENTS TO AN
16 ENERGY CODE THAT THE DIVISION DEEMS APPROPRIATE, SO LONG AS THE
17 AMENDMENTS DO NOT DECREASE THE EFFECTIVENESS OR ENERGY
18 EFFICIENCY OF THE ENERGY CODE.

19 (d) NOTHING IN THIS SUBSECTION (3.5) RESTRICTS THE ABILITY OF
20 AN INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC UTILITIES
21 COMMISSION TO:

22 (I) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
23 SERVICES TO HELP THE DIVISION OR BUILDERS COMPLY WITH THE
24 REQUIREMENTS OF THIS SUBSECTION (3.5); OR

25 (II) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS TOWARD
26 ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE GAS
27 EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED BY
28 THE UTILITY TO HELP THE DIVISION OR BUILDERS COMPLY WITH THE
29 REQUIREMENTS OF THIS SUBSECTION (3.5).

30 (e) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
31 UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
32 EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE
33 DIVISION OR ANY BUILDERS IN COMPLYING WITH THE REQUIREMENTS OF
34 THIS SUBSECTION (3.5).

35 (f) (I) A UTILITY MAY COUNT MASS-BASED EMISSIONS REDUCTIONS
36 ASSOCIATED WITH THE REQUIREMENTS OF THIS SUBSECTION (3.5)
37 TOWARDS COMPLIANCE WITH ITS REQUIREMENTS UNDER SECTION 25-7-105
38 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108 (3)(b), OR ANY SIMILAR
39 GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM OR SET OF
40 REQUIREMENTS.

41 (II) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
42 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS
43 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS

1 SUBSECTION (3.5) FOR THE PURPOSE OF CALCULATING A SHAREHOLDER
2 INCENTIVE ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND
3 40-3.2-104 (5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL
4 INVESTMENT FOR CODE ADOPTION AS DOCUMENTED IN A PLAN APPROVED
5 BY THE COMMISSION.

6 **SECTION 6.** In Colorado Revised Statutes, 24-33.5-1203, **add**
7 (1)(x) as follows:

8 **24-33.5-1203. Duties of division.** (1) The division shall perform
9 the following duties:

10 (x) (I) (A) ON OR BEFORE JANUARY 1, 2025, THE DIVISION SHALL
11 ADOPT AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
12 BETTER ENERGY PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY
13 CONSERVATION CODE AND THE MODEL ELECTRIC READY AND SOLAR
14 READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE
15 BOARD PURSUANT TO SECTION 24-38.5-401 (5). THIS ENERGY CODE MUST
16 APPLY TO THE BUILDINGS DESCRIBED IN SECTIONS 22-32-124 (2),
17 23-71-122 (1)(v), AND 24-33.5-1212.5.

18 (B) ON OR BEFORE JANUARY 1, 2030, THE DIVISION SHALL ADOPT
19 AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
20 ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW
21 ENERGY AND CARBON CODE DEVELOPED FOR ADOPTION BY THE ENERGY
22 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6). THIS ENERGY CODE
23 MUST APPLY TO THE BUILDINGS DESCRIBED IN SECTIONS 22-32-124 (2),
24 23-71-122 (1)(v), 24-33.5-1212.5, 24-33.5-1213.3, AND 24-33.5-1213.5.

25 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
26 SUBSECTION (1)(x), THE DIVISION MAY MAKE ANY AMENDMENTS TO AN
27 ENERGY CODE THAT THE DIVISION DEEMS APPROPRIATE, SO LONG AS THE
28 AMENDMENTS DO NOT DECREASE THE EFFECTIVENESS OR ENERGY
29 EFFICIENCY OF THE ENERGY CODE.

30 (III) NOTHING IN THIS SUBSECTION (1)(x) RESTRICTS THE ABILITY
31 OF AN INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC
32 UTILITIES COMMISSION TO:

33 (A) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
34 SERVICES TO HELP THE DIVISION OR BUILDERS COMPLY WITH THE
35 REQUIREMENTS OF THIS SUBSECTION (1)(x); OR

36 (B) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS TOWARD
37 ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE GAS
38 EMISSIONS SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED BY
39 THE UTILITY TO HELP THE DIVISION OR BUILDERS COMPLY WITH THE
40 REQUIREMENTS OF THIS SUBSECTION (1)(x).

41 (IV) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
42 UTILITIES COMMISSION MAY PROVIDE INCENTIVES AS THEY SO CHOOSE TO
43 ASSIST THE DIVISION OR ANY BUILDERS IN COMPLYING WITH THE

1 REQUIREMENTS OF THIS SUBSECTION (1)(x).

2 (V) (A) A UTILITY MAY COUNT MASS-BASED EMISSIONS
3 REDUCTIONS ASSOCIATED WITH THE REQUIREMENTS OF THIS SUBSECTION
4 (1)(x) TOWARDS COMPLIANCE WITH ITS REQUIREMENTS UNDER SECTION
5 25-7-105 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108 (3)(b), OR ANY
6 SIMILAR GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM OR SET OF
7 REQUIREMENTS.

8 (B) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
9 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS
10 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS
11 INCENTIVE ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND
12 40-3.2-104 (5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL
13 INVESTMENT FOR CODE ADOPTION AS DOCUMENTED IN A PLAN APPROVED
14 BY THE COMMISSION.

15 **SECTION 7.** In Colorado Revised Statutes, 30-28-211, **amend**
16 (2)(b), (3), and (5) introductory portion; **repeal** (4); and **add** (1)(i), (1)(j),
17 (2)(b.5), (3.5), (8), (9), and (10) as follows:

18 **30-28-211. Energy efficient building codes - legislative**
19 **declaration - definitions.** (1) The general assembly hereby finds and
20 declares that there is statewide interest in requiring an effective energy
21 efficient building code for the following reasons:

22 (i) HIGHLY ENERGY EFFICIENT HOMES AND BUILDINGS CAN REDUCE
23 ENERGY USE AND HELP CONSUMERS SAVE MONEY ON ENERGY BILLS.

24 (j) HIGHLY ENERGY EFFICIENT AND LOW-CARBON NEW HOMES AND
25 BUILDINGS ARE CRITICAL FOR MEETING THE GREENHOUSE GAS POLLUTION
26 REDUCTION TARGETS ESTABLISHED IN SECTION 25-7-102 (2)(g).

27 (2) As used in this section, unless the context otherwise requires:

28 (b) "Energy code" means ~~at a minimum, one of the three most~~
29 ~~recent versions of the international energy conservation code published~~
30 ~~by the international code council~~ A SUBSET OF BUILDING CODES RELATED
31 TO THE TOTAL ENERGY PERFORMANCE AND CARBON EMISSIONS OF
32 RESIDENTIAL AND COMMERCIAL BUILDINGS.

33 (b.5) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE
34 ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR A
35 SUCCESSOR ORGANIZATION.

36 (3) Every board of county commissioners ~~when adopting or~~
37 ~~updating a building code pursuant to section 30-28-201~~ THAT HAS
38 ADOPTED AND ENFORCED ONE OR MORE BUILDING CODES, OR THAT ADOPTS
39 AND ENFORCES ONE OR MORE BUILDING CODES AFTER JULY 1, 2022, shall
40 adopt and enforce an energy code that applies to the construction of, and
41 MAJOR renovations and additions to, all commercial and residential
42 buildings AS REQUIRED BY THE ENERGY CODE in the county to which the
43 building code applies.

1 (3.5) (a) A BOARD OF COUNTY COMMISSIONERS THAT HAS
2 ADOPTED AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT
3 UPDATES ONE OR MORE BUILDING CODES ON OR AFTER JULY 1, 2023, AND
4 BEFORE JULY 1, 2026, SHALL ADOPT AND ENFORCE AN ENERGY CODE THAT
5 ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN THE 2021
6 INTERNATIONAL ENERGY CONSERVATION CODE AND THE MODEL ELECTRIC
7 READY AND SOLAR READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY
8 THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5) AT THE
9 SAME TIME OTHER BUILDING CODES ARE UPDATED.

10 (b) A BOARD OF COUNTY COMMISSIONERS THAT HAS ADOPTED AND
11 ENFORCED ONE OR MORE BUILDING CODES, AND THAT UPDATES ONE OR
12 MORE BUILDING CODES ON OR AFTER JULY 1, 2026, SHALL ADOPT AND
13 BEGIN ENFORCING AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
14 BETTER ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL
15 LOW ENERGY AND CARBON CODE DEVELOPED FOR ADOPTION BY THE
16 ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6) AT THE
17 SAME TIME OTHER BUILDING CODES ARE UPDATED.

18 (c) WHEN ADOPTING OR UPDATING A BUILDING CODE PRIOR TO
19 JULY 1, 2023, A BOARD OF COUNTY COMMISSIONERS SHALL ADOPT AND
20 ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
21 ENERGY PERFORMANCE THAN ONE OF THE THREE MOST RECENT EDITIONS
22 OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

23 (4) ~~The energy code shall apply to any commercial or residential~~
24 ~~building in the county for which a building permit application is received~~
25 ~~subsequent to the adoption of the energy code.~~

26 (5) The following buildings are exempt from subsections (3) and
27 ~~(4)~~ AND (3.5) of this section:

28 (8) NOTHING IN THIS SECTION RESTRICTS THE ABILITY OF AN
29 INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC UTILITIES
30 COMMISSION TO:

31 (a) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
32 SERVICES TO HELP THE BOARD OF COUNTY COMMISSIONERS OF ANY
33 COUNTY OR BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION;
34 OR

35 (b) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS
36 TOWARDS ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE
37 GAS EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED
38 BY THE UTILITY TO HELP THE BOARD OF COUNTY COMMISSIONERS OF ANY
39 COUNTY OR BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

40 (9) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
41 UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
42 EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE BOARD
43 OF COUNTY COMMISSIONERS OF ANY COUNTY OR ANY BUILDERS IN

1 COMPLYING WITH THE REQUIREMENTS OF THIS SECTION.

2 (10) (a) A UTILITY MAY COUNT MASS-BASED EMISSIONS
3 REDUCTIONS ASSOCIATED WITH THE REQUIREMENTS OF THIS SECTION
4 TOWARDS COMPLIANCE WITH ITS REQUIREMENTS UNDER SECTION
5 25-7-105 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108 (3)(b), OR ANY
6 SIMILAR GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM OR SET OF
7 REQUIREMENTS.

8 (b) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
9 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS
10 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS
11 SECTION FOR THE PURPOSE OF CALCULATING A SHAREHOLDER INCENTIVE
12 ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND 40-3.2-104
13 (5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL INVESTMENT FOR CODE
14 ADOPTION AS DOCUMENTED IN A PLAN APPROVED BY THE COMMISSION.

15 **SECTION 8.** In Colorado Revised Statutes, 31-15-602, **amend**
16 (2)(b), (3), and (5) introductory portion; **repeal** (4)(a); and **add** (1)(i),
17 (1)(j), (2)(b.5), (3.5), (8), (9), and (10) as follows:

18 **31-15-602. Energy efficient building codes - legislative**
19 **declaration - definitions - repeal.** (1) The general assembly hereby finds
20 and declares that there is statewide interest in requiring an effective
21 energy efficient building code for the following reasons:

22 (i) HIGHLY ENERGY EFFICIENT HOMES AND BUILDINGS CAN REDUCE
23 ENERGY USE AND HELP CONSUMERS SAVE MONEY ON ENERGY BILLS.

24 (j) HIGHLY ENERGY EFFICIENT AND LOW CARBON NEW HOMES AND
25 BUILDINGS ARE CRITICAL FOR MEETING THE GREENHOUSE GAS POLLUTION
26 REDUCTION TARGETS ESTABLISHED IN SECTION 25-7-102 (2)(g).

27 (2) As used in this section, unless the context otherwise requires:

28 (b) "Energy code" means ~~at a minimum, one of the three most~~
29 ~~recent versions of the international energy conservation code published~~
30 ~~by the international code council~~ A SUBSET OF BUILDING CODES RELATED
31 TO THE TOTAL ENERGY PERFORMANCE AND CARBON EMISSIONS OF
32 RESIDENTIAL AND COMMERCIAL BUILDINGS.

33 (b.5) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE
34 ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR A
35 SUCCESSOR ORGANIZATION.

36 (3) The governing body of any municipality ~~when adopting or~~
37 ~~updating any other building codes~~ THAT HAS ADOPTED AND ENFORCED
38 ONE OR MORE BUILDING CODES, OR THAT ADOPTS AND ENFORCES ONE OR
39 MORE BUILDING CODES AFTER JULY 1, 2022, shall adopt and enforce an
40 energy code that applies to the construction of, and MAJOR renovations
41 and additions to, all commercial and residential buildings AS REQUIRED
42 BY THE ENERGY CODE in the municipality to which the building code
43 applies.

1 (3.5) (a) THE GOVERNING BODY OF A MUNICIPALITY THAT HAS
2 ADOPTED AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT
3 UPDATES ONE OR MORE BUILDING CODES ON OR AFTER JULY 1, 2023, AND
4 BEFORE JULY 1, 2026, SHALL ADOPT AND ENFORCE AN ENERGY CODE THAT
5 ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN THE 2021
6 INTERNATIONAL ENERGY CONSERVATION CODE AND THE MODEL ELECTRIC
7 READY AND SOLAR READY CODE LANGUAGE EITHER DEVELOPED FOR
8 ADOPTION BY THE ENERGY CODE BOARD PURSUANT TO SECTION
9 24-38.5-401 (5) AT THE SAME TIME OTHER BUILDING CODES ARE UPDATED.

10 (b) THE GOVERNING BODY OF A MUNICIPALITY THAT HAS ADOPTED
11 AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT UPDATES ONE
12 OR MORE BUILDING CODES ON OR AFTER JULY 1, 2026, SHALL ADOPT AND
13 BEGIN ENFORCING AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
14 BETTER ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL
15 LOW ENERGY AND CARBON CODE LANGUAGE DEVELOPED FOR ADOPTION
16 BY THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6), AT
17 THE SAME TIME OTHER BUILDING CODES ARE UPDATED.

18 (c) WHEN ADOPTING OR UPDATING A BUILDING CODE PRIOR TO
19 JULY 1, 2023, THE GOVERNING BODY OF A MUNICIPALITY SHALL ADOPT
20 AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
21 ENERGY PERFORMANCE THAN ONE OF THE THREE MOST RECENT EDITIONS
22 OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

23 ~~(4) (a) The energy code shall apply to any commercial or~~
24 ~~residential building in the municipality for which a building permit~~
25 ~~application is received subsequent to the adoption of the energy code.~~

26 (5) The following buildings are exempt from subsections (3),
27 (3.5), and (4) of this section:

28 (8) NOTHING IN THIS SECTION RESTRICTS THE ABILITY OF AN
29 INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC UTILITIES
30 COMMISSION TO:

31 (a) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
32 SERVICES TO HELP THE GOVERNING BODY OF ANY MUNICIPALITY OR
33 BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION; OR

34 (b) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS
35 TOWARDS ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE
36 GAS EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED
37 BY THE UTILITY TO HELP THE GOVERNING BODY OF ANY MUNICIPALITY OR
38 BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

39 (9) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
40 UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
41 EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE
42 GOVERNING BODY OF ANY MUNICIPALITY OR ANY BUILDERS IN COMPLYING
43 WITH THE REQUIREMENTS OF THIS SECTION.

1 (10) (a) A UTILITY MAY COUNT MASS-BASED EMISSIONS
2 REDUCTIONS ASSOCIATED WITH THE REQUIREMENTS OF THIS SECTION
3 TOWARDS COMPLIANCE WITH ITS REQUIREMENTS UNDER SECTION
4 25-7-105 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108 (3)(b), OR ANY
5 SIMILAR GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM OR SET OF
6 REQUIREMENTS.

7 (b) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
8 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS
9 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS
10 SECTION FOR THE PURPOSE OF CALCULATING A SHAREHOLDER INCENTIVE
11 ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND 40-3.2-104
12 (5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL INVESTMENT FOR CODE
13 ADOPTION AS DOCUMENTED IN A PLAN APPROVED BY THE COMMISSION.

14 **SECTION 9.** In Colorado Revised Statutes, **repeal** article 7 of
15 title 6.

16 **SECTION 10. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety."

19 Page 1, strike lines 102 through 113 and substitute:

20 "EMISSIONS, AND, IN CONNECTION THEREWITH, REQUIRING THE
21 DIRECTOR OF THE COLORADO ENERGY OFFICE AND THE EXECUTIVE
22 DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS TO APPOINT AN
23 ENERGY CODE BOARD THAT DEVELOPS TWO MODEL CODES, REQUIRING
24 LOCAL GOVERNMENTS AND CERTAIN STATE AGENCIES TO ADOPT AND
25 ENFORCE CODES THAT ARE CONSISTENT WITH THE MODEL CODES
26 DEVELOPED BY THE ENERGY CODE BOARD, CREATING THE BUILDING
27 ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM, CREATING
28 THE HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT
29 PROGRAM, AND ESTABLISHING THE CLEAN AIR BUILDING INVESTMENTS
30 FUND."

** ** ** ** **