

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0849.01 Jennifer Berman x3286

HOUSE BILL 25-1269

HOUSE SPONSORSHIP

Willford and Valdez,

SENATE SPONSORSHIP

Ball and Kipp,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING BUILDING DECARBONIZATION MEASURES, AND, IN
102 CONNECTION THEREWITH, CREATING A BUILDING
103 DECARBONIZATION ENTERPRISE.

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 updates energy use benchmarking and performance standard requirements for owners of certain buildings (covered building owners), including:

- A requirement to meet 2040 performance standards, as adopted by the air quality control commission, in

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.

consultation with the Colorado energy office (office) and in consideration of recommendations made by a task force convened by the office;

- Authorizing an alternative compliance mechanism for covered building owners to comply with certain performance standards; and
- Aligning civil penalties owed for a violation of the benchmarking and performance standard requirements with civil penalties owed for other air quality violations.

The bill also creates a building decarbonization enterprise (enterprise) to provide financial assistance, technical assistance, and other programmatic assistance to covered building owners to effectively and efficiently implement building decarbonization measures, including energy efficiency measures, electrification measures, energy upgrades, and participation in utility on-bill repayment programs. The enterprise is authorized to impose and collect from covered building owners an annual building decarbonization fee to cover the enterprise's costs in providing the financial, technical, and programmatic assistance.

The bill exempts a local government that adopts building codes from the requirement to adopt an energy code if the local government has adopted an approved wildfire resiliency code.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 30-28-211, **add**
3 (3.5)(g) as follows:

4 **30-28-211. Energy efficient building codes - legislative**
5 **declaration - definitions.** (3.5) (g) NOTWITHSTANDING THE
6 REQUIREMENTS SET FORTH IN SUBSECTIONS (3.5)(a) AND (3.5)(b) OF THIS
7 SECTION, A BOARD OF COUNTY COMMISSIONERS THAT ADOPTS A WILDFIRE
8 RESILIENCY CODE PURSUANT TO SECTION 24-33.5-1237 (2)(a) IS NOT
9 REQUIRED TO ADOPT AND ENFORCE AN ENERGY CODE THAT MEETS THE
10 REQUIREMENTS OF SUBSECTIONS (3.5)(a) AND (3.5)(b) OF THIS SECTION AS
11 A RESULT OF ADOPTING THE WILDFIRE RESILIENCY CODE.

12 **SECTION 2.** In Colorado Revised Statutes, 31-15-602, **add**
13 (3.5)(f) as follows:

1 **31-15-602. Energy efficient building codes - legislative**
2 **declaration - definitions - repeal.** (3.5) (f) NOTWITHSTANDING THE
3 REQUIREMENTS SET FORTH IN SUBSECTIONS (3.5)(a) AND (3.5)(b) OF THIS
4 SECTION, A GOVERNING BODY OF A MUNICIPALITY THAT ADOPTS A
5 WILDFIRE RESILIENCY CODE PURSUANT TO SECTION 24-33.5-1237 (2)(a) IS
6 NOT REQUIRED TO ADOPT AND ENFORCE AN ENERGY CODE THAT MEETS
7 THE REQUIREMENTS OF SUBSECTIONS (3.5)(a) AND (3.5)(b) OF THIS
8 SECTION AS A RESULT OF ADOPTING THE WILDFIRE RESILIENCY CODE.

9 **SECTION 3.** In Colorado Revised Statutes, 25-7-142, **amend**
10 (2)(s), (3), (8)(c)(III), (8)(c)(IV), and (8)(f); and **add** (1.5), (2)(q.5), (8.5),
11 (8.6), and (8.7) as follows:

12 **25-7-142. Energy benchmarking - data collection and access**
13 **- utility requirements - task force - rules - reports - definitions -**
14 **legislative declaration - repeal.** (1.5) THE GENERAL ASSEMBLY FURTHER
15 FINDS AND DECLARES THAT:

16 (a) ENERGY CONSUMPTION BY COLORADO'S BUILT ENVIRONMENT,
17 INCLUDING LARGE COMMERCIAL AND RESIDENTIAL PROPERTIES, IS A
18 SIGNIFICANT CONTRIBUTOR TO STATEWIDE GREENHOUSE GAS POLLUTION;

19 (b) REDUCING THE GREENHOUSE GAS EMISSIONS ARISING FROM
20 ENERGY CONSUMPTION BY THE BUILT ENVIRONMENT IS NECESSARY TO
21 ACHIEVE THE 2050 NET-ZERO GREENHOUSE GAS EMISSION REDUCTION
22 GOAL SET FORTH IN SECTION 25-7-102 (2)(g);

23 (c) THE COMMISSION SATISFIED THE OBJECTIVES SET FORTH IN
24 SUBSECTIONS (8)(a)(II) AND (8)(c)(II) OF THIS SECTION BY ADOPTING
25 BENCHMARKING AND PERFORMANCE STANDARD RULES IN AUGUST 2023;
26 AND

27 (d) IN IMPLEMENTING THE REQUIREMENTS OF THIS SECTION AND

1 THE COMMISSION'S RULES ADOPTED PURSUANT TO THIS SECTION, THE
2 DIVISION SHOULD, CONSISTENT WITH SECTION 25-7-122 (2), CONSIDER AN
3 OWNER'S EFFORT TO COMPLY WITH BUILDING PERFORMANCE STANDARDS
4 WHEN IMPLEMENTING ENFORCEMENT AND ASSESSING PENALTIES
5 PURSUANT TO SECTION 25-7-122 AND THIS SECTION.

6 (2) **Definitions.** As used in this section, unless the context
7 otherwise requires:

8 (q.5) "OPERATOR" MEANS A PERSON THAT HAS ACCESS TO UTILITY
9 DATA FOR A PROPERTY.

10 (s) "Performance standards" means standards that the commission
11 establishes by rule pursuant to ~~subsection (8)(c)~~ SUBSECTION (8)(c) OR
12 (8.5)(a) of this section AND with which owners of covered buildings are
13 required to comply.

14 (3) **Benchmarking requirements on owners and operators.**

15 (a) On or before December 1, 2022, and on or before ~~June~~ NOVEMBER
16 1 of each subsequent year, the owner of a covered building shall submit
17 a report of the benchmarking data for the previous calendar year to the
18 office.

19 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, IF AN
20 OWNER OF A COVERED BUILDING DEMONSTRATES THAT IT LACKS ACCESS
21 TO BENCHMARKING DATA, THE OPERATOR OF THE COVERED BUILDING
22 SHALL, ON OR BEFORE NOVEMBER 1 OF EACH YEAR, SUBMIT TO THE OFFICE
23 A REPORT OF THE BENCHMARKING DATA FOR THE COVERED BUILDING FOR
24 THE PREVIOUS CALENDAR YEAR.

25 ~~(b)~~ (c) Before providing a benchmarking report pursuant to
26 subsection (3)(a) of this section, an owner OF A COVERED BUILDING OR
27 OPERATOR shall run any automated data checking function of the

1 benchmarking tool and correct any errors discovered.

2 ~~(e)~~ (d) The following owners AND OPERATORS may comply with
3 this subsection (3) collectively at the campus-wide level:

4 (I) The owner OR OPERATOR of multiple covered buildings that are
5 part of a master metered group of buildings without submetering;

6 (II) The owner OR OPERATOR of a correctional facility; and

7 (III) The owner OR OPERATOR of a public building that is a
8 covered building.

9 (8) **Task force recommendations for implementation - rules -**
10 **repeal.** (c) (III) The commission shall not adopt rules to rescind or
11 modify the exemptions for owners of public buildings from payment of
12 the annual fee, as set forth in section 24-38.5-112 (1)(e)(II), FROM
13 PAYMENT OF THE BUILDING DECARBONIZATION FEE, AS SET FORTH IN
14 SECTION 25-7-142.5 (5)(b), or from payment of civil penalties, as set forth
15 in ~~section 25-7-122 (1)(i)~~ SECTION 25-7-122 (1)(b) AND (1)(i).

16 (IV) The commission shall, as necessary, adopt rules to modify or
17 continue the performance standards BEYOND 2030 AND until 2050 in order
18 to achieve or exceed greenhouse gas emission reduction targets set forth
19 in section 25-7-102 (2)(g).

20 (f) Subsections (8)(a), (8)(b), ~~(8)(c)(I)~~, ~~(8)(c)(II)~~, (8)(d), and
21 (8)(e) of this section and this subsection (8)(f) are repealed, effective July
22 1, 2025.

23 (8.5) **2040 performance standard targets - division to propose**
24 **standards - commission to adopt rules - task force - membership -**
25 **repeal.** (a) (I) TO HELP ACHIEVE OR EXCEED GREENHOUSE GAS EMISSION
26 REDUCTION TARGETS PURSUANT TO SUBSECTION (8)(c)(IV) OF THIS
27 SECTION, THE COMMISSION SHALL ADOPT RULES TO DEVELOP 2040

1 PERFORMANCE STANDARDS.

2 (II) ON OR BEFORE MARCH 31, 2029, THE DIVISION, AFTER
3 CONSULTATION WITH THE OFFICE AND IN CONSIDERATION OF
4 RECOMMENDATIONS FROM THE TASK FORCE CREATED PURSUANT TO
5 SUBSECTION (8.5)(d) OF THIS SECTION, SHALL PROPOSE 2040
6 PERFORMANCE STANDARDS TO THE COMMISSION FOR THE COMMISSION TO
7 CONSIDER INCLUDING IN THE RULES ADOPTED PURSUANT TO SUBSECTION
8 (8.5)(a)(I) OF THIS SECTION.

9 (b) (I) THE DIVISION, IN PROPOSING 2040 PERFORMANCE
10 STANDARDS, AND THE COMMISSION, IN ADOPTING 2040 PERFORMANCE
11 STANDARDS, SHALL CONSIDER WHETHER THE LONG-TERM TARGETS
12 INCLUDED IN THE 2040 PERFORMANCE STANDARDS SUPPORT THE 2050
13 ECONOMY-WIDE EMISSION REDUCTION GOALS SET FORTH IN SECTION
14 25-7-102 (2)(g), TAKING INTO CONSIDERATION THE CAPITAL PLANNING
15 PERIODS FOR COVERED BUILDINGS AND THE FEASIBILITY OF AN OWNER
16 PLANNING AND IMPLEMENTING A BUILDING UPGRADE PROJECT AHEAD OF
17 THE COMPLIANCE DATE FOR THE 2040 PERFORMANCE STANDARD THAT THE
18 COMMISSION SETS BY RULE PURSUANT TO SUBSECTION (8.5)(a)(I) OF THIS
19 SECTION.

20 (II) THE RULES ADOPTED PURSUANT TO THIS SUBSECTION (8.5)
21 MUST INCLUDE A REQUIREMENT THAT AN OWNER OF A COVERED BUILDING
22 SUBMIT WITH ITS BENCHMARKING REPORT SUBMITTED IN 2035 AN INTERIM
23 STATUS REPORT REGARDING THE OWNER'S PROGRESS TOWARD THE 2040
24 PERFORMANCE STANDARDS AND SUBMITTED IN A FORMAT DETERMINED BY
25 THE OFFICE.

26 (c) (I) ON OR BEFORE JULY 1, 2027, THE DIRECTOR SHALL APPOINT
27 AND CONVENE A TASK FORCE. THE TASK FORCE SHALL REVIEW THE

1 BENCHMARKING DATA SUBMITTED FOR CALENDAR YEARS 2021 THROUGH
2 2027 AND, ON OR BEFORE JULY 1, 2028, DEVELOP AND PROVIDE
3 RECOMMENDATIONS TO THE DIVISION REGARDING THE 2040
4 PERFORMANCE STANDARDS, INCLUDING RECOMMENDATIONS ON THE
5 CONTENT OF THE INTERIM STATUS REPORTS SUBMITTED PURSUANT TO
6 RULES ADOPTED IN ACCORDANCE WITH SUBSECTION (8.5)(b)(II) OF THIS
7 SECTION.

8 (II) AS PART OF THE RECOMMENDATIONS DEVELOPED PURSUANT
9 TO SUBSECTION (8.5)(c)(I) OF THIS SECTION, THE TASK FORCE SHALL
10 CONSIDER:

11 (A) THE 2050 ECONOMY-WIDE EMISSION REDUCTION GOALS SET
12 FORTH IN SECTION 25-7-102 (2)(g); AND

13 (B) THE CAPITAL PLANNING PERIODS FOR COVERED BUILDINGS AND
14 THE FEASIBILITY OF AN OWNER PLANNING AND IMPLEMENTING A BUILDING
15 UPGRADE PROJECT AHEAD OF THE COMPLIANCE DATE FOR THE 2040
16 PERFORMANCE STANDARD THAT THE COMMISSION SETS BY RULE
17 PURSUANT TO SUBSECTION (8.5)(a)(I) OF THIS SECTION.

18 (d) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS, ALL
19 OF WHOM, EXCEPT THE REPRESENTATIVES OF THE OFFICE AND THE
20 DIVISION, ARE VOTING MEMBERS:

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

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

23 (III) ONE MEMBER WHO IS AN OWNER OF COMMERCIAL COVERED
24 BUILDINGS OR WHO REPRESENTS OWNERS OF COMMERCIAL COVERED
25 BUILDINGS;

26 (IV) ONE MEMBER WHO IS AN OWNER OF A MULTIFAMILY
27 RESIDENTIAL COVERED BUILDING OR WHO REPRESENTS OWNERS OF

1 MULTIFAMILY RESIDENTIAL COVERED BUILDINGS;

2 (V) ONE MEMBER WHO REPRESENTS AN AFFORDABLE HOUSING
3 ORGANIZATION;

4 (VI) ONE MEMBER WHO HAS DIRECT EXPERIENCE IN, OR IS A
5 MEMBER OF AN ORGANIZATION REPRESENTING WORKERS IN, MECHANICAL,
6 HVAC, OR ELECTRICAL WORK AT THE COMMERCIAL OR MULTIFAMILY
7 BUILDING LEVEL;

8 (VII) ONE MEMBER WHO REPRESENTS ARCHITECTS;

9 (VIII) ONE MEMBER WHO REPRESENTS PROFESSIONAL ENGINEERS
10 WITH EXPERIENCE WORKING ON SYSTEMS FOR BUILDINGS OR WITH
11 EXTENSIVE EXPERIENCE AS A BUILDING OPERATING ENGINEER;

12 (IX) ONE MEMBER WHO REPRESENTS AN ELECTRIC UTILITY, A GAS
13 UTILITY, OR A COMBINED ELECTRIC AND GAS UTILITY;

14 (X) ONE MEMBER WHO IS FROM AN ENVIRONMENTAL
15 CONSERVATION OR ENVIRONMENTAL JUSTICE GROUP WITH EXPERIENCE IN
16 ENERGY EFFICIENCY OR THE BUILT ENVIRONMENT;

17 (XI) ONE MEMBER WHO IS FROM A LOCAL GOVERNMENT THAT HAS
18 ENACTED OR ADOPTED A BENCHMARKING OR BUILDING ENERGY
19 PERFORMANCE ORDINANCE OR RESOLUTION; AND

20 (XII) THREE MEMBERS WHO HAVE RELEVANT BUILDING
21 PERFORMANCE EXPERTISE, AS DETERMINED BY THE DIRECTOR OF THE
22 OFFICE.

23 (8.6) NOTWITHSTANDING ANY RULES THAT THE COMMISSION
24 ADOPTS PURSUANT TO THIS SECTION BEFORE JULY 1, 2025:

25 (a) (I) AN OWNER OF A COVERED BUILDING MAY COMPLY WITH
26 BUILDING PERFORMANCE STANDARDS ADOPTED BY THE COMMISSION BY:

27 (A) SUBMITTING COMPLETE AND ACCURATE 2019 BENCHMARKING

1 DATA TO THE OFFICE NO LATER THAN JANUARY 1, 2026;

2 (B) IN 2026, ACHIEVING AND MAINTAINING A STANDARD PERCENT
3 REDUCTION OF AT LEAST THIRTEEN PERCENT IN COMPARISON TO THE
4 COVERED BUILDING'S 2019 BENCHMARKED BASELINE
5 WEATHER-NORMALIZED SITE ENERGY USE INTENSITY; AND

6 (C) IN 2030, ACHIEVING AND MAINTAINING A STANDARD PERCENT
7 REDUCTION OF AT LEAST TWENTY-NINE PERCENT IN COMPARISON TO THE
8 COVERED BUILDING'S 2019 BENCHMARKED BASELINE
9 WEATHER-NORMALIZED ENERGY USE INTENSITY; AND

10 (II) AN OWNER OF A COVERED BUILDING LOCATED WITHIN THE
11 JURISDICTION OF A LOCAL GOVERNMENT THAT HAS ADOPTED AND
12 IMPLEMENTED A BUILDING PERFORMANCE STANDARDS PROGRAM OR
13 OTHER SIMILAR PROGRAM INTENDED TO REDUCE GREENHOUSE GAS
14 EMISSIONS FROM COVERED BUILDINGS IS DEEMED IN COMPLIANCE WITH
15 THIS SECTION AND RULES ADOPTED BY THE COMMISSION PURSUANT TO
16 THIS SECTION BY COMPLYING WITH THE REQUIREMENTS OF THE LOCAL
17 PROGRAM IF:

18 (A) THE OWNER OF THE COVERED BUILDING MAINTAINS
19 COMPLIANCE WITH THE LOCAL PROGRAM AND CERTIFIES ITS AFFIRMATIVE
20 COMPLIANCE STATUS IN ANNUAL BENCHMARKING REPORTS SUBMITTED TO
21 THE OFFICE;

22 (B) THE OFFICE HAS DETERMINED THAT THE GREENHOUSE GAS
23 EMISSION REDUCTIONS FROM COVERED BUILDINGS COMPLYING WITH THE
24 LOCAL PROGRAM ARE REASONABLY SIMILAR TO THE GREENHOUSE GAS
25 EMISSION REDUCTIONS THAT WOULD HAVE BEEN ACHIEVED THROUGH
26 COMPLIANCE WITH THIS SECTION AND THE COMMISSION'S RULES ADOPTED
27 PURSUANT TO THIS SECTION.

1 (III) DECISIONS MADE BY THE OFFICE, THE DIVISION, OR THE
2 COMMISSION WITH REGARD TO DEEMED COMPLIANCE PURSUANT TO
3 SUBSECTION (8.6)(a)(II) OF THIS SECTION ARE SUBJECT TO JUDICIAL
4 REVIEW PURSUANT TO SECTION 24-4-106.

5 (b) (I) NOTWITHSTANDING SUBSECTION (8.6)(a) OF THIS SECTION
6 AND ANY RULES ADOPTED BY THE COMMISSION BEFORE JULY 1, 2025, AN
7 OWNER MAY EITHER COMPLY WITH THE 2026 PERFORMANCE STANDARDS
8 OR, AS PART OF THE OWNER'S BENCHMARKING REPORTS SUBMITTED TO THE
9 OFFICE IN 2026 THROUGH 2029:

10 (A) TRACK ITS PROGRESS TOWARD COMPLIANCE WITH THE
11 PERFORMANCE STANDARDS;

12 (B) EXPRESS ANY NEED FOR TECHNICAL ASSISTANCE FROM THE
13 OFFICE; AND

14 (C) PROVIDE OTHER INFORMATION THAT THE OFFICE DEEMS
15 NECESSARY DEMONSTRATING MEASURES PLANNED OR BEING TAKEN TO
16 COMPLY WITH THE 2030 PERFORMANCE STANDARDS.

17 (II) THE OFFICE SHALL PRIORITIZE ANY GRANT MONEY THAT IS
18 MADE AVAILABLE FOR OWNERS OF COVERED BUILDINGS:

19 (A) THAT COMPLY WITH OR ESTABLISH PLANS TO GO BEYOND THE
20 2026 PERFORMANCE STANDARDS; OR

21 (B) THAT COMPLY WITH THE 2030 PERFORMANCE STANDARD
22 EARLY OR ESTABLISH PLANS TO GO BEYOND THE 2030 PERFORMANCE
23 STANDARDS.

24 (III) NOTHING IN THIS SUBSECTION (8.6)(b) PRECLUDES OR
25 MODIFIES THE DIVISION'S AUTHORITY TO ENFORCE AGAINST AN OWNER OF
26 A COVERED BUILDING FOR NONCOMPLIANCE WITH 2030 PERFORMANCE
27 STANDARDS OR PERFORMANCE STANDARDS SET FOR SUBSEQUENT YEARS.

1 (8.7) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION
2 (8)(a)(II) OF THIS SECTION OR RULES ADOPTED PURSUANT TO THAT
3 SUBSECTION, SUBSECTION (8.6) OF THIS SECTION IS NECESSARY TO
4 EFFECTIVELY IMPLEMENT THE PERFORMANCE STANDARDS. THE
5 COMMISSION IS NOT REQUIRED TO REVISE RULES ADOPTED BEFORE JULY 1,
6 2025, THAT ESTABLISH PERFORMANCE STANDARDS OR ESTABLISH THE
7 CALCULATION OF GREENHOUSE GAS EMISSION REDUCTIONS THAT MAY BE
8 ACHIEVED PURSUANT TO SUBSECTION (8.6) OF THIS SECTION.

9 **SECTION 4.** In Colorado Revised Statutes, **add 25-7-142.5** as
10 follows:

11 **25-7-142.5. Building decarbonization enterprise - creation -**
12 **membership - powers and duties - building decarbonization**
13 **enterprise cash fund - legislative declaration - definitions - rules -**
14 **repeal.** (1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY FINDS
15 THAT:

16 (I) REDUCING GREENHOUSE GAS EMISSIONS FROM COMBUSTION
17 DEVICES IN RESIDENTIAL AND COMMERCIAL BUILDINGS:

18 (A) IS NECESSARY TO HELP THE STATE ACHIEVE ITS STATEWIDE
19 GREENHOUSE GAS EMISSION REDUCTION GOALS SET FORTH IN SECTION
20 25-7-102 (2)(g), INCLUDING THE GOAL TO REACH NET-ZERO GREENHOUSE
21 GAS EMISSIONS BY 2050; AND

22 (B) PRESENTS SIGNIFICANT OPPORTUNITIES TO LOWER AND
23 STABILIZE ENERGY BILLS, PROVIDE FOR MORE COMFORTABLE LIVING AND
24 WORKING SPACES, AND REDUCE LOCAL AIR POLLUTION THAT CONTRIBUTES
25 TO GROUND-LEVEL OZONE;

26 (II) COVERED BUILDING OWNERS ARE REQUIRED TO COMPLY WITH
27 BENCHMARKING REQUIREMENTS AND PERFORMANCE STANDARD

1 REQUIREMENTS AND WOULD BENEFIT FROM ADDITIONAL FINANCIAL AND
2 TECHNICAL ASSISTANCE TO MEET THOSE REQUIREMENTS; AND

3 (III) WITH ADDITIONAL FINANCING AND TECHNICAL ASSISTANCE,
4 COVERED BUILDING OWNERS MAY EFFECTIVELY AND EFFICIENTLY
5 IMPLEMENT BUILDING DECARBONIZATION MEASURES, INCLUDING, BUT NOT
6 LIMITED TO, BY PARTICIPATING IN, RECEIVING FINANCING FOR, AND
7 OBTAINING TECHNICAL ASSISTANCE FOR PARTICIPATING IN ON-BILL
8 REPAYMENT PROGRAMS THAT:

9 (A) HELP FINANCE ENERGY EFFICIENCY MEASURES,
10 ELECTRIFICATION MEASURES, AND OTHER ENERGY UPGRADES; AND

11 (B) PROVIDE ASSISTANCE FOR CONDUCTING BUILDING ENERGY
12 AUDITS, EMPLOYING OR CONSULTING WITH BUILDING ENGINEERS,
13 PURCHASING ENERGY USE TRACKING SOFTWARE FOR COVERED BUILDING
14 OWNERS TO MORE EFFECTIVELY TRACK ENERGY USE, AND PROVIDING
15 TRAINING ON SUCH SOFTWARE.

16 (b) NOW, THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

17 (I) IT IS IN THE PUBLIC INTEREST TO CREATE AN ENTERPRISE
18 WITHIN THE OFFICE THAT IS COMMITTED TO FINANCING AND PROVIDING
19 TECHNICAL AND OTHER SUPPORT FOR THE IMPLEMENTATION OF BUILDING
20 DECARBONIZATION MEASURES;

21 (II) THE ACTIVITIES OF THE ENTERPRISE SHALL BE FUNDED BY
22 REVENUE GENERATED FROM BUILDING DECARBONIZATION FEES PAID BY
23 COVERED BUILDING OWNERS AND ANY GIFTS, GRANTS, AND DONATIONS
24 RECEIVED;

25 (III) IT IS APPROPRIATE THAT COVERED BUILDING OWNERS SHOULD
26 PAY A BUILDING DECARBONIZATION FEE, AS COVERED BUILDING OWNERS
27 ARE THE DIRECT BENEFICIARIES OF SERVICES PROVIDED BY THE

1 ENTERPRISE, WHICH SERVICES INCLUDE THE FINANCING AND TECHNICAL
2 ASSISTANCE PROVIDED FOR THE BUILDING DECARBONIZATION MEASURES
3 DESCRIBED IN SUBSECTION (1)(a)(III) OF THIS SECTION;

4 (IV) COVERED BUILDING OWNERS BENEFIT FROM THE
5 IMPLEMENTATION OF BUILDING DECARBONIZATION MEASURES BECAUSE
6 SUCH MEASURES CAN:

7 (A) REDUCE COVERED BUILDING OWNERS' LONG-TERM COSTS
8 RELATED TO ENERGY USE;

9 (B) IMPROVE BUILDING COMFORT; AND

10 (C) INCREASE THE MARKET VALUE AND DESIRABILITY OF COVERED
11 BUILDINGS TO TENANTS;

12 (V) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
13 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
14 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
15 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
16 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES
17 THAT THE STEWARDSHIP FEE IS A FEE, NOT A TAX, AND THE ENTERPRISE
18 OPERATES AS A BUSINESS BECAUSE THE STEWARDSHIP FEE IS:

19 (A) IMPOSED FOR THE SPECIFIC BUSINESS PURPOSES OF PROVIDING
20 FINANCING AND TECHNICAL ASSISTANCE TO COVERED BUILDING OWNERS
21 TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT BUILDING
22 DECARBONIZATION MEASURES, INCLUDING IMPROVEMENTS THAT WILL
23 REDUCE ENERGY USE AND EMISSIONS; AND

24 (B) COLLECTED AT A RATE THAT IS REASONABLY RELATED TO THE
25 OVERALL COST OF THE BUSINESS SERVICES BEING PROVIDED; AND

26 (VI) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE
27 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION,

1 THE REVENUE FROM THE BUILDING DECARBONIZATION FEE IMPOSED,
2 COLLECTED, AND ADMINISTERED BY THE ENTERPRISE IS NOT STATE FISCAL
3 YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE
4 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT
5 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED
6 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS
7 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

8 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (a) "BENCHMARKING REQUIREMENTS" MEANS THE ENERGY
11 BENCHMARKING REQUIREMENTS SET FORTH IN SECTION 25-7-142 (3) WITH
12 WHICH AN OWNER OF A NONEXEMPT COVERED BUILDING IS REQUIRED TO
13 COMPLY.

14 (b) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE ENTERPRISE
15 APPOINTED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.

16 (c) "BUILDING DECARBONIZATION FEE" OR "FEE" MEANS THE FEE
17 PAID BY THE OWNER OF A COVERED BUILDING PURSUANT TO SUBSECTION
18 (5)(b) OF THIS SECTION.

19 (d) "COVERED BUILDING" HAS THE MEANING SET FORTH IN SECTION
20 25-7-142 (2)(j).

21 (e) "COVERED BUILDING OWNER" MEANS AN "OWNER", AS DEFINED
22 IN SECTION 25-7-142 (2)(r), OF A COVERED BUILDING.

23 (f) "ENTERPRISE" MEANS THE BUILDING DECARBONIZATION
24 ENTERPRISE CREATED IN SUBSECTION (3) OF THIS SECTION.

25 (g) "FUND" MEANS THE BUILDING DECARBONIZATION ENTERPRISE
26 CASH FUND CREATED IN SUBSECTION (6)(a) OF THIS SECTION.

27 (h) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE

1 IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR
2 STATISTICS CONSUMER PRICE INDEX, OR A SUCCESSOR INDEX, FOR
3 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID FOR BY URBAN
4 CONSUMERS.

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

7 (j) "ON-BILL REPAYMENT PROGRAM" MEANS A UTILITY'S ON-BILL
8 REPAYMENT PROGRAM THROUGH WHICH ENERGY EFFICIENCY MEASURES,
9 ELECTRIFICATION MEASURES, AND ENERGY UPGRADES INSTALLED AT A
10 PARTICIPATING CUSTOMER'S PREMISES THAT IS ASSOCIATED WITH THE
11 UTILITY METER ARE FINANCED THROUGH LOANS THAT ARE REPAYED
12 THROUGH MONTHLY UTILITY BILL PAYMENTS.

13 (k) "PERFORMANCE STANDARDS" HAS THE MEANING SET FORTH IN
14 SECTION 25-7-142 (2)(s).

15 (l) "PERFORMANCE STANDARD REQUIREMENTS" MEANS THE
16 PERFORMANCE STANDARD REQUIREMENTS SET FORTH IN SECTION 25-7-142
17 (8) AND (8.5) WITH WHICH AN OWNER OF A NONEXEMPT COVERED
18 BUILDING IS REQUIRED TO COMPLY.

19 (3) **Enterprise created.** (a) THE BUILDING DECARBONIZATION
20 ENTERPRISE IS CREATED IN THE OFFICE AND EXERCISES ITS POWERS AND
21 PERFORMS ITS DUTIES AND FUNCTIONS AS A GOVERNMENT-OWNED
22 BUSINESS IN THE OFFICE TO EXECUTE ITS BUSINESS PURPOSES SET FORTH
23 IN THIS SUBSECTION (3). THE ENTERPRISE IS CREATED FOR THE PURPOSES
24 OF:

25 (I) IMPOSING AND ASSESSING BUILDING DECARBONIZATION FEES
26 ON OWNERS OF COVERED BUILDINGS;

27 (II) PROVIDING TECHNICAL ASSISTANCE, FINANCING, AND OTHER

1 PROGRAMMATIC SUPPORT FOR COVERED BUILDING OWNERS' BUILDING
2 DECARBONIZATION MEASURES, INCLUDING, BUT NOT LIMITED TO,
3 FINANCING OF OWNERS' PARTICIPATION IN AN ON-BILL REPAYMENT
4 PROGRAM, BUILDING ENERGY AUDITS, CONSULTING BUILDING ENGINEERS,
5 PURCHASING ENERGY USE TRACKING SOFTWARE, AND PROVIDING
6 TRAINING ON SUCH SOFTWARE; AND

7 (III) ENSURING THAT THE BUILDING DECARBONIZATION FEES PAID
8 BY COVERED BUILDING OWNERS ARE USED SOLELY TO SUPPORT
9 PROGRAMS, TECHNICAL ASSISTANCE, AND FINANCIAL ASSISTANCE FOR THE
10 COVERED BUILDING OWNERS THAT PAY THE BUILDING DECARBONIZATION
11 FEES.

12 (b) THE BOARD, IN CONSULTATION WITH THE OFFICE, SHALL
13 ADMINISTER THE ENTERPRISE IN ACCORDANCE WITH THIS SECTION.

14 (c) (I) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR
15 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO
16 LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
17 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS, AS
18 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
19 LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN
20 ENTERPRISE, THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE
21 X OF THE STATE CONSTITUTION.

22 (II) THE ENTERPRISE IS AUTHORIZED TO ISSUE REVENUE BONDS FOR
23 THE EXPENSES OF THE ENTERPRISE, SECURED BY REVENUE OF THE
24 ENTERPRISE.

25 (4) **Enterprise board of directors created - membership -**
26 **duties - repeal.** (a) THE ENTERPRISE BOARD OF DIRECTORS IS CREATED TO
27 ADMINISTER THE ENTERPRISE. THE BOARD CONSISTS OF THE FOLLOWING

1 SEVEN MEMBERS:

2 (I) THE FOLLOWING FOUR MEMBERS APPOINTED BY THE GOVERNOR
3 AND CONFIRMED BY THE SENATE:

4 (A) A REPRESENTATIVE OF COVERED BUILDING OWNERS;

5 (B) AN EXPERT IN BUILDING ENERGY EFFICIENCY AND
6 DECARBONIZATION;

7 (C) A LOCAL GOVERNMENT REPRESENTATIVE WITH EXPERTISE IN
8 PLANNING OR ENERGY CODES; AND

9 (D) A UTILITY REPRESENTATIVE;

10 (II) THE DIRECTOR OF THE OFFICE OR THE DIRECTOR'S DESIGNEE;

11 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
12 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
13 AND

14 (IV) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION OR THE
15 DIRECTOR'S DESIGNEE.

16 (b) (I) THE GOVERNOR SHALL APPOINT INITIAL MEMBERS TO THE
17 BOARD PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION ON OR
18 BEFORE SEPTEMBER 1, 2025.

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

20 (c) (I) BOARD MEMBERS APPOINTED PURSUANT TO SUBSECTION
21 (4)(a)(I) OF THIS SECTION SERVE THREE-YEAR TERMS. A BOARD MEMBER
22 MAY SERVE AN UNLIMITED NUMBER OF TERMS.

23 (II) NOTWITHSTANDING SUBSECTION (4)(c)(I) OF THIS SECTION,
24 THE GOVERNOR SHALL MAKE THE INITIAL TERMS OF TWO OF THE BOARD
25 MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION (4)(a)(I) OF
26 THIS SECTION TWO YEARS.

27 (d) BOARD MEMBERS SERVING PURSUANT TO SUBSECTION (4)(a)(I)

1 OF THIS SECTION MAY RECEIVE COMPENSATION FROM THE ENTERPRISE ON
2 A PER DIEM BASIS FOR REASONABLE EXPENSES ACTUALLY INCURRED IN
3 THE PERFORMANCE OF THEIR DUTIES.

4 (e) (I) THE CHAIR AND VICE-CHAIR OF THE BOARD ARE SELECTED
5 BY THE MEMBERS OF THE BOARD IN ACCORDANCE WITH THE BOARD'S
6 BYLAWS.

7 (II) (A) THE DIRECTOR OF THE OFFICE OR THE DIRECTOR'S
8 DESIGNEE SHALL CALL THE FIRST MEETING OF THE BOARD, AND THE BOARD
9 SHALL SELECT THE CHAIR AND VICE-CHAIR AT THAT MEETING IN
10 ACCORDANCE WITH SUBSECTION (4)(e)(I) OF THIS SECTION.

11 (B) THIS SUBSECTION (4)(e)(II) IS REPEALED, EFFECTIVE JULY 1,
12 2026.

13 (5) **Powers and duties - building decarbonization fee.** (a) IN
14 ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN THIS SECTION,
15 THE BOARD HAS THE FOLLOWING POWERS AND DUTIES ON BEHALF OF THE
16 ENTERPRISE:

17 (I) TO ADOPT PROCEDURES FOR CONDUCTING THE BOARD'S
18 AFFAIRS;

19 (II) TO ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS,
20 AND THE STAFF OF THE OFFICE FOR PROFESSIONAL AND TECHNICAL
21 ASSISTANCE AND ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO
22 THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE WITHOUT REGARD TO
23 THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24. THE
24 ENTERPRISE SHALL ENGAGE THE ATTORNEY GENERAL'S OFFICE FOR LEGAL
25 SERVICES. THE ENTERPRISE MAY CONTRACT WITH THE OFFICE FOR THE
26 PROVISION OF OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE
27 ENTERPRISE AT A FAIR MARKET RATE.

1 (III) TO ESTABLISH AND ADMINISTER A PROGRAM THROUGH WHICH
2 OWNERS OF COVERED BUILDINGS MAY APPLY FOR, AND THE BOARD MAY
3 REVIEW AND APPROVE APPLICATIONS FOR, FINANCING OR TECHNICAL
4 ASSISTANCE FOR BUILDING DECARBONIZATION MEASURES, INCLUDING, BUT
5 NOT LIMITED TO, PARTICIPATING IN ON-BILL REPAYMENT PROGRAMS THAT
6 HELP FINANCE ENERGY EFFICIENCY MEASURES, ELECTRIFICATION
7 MEASURES, AND OTHER ENERGY UPGRADES; CONDUCTING BUILDING
8 ENERGY AUDITS; EMPLOYING OR CONSULTING WITH BUILDING ENGINEERS;
9 AND PURCHASING ENERGY USE TRACKING SOFTWARE AND PROVIDING
10 TRAINING ON SUCH SOFTWARE;

11 (IV) TO IMPOSE THE BUILDING DECARBONIZATION FEE DESCRIBED
12 IN SUBSECTION (5)(b) OF THIS SECTION; AND

13 (V) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
14 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
15 GRANTED BY THIS SECTION.

16 (b) (I) BEGINNING IN STATE FISCAL YEAR 2026-27 AND IN
17 FURTHERANCE OF THE ENTERPRISE'S BUSINESS PURPOSES, THE BOARD
18 SHALL IMPOSE THE BUILDING DECARBONIZATION FEE ON ALL COVERED
19 BUILDING OWNERS.

20 (II) ON OR BEFORE NOVEMBER 1, 2026, AND ON OR BEFORE EACH
21 NOVEMBER 1 OF EACH YEAR THEREAFTER, AND EXCEPT AS PROVIDED IN
22 SUBSECTION (5)(b)(III) OF THIS SECTION, EACH OWNER OF A COVERED
23 BUILDING SHALL PAY A BUILDING DECARBONIZATION FEE IN AN AMOUNT
24 OF FOUR HUNDRED DOLLARS TO THE OFFICE, WHICH SHALL COLLECT THE
25 BUILDING DECARBONIZATION FEE ON BEHALF OF THE ENTERPRISE.

26 (III) BEGINNING IN STATE FISCAL YEAR 2026-27, THE BOARD
27 SHALL INCREASE THE FEE FROM THE PREVIOUS YEAR'S FEE, AS ADJUSTED

1 FOR INFLATION AND, ON OR BEFORE MARCH 15 OF EACH OF THE STATE
2 FISCAL YEARS THEREAFTER, SHALL NOTIFY THE OFFICE OF THE ADJUSTED
3 AMOUNT OF THE FEE. ON OR BEFORE APRIL 15 OF EACH OF THE STATE
4 FISCAL YEARS THEREAFTER, THE OFFICE SHALL PUBLISH THE UPDATED
5 AMOUNT OF THE FEE ON THE OFFICE'S WEBSITE.

6 (IV) MONEY COLLECTED AS A BUILDING DECARBONIZATION FEE
7 SHALL BE CREDITED TO THE FUND.

8 (V) MONEY COLLECTED BY THE OFFICE FOR TRANSFER TO THE
9 FUND PURSUANT TO SUBSECTION (5)(b)(IV) OF THIS SECTION:

10 (A) IS COLLECTED FOR THE ENTERPRISE;

11 (B) IS CUSTODIAL MONEY INTENDED FOR THE ENTERPRISE AND
12 HELD TEMPORARILY BY THE OFFICE AND THE STATE TREASURER SOLELY
13 FOR THE PURPOSE OF TRANSFERRING THE MONEY TO THE FUND FOR USE BY
14 THE ENTERPRISE; AND

15 (C) BASED ON THE ENTERPRISE'S STATUS AS AN ENTERPRISE, IS
16 NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
17 AT ANY TIME DURING THE MONEY'S COLLECTION, TRANSFER, AND USE.

18 (6) **Building decarbonization enterprise cash fund - creation**
19 **- repeal.** (a) THE BUILDING DECARBONIZATION ENTERPRISE CASH FUND
20 IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF:

21 (I) MONEY RECEIVED AS BUILDING DECARBONIZATION FEES
22 PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION;

23 (II) ANY MONEY RECEIVED FROM THE ISSUANCE OF REVENUE
24 BONDS, AS DESCRIBED IN SUBSECTION (3)(c)(II) OF THIS SECTION; AND

25 (III) ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
26 APPROPRIATE OR TRANSFER TO THE FUND.

27 (b) (I) SECTION 24-77-108 DOES NOT APPLY TO THE ENTERPRISE

1 BECAUSE THE TOTAL AMOUNT OF MONEY CREDITED OR APPROPRIATED TO
2 THE FUND AS BUILDING DECARBONIZATION FEES SHALL NOT EXCEED ONE
3 HUNDRED MILLION DOLLARS IN THE FIRST FIVE YEARS OF THE ENTERPRISE'S
4 EXISTENCE.

5 (II) THIS SUBSECTION (6)(b) IS REPEALED, EFFECTIVE JULY 1, 2031.

6 (c) MONEY CREDITED TO THE FUND IS CONTINUOUSLY
7 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS
8 SECTION AND TO PAY THE ENTERPRISE'S REASONABLE AND NECESSARY
9 OPERATING EXPENSES. THE STATE TREASURER SHALL CREDIT ALL
10 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
11 MONEY IN THE FUND TO THE FUND.

12 (d) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
13 IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND IS
14 NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND.

15 **SECTION 5.** In Colorado Revised Statutes, 25-7-122, **amend**
16 (1)(b) introductory portion and (1)(i) as follows:

17 **25-7-122. Civil penalties - rules - definitions.** (1) Upon
18 application of the division, the division may collect penalties as
19 determined under this article 7 by instituting an action in the district court
20 for the district in which the air pollution source affected is located, in
21 accordance with the following provisions:

22 (b) Any person who violates any requirement or prohibition of a
23 final order of the division or commission, an applicable emission control
24 regulation of the commission, the state implementation plan, a
25 construction permit, any provision for the prevention of significant
26 deterioration under part 2 of this article 7, any provision related to
27 attainment under part 3 of this article 7, or any provision of or

1 commission rule adopted pursuant to section 25-7-105, 25-7-106,
2 25-7-106.3, 25-7-108, 25-7-109, 25-7-109.5, 25-7-111, 25-7-112,
3 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-141, ~~25-7-142,~~
4 25-7-146, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, 42-4-403,
5 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, 42-4-410, or
6 42-4-414 is subject to a civil penalty of not more than forty-seven
7 thousand three hundred fifty-seven dollars per day for each day of the
8 violation; except that:

9 (i) ~~(I) On and after January 1, 2024, and except as provided in~~
10 ~~subsection (1)(i)(II) of this section, an owner of a covered building that~~
11 ~~violates section 25-7-142 (3) or (6) is subject to a civil penalty of up to~~
12 ~~five hundred dollars for a first violation and up to two thousand dollars~~
13 ~~for each subsequent violation. As part of the requirement that the~~
14 ~~commission adopt rules to establish performance standards pursuant to~~
15 ~~section 25-7-142 (8)(c), the commission shall establish by rule, with~~
16 ~~regard to a violation of the performance standards, civil penalties in an~~
17 ~~amount not to exceed two thousand dollars for a first violation and five~~
18 ~~thousand dollars for a subsequent violation.~~

19 ~~(II) The division shall not assess a civil penalty for a violation~~
20 ~~related to a public building.~~

21 ~~(HH) Notwithstanding section 25-7-129, the division shall transmit~~
22 ~~civil penalties collected pursuant to this subsection (1)(i) to the state~~
23 ~~treasurer, who~~ SUBSECTION (1)(b) OF THIS SECTION, AS PAID BY OWNERS
24 OF COVERED BUILDINGS FOR A VIOLATION OF SECTION 25-7-142, shall
25 ~~credit them~~ BE CREDITED to the climate change mitigation and adaptation
26 fund created in section 24-38.5-102.6.

27 ~~(IV) As used in this subsection (1)(i):~~

1 (A) ~~"Covered building" has the meaning set forth in section~~
2 ~~25-7-142 (2)(j).~~

3 (B) ~~"Owner" has the meaning set forth in section 25-7-142 (2)(r).~~

4 **SECTION 6.** In Colorado Revised Statutes, 24-38.5-403, **add** (4)
5 as follows:

6 **24-38.5-403. Energy code training - energy code adoption -**
7 **grant writing assistance.** (4) NOTWITHSTANDING SUBSECTION (3) OF
8 THIS SECTION, THE COLORADO ENERGY OFFICE MAY USE FUNDING
9 PROVIDED THROUGH SUBSECTION (3) OF THIS SECTION TO COVER THE
10 COSTS OF THE TASK FORCE CREATED IN SECTION 25-7-142 (8.5) AND THE
11 COSTS TO THE COLORADO ENERGY OFFICE FOR PARTICIPATING IN
12 RULE-MAKING THAT THE AIR QUALITY CONTROL COMMISSION ENGAGES IN
13 PURSUANT TO SECTION 25-7-142.

14 **SECTION 7.** In Colorado Revised Statutes, 24-38.5-102.6,
15 **amend** (1) introductory portion and (1)(a) as follows:

16 **24-38.5-102.6. Climate change mitigation and adaptation fund**
17 **- creation - use.** (1) The climate change mitigation and adaptation fund,
18 referred to in this section as the "fund", is ~~hereby~~ created in the state
19 treasury. The fund consists of:

20 (a) Civil penalties credited to the fund pursuant to ~~section~~
21 ~~25-7-122 (1)(i)(HH)~~ SECTION 25-7-122 (1)(b) AND (1)(i);

22 **SECTION 8.** In Colorado Revised Statutes, 24-38.5-112, **amend**
23 (1)(a)(IV) as follows:

24 **24-38.5-112. Building performance program - duties of the**
25 **office - county assessor records database - fees - definitions.** (1) The
26 Colorado energy office shall implement a building performance program
27 as follows:

1 (a) Based on county assessor records and other available sources
2 of information, the office shall administer the building performance
3 program by:

4 (IV) In a form and manner determined by the office, in
5 consultation with the division of administration in the department of
6 public health and environment, periodically providing the division with
7 a list of noncompliant owners for the division's enforcement of the
8 building performance program pursuant to ~~section 25-7-122 (1)(i)~~
9 SECTIONS 25-7-115, 25-7-121, AND 25-7-122 (1)(b) AND (1)(i).

10 **SECTION 9. Applicability.** This act applies to conduct occurring
11 on or after the effective date of this act.

12 **SECTION 10. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.