

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

HB22-1362 be amended as follows:

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.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS
10 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
28 THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (2) OF
29 THIS SECTION.

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

31 (A) HAS THE ELECTRICAL PANEL CAPACITY AND CONDUIT
32 INSTALLED TO SUPPORT FUTURE IMPLEMENTATION OF ELECTRICAL
33 VEHICLE CHARGING WITH A MINIMUM OF TWO HUNDRED EIGHT VOLTS AND
34 A MINIMUM OF FORTY-AMPERE RATED CIRCUITS; AND

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

38 (II) "EV CAPABLE" INCLUDES TWO ADJACENT PARKING SPACES IF
39 THE CONDUIT FOR THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION
40 (1)(d)(I)(A) OF THIS SECTION TERMINATES ADJACENT TO AND BETWEEN

1 BOTH PARKING SPACES.

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

3 (A) HAS THE ELECTRICAL PANEL CAPACITY, RACEWAY WIRING,

4 RECEPTACLE, AND CIRCUIT OVERPROTECTION DEVICES INSTALLED TO

5 SUPPORT FUTURE IMPLEMENTATION OF ELECTRICAL VEHICLE CHARGING

6 WITH A MINIMUM OF TWO HUNDRED EIGHT VOLTS AND A MINIMUM OF

7 FORTY-AMPERE RATED CIRCUITS; AND

8 (B) IS ADJACENT TO THE RECEPTACLE FOR THE ELECTRICAL

9 FACILITIES DESCRIBED IN SUBSECTION (1)(e)(I)(A) OF THIS SECTION.

10 (II) "EV READY" INCLUDES TWO ADJACENT PARKING SPACES IF THE

11 RECEPTACLE FOR THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION

12 (1)(e)(I)(A) OF THIS SECTION IS INSTALLED ADJACENT TO AND BETWEEN

13 BOTH PARKING SPACES.

14 (f) "EV SUPPLY EQUIPMENT" MEANS:

15 (I) AN ELECTRIC VEHICLE CHARGING SYSTEM AS DEFINED IN

16 SECTION 38-12-601 (6)(a) THAT HAS POWER CAPACITY OF AT LEAST 6.2

17 KILOWATTS AND HAS THE ABILITY TO CONNECT TO THE INTERNET; OR

18 (II) AN INDUCTIVE RESIDENTIAL CHARGING SYSTEM FOR

19 BATTERY-POWERED ELECTRIC VEHICLES THAT:

20 (A) IS CERTIFIED BY UNDERWRITERS LABORATORIES OR AN

21 EQUIVALENT CERTIFICATION;

22 (B) COMPLIES WITH THE CURRENT VERSION OF ARTICLE 625 OF THE

23 NATIONAL ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE

24 PROTECTION ASSOCIATION, AND OTHER APPLICABLE INDUSTRY

25 STANDARDS;

26 (C) IS ENERGY STAR CERTIFIED; AND

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

28 (g) "INDIVIDUAL WITH A DISABILITY" HAS THE SAME MEANING AS

29 SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF

30 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND

31 IMPLEMENTING REGULATIONS.

32 (h) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE

33 ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, OR

34 SUBSEQUENT CODE OR ENTITY.

35 (i) "MIXED FUEL USE BUILDING" MEANS A RESIDENTIAL OR

36 COMMERCIAL BUILDING THAT IS DESIGNED AND BUILT WITH EQUIPMENT

37 THAT USES GASEOUS FUELS ON SITE IN ADDITION TO ELECTRICITY.

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

39 (I) BUILDING ELECTRICAL SERVICE, SIZED FOR THE ANTICIPATED

40 LOAD OF ELECTRIC VEHICLE CHARGING STATIONS, THAT HAS OVER

41 CURRENT PROTECTION DEVICES NECESSARY FOR ELECTRIC VEHICLE

42 CHARGING STATIONS OR HAS ADEQUATE SPACE TO ADD OVER CURRENT

43 PROTECTION DEVICES;

1 (II) A CONDUIT SYSTEM INSTALLED FROM BUILDING ELECTRICAL
2 SERVICE TO PARKING SPACES THAT CAN SUPPORT, AT A MINIMUM,
3 ELECTRICAL WIRING FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING
4 STATIONS, AND, IF THE CONDUIT SYSTEM IS FOR FUTURE INSTALLATION OF
5 ELECTRIC VEHICLE CHARGING STATIONS, THAT LABELS BOTH ENDS OF THE
6 CONDUIT SYSTEM TO MARK THE CONDUIT SYSTEM AS PROVIDED FOR
7 FUTURE ELECTRIC VEHICLE CHARGING STATIONS; AND
8 (III) SPACE WITHIN A BUILDING TO ADD ADDITIONAL BUILDING
9 ELECTRICAL SERVICE FOR INSTALLATION OF ELECTRICAL SERVICE
10 CAPACITY FOR ELECTRIC VEHICLE CHARGING STATIONS.
11 (k) "SOLAR READY" MEANS ADEQUATE PANEL CAPACITY,
12 DEDICATED ELECTRICAL PANEL SPACE, ELECTRICAL CONDUIT, PHYSICAL
13 ROOF SPACE, AND STRUCTURAL LOAD TO ACCOMMODATE FUTURE
14 INSTALLATION OF SOLAR PANELS, WITH EXEMPTIONS FOR SMALL ROOFS
15 AND CONSISTENTLY SHADED ROOFS.
16 (l) "STATE AGENCIES" MEANS THE OFFICE OF THE STATE
17 ARCHITECT, THE DIVISION OF FIRE PREVENTION AND CONTROL, AND THE
18 DIVISION OF HOUSING.
19 (2) **Appointment of the energy code board.** ON OR BEFORE
20 OCTOBER 1, 2022, THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND
21 THE DEPARTMENT OF LOCAL AFFAIRS SHALL APPOINT AND CONVENE AN
22 ENERGY CODE BOARD TO DEVELOP BOTH A MODEL ELECTRIC READY AND
23 SOLAR READY CODE AND A MODEL LOW ENERGY AND CARBON CODE FOR
24 ADOPTION BY COUNTIES, MUNICIPALITIES, AND STATE AGENCIES.
25 (3) (a) **Membership of the energy code board.** THE ENERGY
26 CODE BOARD CONSISTS OF THE FOLLOWING MEMBERS APPOINTED BY THE
27 DIRECTOR OF THE COLORADO ENERGY OFFICE:
28 (I) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
29 DIRECTOR'S DESIGNEE;
30 (II) ONE MEMBER REPRESENTING THE URBAN COUNTIES OF THE
31 STATE;
32 (III) ONE MEMBER REPRESENTING THE MUNICIPALITIES IN RURAL
33 AREAS OF THE STATE;
34 (IV) TWO MEMBERS REPRESENTING ENVIRONMENTAL OR
35 SUSTAINABILITY GROUPS;
36 (V) ONE MEMBER WHO IS A SOLAR POWER EXPERT;
37 (VI) ONE MEMBER WHO IS AN ENERGY EFFICIENCY EXPERT;
38 (VII) ONE MEMBER WITH BUILDING DESIGN OR OPERATION
39 EXPERTISE; AND
40 (VIII) ONE MEMBER WHO IS A BUILDING ENERGY CODE EXPERT.
41 (b) THE ENERGY CODE BOARD CONSISTS OF THE FOLLOWING
42 MEMBERS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF LOCAL
43 AFFAIRS:

1 (I) THE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR THE
2 DIRECTOR'S DESIGNEE;
3 (II) ONE MEMBER REPRESENTING THE RURAL COUNTIES OF THE
4 STATE;
5 (III) ONE MEMBER REPRESENTING THE MUNICIPALITIES IN URBAN
6 AREAS OF THE STATE;
7 (IV) TWO MEMBERS REPRESENTING AFFORDABLE HOUSING
8 OPERATIONS:
9 (A) ONE OF THESE MEMBERS MUST REPRESENT A HOME OWNERSHIP
10 FOCUSED ON FOR-RENT NONPROFIT BUILDER WHO SERVES POPULATIONS
11 WITH INCOMES UNDER EIGHTY PERCENT OF AN AREA'S MEDIAN INCOME;
12 AND
13 (B) ONE OF THESE MEMBERS MUST REPRESENT A NONPROFIT
14 AFFORDABLE FOR-SALE HOUSING BUILDER;
15 (V) ONE MEMBER WHO HAS DIRECT EXPERIENCE IN, OR IS A
16 MEMBER OF AN ORGANIZATION REPRESENTING WORKERS IN, MECHANICAL,
17 PLUMBING, OR ELECTRICAL WORK;
18 (VI) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
19 FOR HOME BUILDING PROFESSIONALS;
20 (VII) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
21 OF GENERAL CONSTRUCTION CONTRACTORS;
22 (VIII) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
23 OF SPECIALTY CONSTRUCTION CONTRACTORS;
24 (c) ONE OF THE MEMBERS IDENTIFIED IN SUBSECTIONS (3)(a)(II),
25 (3)(a)(III), (3)(b)(II), OR (3)(b)(III) OF THIS SECTION MUST BE A BUILDING
26 CODE OFFICIAL.
27 (d) IN ORDER TO BE SELECTED BY THE DIRECTOR OF THE
28 COLORADO ENERGY OFFICE OR THE DIRECTOR OF THE DEPARTMENT OF
29 LOCAL AFFAIRS AS A MEMBER OF THE ENERGY CODE BOARD, AN APPLICANT
30 MUST SUBMIT WITH THEIR APPLICATION A RECOMMENDATION FROM A
31 RELEVANT MEMBER OR TRADE ORGANIZATION, IF SUCH MEMBER OR TRADE
32 ORGANIZATION EXISTS. IN MAKING APPOINTMENTS TO THE ENERGY CODE
33 BOARD, THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND THE
34 DEPARTMENT OF LOCAL AFFAIRS SHALL STRIVE TO ENSURE GEOGRAPHIC
35 DIVERSIFY AND THAT EACH OF THE THREE MAJOR CLIMATE ZONES IN THE
36 STATE IS REPRESENTED.
37 (e) IF ANY MEMBER OF THE ENERGY CODE BOARD STEPS DOWN,
38 OTHERWISE ELECTS TO NO LONGER SERVE, OR OTHERWISE CAN NO LONGER
39 SERVE ON THE ENERGY CODE BOARD, THE DIRECTORS OF THE COLORADO
40 ENERGY OFFICE AND THE DEPARTMENT OF LOCAL AFFAIRS SHALL SELECT
41 THAT MEMBER'S REPLACEMENT ACCORDING TO THE SAME CRITERIA THAT
42 THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND THE DEPARTMENT
43 OF LOCAL AFFAIRS USED IN ORIGINALLY SELECTING THE MEMBER.

1 (f) THE ENERGY CODE BOARD SHALL ADOPT POLICIES AND
2 PROCEDURES AS NECESSARY TO MEET THE REQUIREMENTS OF THIS
3 SECTION.

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

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

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

14 (III) ONE MEMBER OF THE ENERGY CODE BOARD SELECTED TO
15 REPRESENT EITHER URBAN OR RURAL COUNTIES WHO WAS SELECTED TO
16 SERVE ON THE ENERGY CODE BOARD PURSUANT TO SUBSECTION (3)(a)(II)
17 OR (3)(b)(II) OF THIS SECTION;

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

22 (V) THE MEMBER OF THE ENERGY CODE BOARD WHO IS A BUILDING
23 ENERGY CODE EXPERT AND WHO WAS SELECTED TO SERVE ON THE ENERGY
24 CODE BOARD PURSUANT TO SUBSECTION (3)(a)(VIII) OF THIS SECTION.

25 (b) EITHER THE MEMBER OF THE EXECUTIVE COMMITTEE SELECTED
26 PURSUANT TO SUBSECTION (4)(a)(III) OF THIS SECTION OR THE MEMBER OF
27 THE EXECUTIVE COMMITTEE SELECTED PURSUANT TO SUBSECTION
28 (4)(a)(IV) OF THIS SECTION MUST BE A BUILDING CODE OFFICIAL.

29 (5)(a) **Duty of the energy code board to adopt a model electric**
30 **ready and solar ready code.** IT IS THE DUTY OF THE ENERGY CODE
31 BOARD TO DEVELOP A MODEL ELECTRIC READY AND SOLAR READY CODE
32 ON OR BEFORE JUNE 1, 2023, FOR ADOPTION BY COUNTIES,
33 MUNICIPALITIES, AND STATE AGENCIES.

34 (b) THE MODEL ELECTRIC READY AND SOLAR READY CODE
35 DEVELOPED BY THE ENERGY CODE BOARD MUST APPLY TO COMMERCIAL
36 AND RESIDENTIAL BUILDINGS AND MUST INCLUDE:

37 (I) SOLAR READY REQUIREMENTS;

38 (II) EV READY AND EV CAPABLE REQUIREMENTS FOR RESIDENTIAL
39 BUILDINGS;

40 (III) EV READY, EV CAPABLE, AND EV SUPPLY EQUIPMENT
41 INSTALLED REQUIREMENTS FOR MULTI-FAMILY AND COMMERCIAL
42 BUILDINGS WITH PROVISIONS FOR ELECTRICAL SERVICE CAPACITY IN
43 TWENTY PERCENT OR MORE OF THE VEHICLE PARKING SPACES IN THE

1 GARAGE OR PARKING AREA;

2 (IV) ELECTRIC READY REQUIREMENTS FOR ALL SINGLE-FAMILY

3 RESIDENTIAL MIXED FUEL USE BUILDINGS;

4 (V) ELECTRIC READY REQUIREMENTS FOR MULTI-FAMILY AND

5 SMALL COMMERCIAL MIXED FUEL USE BUILDINGS UNDER TEN THOUSAND

6 SQUARE FEET;

7 (VI) REQUIREMENTS THAT MULTI-FAMILY AND LARGE

8 COMMERCIAL MIXED FUEL USE BUILDINGS THAT ARE TEN THOUSAND

9 SQUARE FEET OR GREATER PROVIDE DEDICATED ELECTRIC PANEL SPACE,

10 ELECTRICAL WIRE, ELECTRICAL RECEPTACLES, AND ADEQUATE PANEL

11 CAPACITY TO ACCOMMODATE THE FUTURE INSTALLATION OF EFFICIENT,

12 ELECTRIC TECHNOLOGIES AND CHARGING FOR ELECTRIC VEHICLES. THESE

13 REQUIREMENTS MUST TAKE INTO ACCOUNT THE COST-EFFECTIVENESS OF

14 PRE-WIRING FOR EFFICIENT ELECTRIC EQUIPMENT AND THE ABILITY TO

15 DETERMINE WHAT WIRING AND RECEPTACLE LOCATIONS WOULD BE

16 NEEDED; AND

17 (VII) A PROCESS TO WAIVE ENERGY CODE REQUIREMENTS WHEN

18 THERE HAS BEEN A DECLARED NATURAL DISASTER THAT HAS DESTROYED

19 BUILDINGS OR OTHER CIRCUMSTANCES AS DETERMINED BY THE ENERGY

20 CODE BOARD.

21 (c) IN DEVELOPING A MODEL ELECTRIC READY AND SOLAR READY

22 CODE, THE ENERGY CODE BOARD SHALL:

23 (I) ENSURE THAT BUILDINGS CAN BE CONVERTED TO HIGH

24 EFFICIENCY ELECTRIC SPACE AND WATER HEATING EQUIPMENT AND

25 APPLIANCES AT THE LOWEST POSSIBLE COST TO BUILDING OWNERS;

26 (II) IN DEVELOPING THE MODEL ELECTRIC READY AND SOLAR

27 READY CODE LANGUAGE FOR MULTI-FAMILY AND LARGE COMMERCIAL

28 MIXED FUEL USE FOR BUILDINGS TEN THOUSAND SQUARE FEET OR

29 GREATER, THE ENERGY CODE BOARD SHALL DEVELOP CLEAR GUIDELINES

30 TO BE INCLUDED IN THE MODEL ENERGY READY AND SOLAR READY CODE

31 THAT SEEK TO MINIMIZE THE COSTS THAT BUILDERS, BUILDING OWNERS,

32 AND DEVELOPERS INCUR IN MEETING ELECTRIC READY AND SOLAR READY

33 CODE REQUIREMENTS WHILE ALSO ENSURING THAT BUILDINGS CAN BE

34 CONVERTED TO HIGH EFFICIENCY ELECTRIC SPACE AND WATER HEATING

35 EQUIPMENT AND APPLIANCES AT THE LOWEST POSSIBLE COST TO BUILDING

36 OWNERS. THESE GUIDELINES MUST INCLUDE PROVISIONS FOR:

37 (A) A STANDARD METHODOLOGY FOR DETERMINING HOW TO

38 CALCULATE OR MEASURE WHEN COMPLIANCE WITH A MODEL ELECTRIC

39 AND SOLAR READY CODE REACHES A SUBSTANTIAL COST DIFFERENTIAL

40 THAT WOULD REQUIRE A WAIVER OR VARIANCE FOR SOME OR ALL OF THE

41 PROVISIONS OF THE MODEL ELECTRIC AND SOLAR READY CODE; AND

42 (B) AN EVIDENCE-BASED, UNIFORM WAIVER OR VARIANCE

43 PROCESS TO ALLOW A BUILDER, DEVELOPER, OR BUILDING OWNER TO

1 REQUEST A WAIVER WHEN IT CAN BE DEMONSTRATED WITH REASONABLE
2 EVIDENCE THAT COMPLIANCE WILL CREATE A SUBSTANTIAL COST
3 DIFFERENTIAL; AND
4 (C) AS USED IN THIS SUBSECTION (5)(c)(II), "SUBSTANTIAL COST
5 DIFFERENTIAL" MEANS ONE PERCENT OR GREATER OF THE TOTAL
6 MECHANICAL, ELECTRICAL, OR PLUMBING CONSTRUCTION COSTS ON THE
7 PROJECT;
8 (III) TAKE INTO ACCOUNT HOME AFFORDABILITY;
9 (IV) (A) ENSURE THAT THE MODEL ELECTRIC READY AND SOLAR
10 READY CODE DEVELOPED BY THE ENERGY CODE BOARD DOES NOT APPLY
11 TO CONSTRUCTION OR RENOVATION THAT SERVES THE PRIMARY PURPOSE
12 OF MAKING A BUILDING ACCESSIBLE OR MORE ACCESSIBLE FOR AN
13 INDIVIDUAL WITH A DISABILITY.
14 (B) AS USED IN THIS SUBSECTION (5)(c)(IV), "ACCESSIBLE" MEANS
15 ABLE TO BE APPROACHED, ENTERED, AND USED; AND
16 (V) ENSURE THAT THE USE OF AN ACCEPTABLE REFRIGERANT IS
17 NOT PROHIBITED.
18 (6) (a) **Duty of the energy code board to adopt a model low**
19 **energy and carbon code.** IT IS THE DUTY OF THE ENERGY CODE BOARD TO
20 DEVELOP A MODEL LOW ENERGY AND CARBON CODE ON OR BEFORE JUNE
21 1, 2025, FOR ADOPTION BY COUNTIES, MUNICIPALITIES, AND STATE
22 AGENCIES.
23 (b) THE MODEL LOW ENERGY AND CARBON CODE DEVELOPED BY
24 THE ENERGY CODE BOARD MUST APPLY TO COMMERCIAL AND RESIDENTIAL
25 BUILDINGS AND MUST:
26 (I) INCLUDE THE MORE ENERGY EFFICIENT OF EITHER THE 2021 OR
27 2024 INTERNATIONAL ENERGY CONSERVATION CODE, EXCEPT AS THE
28 ENERGY CODE BOARD MAY MODIFY THOSE INTERNATIONAL ENERGY
29 CONSERVATION CODES PURSUANT TO SUBSECTION (7) OF THIS SECTION,
30 INCLUDING ANY APPENDICES TO THE INTERNATIONAL ENERGY
31 CONSERVATION CODE THAT THE ENERGY CODE BOARD DEEMS
32 APPROPRIATE;
33 (II) INCLUDE THE MODEL ELECTRIC READY AND SOLAR READY
34 CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD
35 PURSUANT TO SUBSECTION (5) OF THIS SECTION, AND MODIFIED AS THE
36 ENERGY CODE BOARD DEEMS APPROPRIATE;
37 (III) PROVIDE COMPLIANCE PATHWAYS FOR ALL-ELECTRIC AND
38 MIXED FUEL USE RESIDENTIAL AND COMMERCIAL BUILDINGS;
39 (IV) EXEMPT ELECTRICITY CONSUMPTION IN RESIDENTIAL AND
40 COMMERCIAL BUILDINGS FROM ANY ONSITE OR OFFSITE RENEWABLE
41 ENERGY REQUIREMENTS;
42 (V) ALLOW PROJECTS CONSISTING OF ONLY REPLACING A SPACE OR
43 WATER HEATING SYSTEM, AT THE END OF THAT SYSTEM'S USEFUL LIFE,

1 WITH THE INSTALLATION OF A NEW SYSTEM USING THE SAME FUEL OR
2 POWER SOURCE, WITHOUT TRIGGERING PRE-WIRE REQUIREMENTS;

3 (VI) ENSURE THAT FOR ANY RENEWABLE ENERGY MEASURES USED
4 TO ENSURE THAT A HOME OR COMMERCIAL BUILDING IS COMPLIANT WITH
5 THE MODEL LOW ENERGY AND CARBON CODE DEVELOPED BY THE ENERGY
6 CODE BOARD, ANY ELECTRIC RENEWABLE ENERGY CREDITS GENERATED
7 MAY NOT BE DOUBLE COUNTED BETWEEN COMPLIANCE WITH THIS SECTION
8 AND THE REQUIREMENTS UNDER SECTION 25-7-105 (1)(e), SECTION
9 40-3.2-108 (3)(b), SECTION 40-2-125.5, OR ANY SIMILAR GREENHOUSE GAS
10 EMISSION REDUCTION PROGRAM OR SET OF REQUIREMENTS. NOTHING IN
11 THIS SECTION SHALL PRECLUDE A UTILITY FROM ACQUIRING RENEWABLE
12 ENERGY CREDITS FROM A BUILDING OWNER THROUGH A NET-METERING
13 AGREEMENT.

14 (VII) TAKE INTO ACCOUNT HOME AFFORDABILITY; AND

15 (VIII) CREATE A PROCESS TO WAIVE ENERGY CODE REQUIREMENTS
16 WHEN THERE HAS BEEN A DECLARED NATURAL DISASTER THAT HAS
17 DESTROYED BUILDINGS OR OTHER CIRCUMSTANCES AS DETERMINED BY
18 THE ENERGY CODE BOARD.

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

21 (I) (A) ENSURE THAT THE MODEL ELECTRIC READY AND SOLAR
22 READY CODE DEVELOPED BY THE ENERGY CODE BOARD DOES NOT APPLY
23 TO CONSTRUCTION OR RENOVATION THAT SERVES THE PRIMARY PURPOSE
24 OF MAKING A BUILDING ACCESSIBLE OR MORE ACCESSIBLE FOR AN
25 INDIVIDUAL WITH A DISABILITY;

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

28 (II) ENSURE THAT THE USE OF AN ACCEPTABLE REFRIGERANT IS
29 NOT PROHIBITED.

30 (7) **Option to relax international energy conservation code**
31 **appendices.** THE ENERGY CODE BOARD MAY AS NECESSARY RELAX THE
32 STRINGENCY OF ANY REQUIREMENTS IN THE INTERNATIONAL ENERGY
33 CONSERVATION CODE, INCLUDING APPENDICES THAT IT ADOPTS AS PART
34 OF THE MODEL LOW ENERGY AND CARBON CODE LANGUAGE IT DEVELOPS
35 PURSUANT TO SUBSECTION (5) OF THIS SECTION IF IT DEEMS THAT DOING
36 SO IS APPROPRIATE, BUT THE ENERGY CODE BOARD SHALL NOT INCREASE
37 THE STRINGENCY OF ANY REQUIREMENTS IN THE INTERNATIONAL ENERGY
38 CONSERVATION CODE INCLUDING APPENDICES THAT IT ADOPTS AS PART OF
39 THE MODEL LOW ENERGY AND CARBON CODE LANGUAGE IT DEVELOPS
40 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

41 (8) (a) **Process for model code development.** IN ORDER TO
42 DEVELOP EITHER THE MODEL ELECTRIC READY AND SOLAR READY CODE
43 PURSUANT TO SUBSECTION (5) OF THIS SECTION OR THE MODEL LOW

1 ENERGY AND CARBON CODE PURSUANT TO SUBSECTION (6) OF THIS
2 SECTION, TWO-THIRDS OF THE MEMBERS OF THE ENERGY CODE BOARD
3 MUST APPROVE EACH ELEMENT OF THE MODEL CODE.

4 (b) IF TWO-THIRDS OF THE ENERGY CODE BOARD FAIL TO ADOPT
5 ANY ELEMENT OF THE MODEL ELECTRIC READY AND SOLAR READY CODE
6 ON OR BEFORE APRIL 1, 2023, THE EXECUTIVE COMMITTEE SHALL VOTE ON
7 THAT SAME ELEMENT ON OR BEFORE MAY 15, 2023. IF TWO-THIRDS OF THE
8 ENERGY CODE BOARD FAIL TO ADOPT AN ELEMENT OF THE MODEL LOW
9 ENERGY AND CARBON CODE ON OR BEFORE FEBRUARY 1, 2025, THE
10 EXECUTIVE COMMITTEE SHALL VOTE ON THAT SAME ELEMENT ON OR
11 BEFORE MARCH 15, 2025.

12 (c) IF THE ENERGY CODE BOARD FAILS TO ADOPT ANY ELEMENT OF
13 THE MODEL ELECTRIC READY AND SOLAR READY CODE REQUIRED BY
14 SUBSECTION (5) OF THIS SECTION ON OR BEFORE APRIL 1, 2023, THE
15 EXECUTIVE COMMITTEE SHALL VOTE ON THAT SAME ELEMENT ON OR
16 BEFORE MAY 15, 2023. IF THE ENERGY CODE BOARD FAILS TO ADOPT AN
17 ELEMENT OF THE MODEL LOW ENERGY AND CARBON CODE REQUIRED BY
18 SUBSECTION (6) OF THIS SECTION ON OR BEFORE FEBRUARY 1, 2025, THE
19 EXECUTIVE COMMITTEE SHALL VOTE ON THAT SAME ELEMENT ON OR
20 BEFORE MARCH 15, 2025.

21 (d) UPON A VOTE OF THE MAJORITY OF THE EXECUTIVE
22 COMMITTEE, AN ELEMENT THAT THE ENERGY CODE BOARD FAILED TO
23 ADOPT IS ADOPTED AS PART OF EITHER THE MODEL ELECTRIC READY AND
24 SOLAR READY CODE OR THE MODEL LOW ENERGY AND CARBON CODE IS
25 ADOPTED AS AN ELEMENT OF THE RESPECTIVE MODEL CODE.

26 (e) DURING THE DEVELOPMENT OF BOTH THE MODEL ELECTRIC
27 READY AND SOLAR READY CODE AND THE MODEL LOW ENERGY AND
28 CARBON CODE, THE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR
29 THE DIRECTOR'S DESIGNEE AND THE DIRECTOR OF THE COLORADO ENERGY
30 OFFICE OR THE DIRECTOR'S DESIGNEE SHALL ENSURE THAT THE ENERGY
31 CODE BOARD ADHERES TO THE REQUIREMENTS OF THIS SECTION.

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

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

1 **24-38.5-402. Energy code training - energy code adoption -**
2 **grant writing assistance.** (1) (a) THE COLORADO ENERGY OFFICE SHALL
3 PROVIDE ENERGY CODE TRAINING TO ASSIST LOCAL GOVERNMENTS,
4 DIVISIONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, BUILDERS,
5 AND CONTRACTORS IN ADOPTING AND IMPLEMENTING THE 2021
6 INTERNATIONAL ENERGY CONSERVATION CODE, ELECTRIC READY AND
7 SOLAR READY CODES, AND LOW ENERGY AND CARBON CODES. THE
8 TRAINING ITSELF AND THE MATERIALS PROVIDED ALONG WITH THIS
9 TRAINING MUST BE IN BOTH ENGLISH AND SPANISH.
10 (b) IF THE COLORADO ENERGY OFFICE IS ABLE TO OBTAIN
11 FUNDING, THE COLORADO ENERGY OFFICE SHALL PROVIDE FINANCIAL
12 ASSISTANCE THROUGH AN APPLICATION PROCESS TO SUPPORT THE
13 ADOPTION AND ENFORCEMENT BY LOCAL GOVERNMENTS OF THE 2021
14 INTERNATIONAL ENERGY CONSERVATION CODE, AN ELECTRIC READY AND
15 SOLAR READY CODE, AND A LOW ENERGY AND CARBON CODE.
16 (2) THE COLORADO ENERGY OFFICE SHALL ADOPT POLICIES AND
17 PROCEDURES AS NECESSARY FOR THE CREATION AND ADMINISTRATION OF
18 A GRANT PROGRAM TO AWARD THE GRANTS DESCRIBED IN SUBSECTION
19 (3)(a)(I) OF THIS SECTION, INCLUDING POLICIES AND PROCEDURES THAT AT
20 A MINIMUM ESTABLISH THE APPLICATION PROCESS AND THE GRANT AWARD
21 CRITERIA.
22 (3) (a) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
23 SUBSECTION (3)(a), THE STATE TREASURER SHALL TRANSFER THREE
24 MILLION DOLLARS FROM THE GENERAL FUND TO THE ENERGY FUND
25 CREATED IN SECTION 24-38.5-102.4. THE COLORADO ENERGY OFFICE
26 SHALL EXPEND THE MONEY TRANSFERRED BY THE GENERAL ASSEMBLY
27 PURSUANT TO THIS SUBSECTION (3)(a) FOR THE PURPOSES OF:
28 (I) ISSUING GRANTS, NOT TO EXCEED A TOTAL OF TWO MILLION
29 DOLLARS, TO LOCAL GOVERNMENTS TO SUPPORT THEIR ADOPTION AND
30 ENFORCEMENT OF THE 2021 INTERNATIONAL ENERGY CONSERVATION
31 CODE, AN ELECTRIC READY AND SOLAR READY CODE, AND A LOW ENERGY
32 AND CARBON CODE AND TO COVER THE DIRECT AND INDIRECT COSTS
33 ASSOCIATED WITH ISSUING THESE GRANTS; AND
34 (II) PROVIDING ENERGY CODE TRAINING AND TECHNICAL
35 ASSISTANCE, INCLUDING GRANT WRITING ASSISTANCE, NOT TO EXCEED A
36 TOTAL COST OF ONE MILLION DOLLARS, TO ASSIST LOCAL GOVERNMENTS
37 AND DIVISIONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT IN
38 ADOPTING AND ENFORCING THE 2021 INTERNATIONAL ENERGY
39 CONSERVATION CODE, AN ELECTRIC READY AND SOLAR READY CODE, A
40 LOW ENERGY AND CARBON CODE, OR A GREEN CODE AND COVERING THE
41 DIRECT AND INDIRECT COSTS ASSOCIATED WITH ALIGNING ENERGY CODES
42 AND WITH PROVIDING THIS TRAINING AND TECHNICAL ASSISTANCE.
43 (b) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS

1 SUBSECTION (3)(b), THE STATE TREASURER SHALL TRANSFER ONE MILLION
2 DOLLARS FROM THE GENERAL FUND TO THE ENERGY FUND CREATED IN
3 SECTION 24-38.5-102.4. THE COLORADO ENERGY OFFICE SHALL EXPEND
4 THE MONEY TRANSFERRED BY THE GENERAL ASSEMBLY PURSUANT TO THIS
5 SUBSECTION (3)(b) FOR THE PURPOSE OF PROVIDING ENERGY CODE
6 TRAINING TO ASSIST ARCHITECTS, BUILDERS, CONTRACTORS, AND
7 DESIGNERS IN IMPLEMENTING THE 2021 INTERNATIONAL ENERGY
8 CONSERVATION CODE, ELECTRIC READY AND SOLAR READY CODES, AND
9 LOW ENERGY AND CARBON CODES. THE TRAINING AND MATERIALS
10 PROVIDED ALONG WITH THIS TRAINING MUST BE IN BOTH ENGLISH AND
11 SPANISH.

12 **24-38.5-403. Building electrification for public buildings grant**
13 **program - creation - report - legislative declaration.** (1) THE GENERAL
14 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

17 (b) MANY PUBLIC BUILDINGS OWNED BY LOCAL GOVERNMENTS,
18 SCHOOL DISTRICTS, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER
19 GOVERNMENTAL ENTITIES ARE OLDER BUILDINGS WITH BOTH HIGH ENERGY
20 COSTS AND EMISSIONS;

21 (c) ENERGY PERFORMANCE CONTRACTING IS AN IMPORTANT TOOL
22 THAT GOVERNMENTAL ENTITIES CAN USE TO UPGRADE THE ENERGY
23 PERFORMANCE OF BUILDINGS BY FINANCING ENERGY UPGRADES BASED ON
24 PROJECTED SAVINGS IN ENERGY COSTS;

25 (d) NEWER TECHNOLOGIES SUCH AS COLD CLIMATE HEAT PUMPS
26 AND HEAT PUMP WATER HEATERS OFFER MANY OPPORTUNITIES TO REDUCE
27 GREENHOUSE GAS AND NITROGEN OXIDE EMISSIONS AND IMPROVE INDOOR
28 AIR QUALITY; AND

29 (e) THEREFORE, IT IS IMPORTANT FOR STATE INVESTMENTS TO
30 SUPPORT PUBLIC AGENCIES IN INCLUDING HIGH-EFFICIENCY ELECTRIC
31 HEATING UPGRADES IN ENERGY PERFORMANCE CONTRACTS FOR PUBLIC
32 BUILDINGS.

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

39 (3) GRANTEEES MAY USE MONEY RECEIVED THROUGH THE BUILDING
40 ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM FOR THE
41 FOLLOWING PURPOSES:

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

1 (b) THE PURCHASE OF ELECTRICAL INSTALLATIONS AND UPGRADES
2 NECESSARY TO SUPPORT THE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC
3 EQUIPMENT;

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

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

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

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

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

30 (7)(a) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT AN
31 APPLICATION TO THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH
32 THE POLICIES AND PROCEDURES SPECIFIED BY THE COLORADO ENERGY
33 OFFICE.

34 (b) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL
35 ASSISTANCE IN APPLYING FOR GRANTS THROUGH THE BUILDING
36 ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM AS NEEDED TO
37 ELIGIBLE ENTITIES FROM LOW-INCOME, DISPROPORTIONATELY IMPACTED
38 COMMUNITIES, OR JUST TRANSITION COMMUNITIES AS THOSE
39 COMMUNITIES ARE IDENTIFIED BY THE COLORADO ENERGY OFFICE.

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

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

8 (A) A DESCRIPTION OF THE GRANTS AWARDED, INCLUDING A
9 DESCRIPTION OF THE PROJECTS FUNDED BY THE GRANTS AS DESCRIBED TO
10 THE COLORADO ENERGY OFFICE IN THE GRANT APPLICATIONS;

11 (B) THE PERCENTAGE OF GRANTS AWARDED TO LOW-INCOME,
12 DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST TRANSITION
13 COMMUNITIES AND TO INDIVIDUALS WITH A DISABILITY OR ENTITIES THAT
14 USED THE GRANTS TO PROVIDE A SERVICE FOR INDIVIDUALS WITH A
15 DISABILITY; AND

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

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

19 **24-38.5-404. High-efficiency electric heating and appliances**
20 **grant program - creation - report - legislative declaration - repeal.**

21 (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES
22 THAT:

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

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

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

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

38 (e) THEREFORE, IT IS IMPORTANT FOR THE STATE TO SUPPORT
39 INVESTMENTS IN NEIGHBORHOOD-SCALE ENERGY EFFICIENCY UPGRADES.

40 (2) THERE IS CREATED IN THE COLORADO ENERGY OFFICE THE
41 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
42 TO PROVIDE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION, LOCAL
43 GOVERNMENTS, UTILITIES, NONPROFIT ORGANIZATIONS, BUSINESSES AND

1 OTHER ENTITIES AS DETERMINED BY THE COLORADO ENERGY OFFICE, AND
2 HOUSING DEVELOPERS FOR THE INSTALLATION OF HIGH-EFFICIENCY
3 ELECTRIC HEATING EQUIPMENT IN MULTIPLE STRUCTURES WITHIN A
4 NEIGHBORHOOD.

5 (3) GRANTEES MAY USE THE MONEY RECEIVED THROUGH THE
6 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
7 FOR THE FOLLOWING PURPOSES:

8 (a) THE PURCHASE AND INSTALLATION OF HIGH-EFFICIENCY
9 ELECTRIC EQUIPMENT FOR SPACE HEATING, WATER HEATING, OR COOKING
10 IN MULTIPLE RESIDENTIAL OR COMMERCIAL BUILDINGS LOCATED IN CLOSE
11 PROXIMITY;

12 (b) THE PURCHASE OF ELECTRICAL INSTALLATIONS AND UPGRADES
13 NECESSARY TO SUPPORT THE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC
14 EQUIPMENT;

15 (c) THE PURCHASE AND INSTALLATION OF OTHER INNOVATIVE
16 BUILDING HEATING TECHNOLOGIES THAT THE COLORADO ENERGY OFFICE
17 DETERMINES WILL LIKELY ACHIEVE EQUAL OR LOWER LEVELS OF
18 GREENHOUSE GAS EMISSIONS THAN HIGH-EFFICIENCY HEAT PUMPS
19 OPERATED ON THE PROJECTED 2030 ELECTRIC GRID; AND

20 (d) IN THE CASE OF LOCAL GOVERNMENTS, ELECTRIC AND GAS
21 UTILITIES, NONPROFIT ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES
22 AS DETERMINED BY THE COLORADO ENERGY OFFICE, OR HOUSING
23 DEVELOPERS THAT OPERATE IN LOW-INCOME, DISPROPORTIONATELY
24 IMPACTED COMMUNITIES OR JUST TRANSITION COMMUNITIES AS THOSE
25 COMMUNITIES ARE IDENTIFIED BY THE COLORADO ENERGY OFFICE, TO
26 COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE PURCHASE AND
27 INSTALLATION DESCRIBED IN SUBSECTIONS (3)(a), (3)(b), AND (3)(c) OF
28 THIS SECTION.

29 (4) THE COLORADO ENERGY OFFICE SHALL ADMINISTER THE
30 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM,
31 AWARD GRANTS AS PROVIDED IN THIS SECTION, AND DEVELOP POLICIES
32 AND PROCEDURES AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

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

35 (6) THE COLORADO ENERGY OFFICE MAY DEVELOP POLICIES AND
36 PROCEDURES PRIORITIZING THE GRANT APPLICATIONS OF LOCAL
37 GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT
38 ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY
39 THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS THAT OPERATE
40 IN LOW-INCOME, DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST
41 TRANSITION COMMUNITIES AS THOSE COMMUNITIES ARE IDENTIFIED BY
42 THE COLORADO ENERGY OFFICE, AND THE COLORADO ENERGY OFFICE
43 SHALL AWARD AT LEAST THIRTY PERCENT OF THE TOTAL AMOUNT OF

1 MONEY IT AWARDS THROUGH GRANTS PURSUANT TO THE HIGH-EFFICIENCY
2 ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM TO SUCH LOCAL
3 GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT
4 ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY
5 THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS.

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

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

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

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

32 (A) A DESCRIPTION OF THE GRANTS AWARDED, INCLUDING A
33 DESCRIPTION OF THE PROJECTS FUNDED BY THE GRANTS AS DESCRIBED TO
34 THE COLORADO ENERGY OFFICE IN THE GRANT APPLICATIONS;

35 (B) THE PERCENTAGE OF GRANTS AWARDED TO LOW-INCOME,
36 DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST TRANSITION
37 COMMUNITIES AND TO INDIVIDUALS WITH A DISABILITY OR ENTITIES THAT
38 USED THE GRANTS TO PROVIDE A SERVICE FOR INDIVIDUALS WITH A
39 DISABILITY; AND

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

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

43 **24-38.5-405. Clean air building investments fund - creation -**

1 **use of fund.** (1) THE CLEAN AIR BUILDING INVESTMENTS FUND, REFERRED
2 TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY.
3 THE PRINCIPAL OF THE FUND CONSISTS OF MONEY TRANSFERRED TO THE
4 FUND FROM THE GENERAL FUND AND GIFTS, GRANTS, AND DONATIONS.
5 INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF
6 MONEY IN THE FUND ARE CREDITED TO THE FUND.

7 (2) ALL MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
8 THE COLORADO ENERGY OFFICE. THE COLORADO ENERGY OFFICE MAY
9 EXPEND MONEY FROM THE FUND FOR THE CREATION, IMPLEMENTATION,
10 AND ADMINISTRATION OF:

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

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

15 (3) (a) ON THE EFFECTIVE DATE OF THIS SECTION, OR AS SOON AS
16 POSSIBLE THEREAFTER, THE STATE TREASURER SHALL TRANSFER
17 TWENTY-ONE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

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

23 (c) THE COLORADO ENERGY OFFICE SHALL USE ELEVEN MILLION
24 DOLLARS OF THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (3)
25 FOR THE CREATION, IMPLEMENTATION, AND ADMINISTRATION OF THE
26 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
27 CREATED IN SECTION 24-38.5-404.

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

30 **12-115-107. Board powers and duties - rules - definition.**

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

33 (a) (I) Adopt, and from time to time revise, rules pursuant to
34 section 12-20-204. In adopting the rules, the board shall be governed
35 when appropriate by the standards in the most current edition of the
36 national electrical code or by any modifications to the standards made by
37 the board after a hearing is held pursuant to the provisions of article 4 of
38 title 24. These standards are adopted as the minimum standards governing
39 the planning, laying out, and installing or the making of additions,
40 alterations, and repairs in the installation of wiring apparatus and
41 equipment for electric light, heat, and power in this state. A copy of the
42 code shall be kept in the office of the board and open to public inspection.
43 Nothing contained in this section prohibits any city, town, county, city

1 and county, or qualified state institution of higher education from making
2 and enforcing any such standards that are more stringent than the
3 minimum standards adopted by the board, and any city, town, county, city
4 and county, or qualified state institution of higher education that adopts
5 more stringent standards shall furnish a copy thereof to the board. The
6 standards adopted by the board shall be prima facie evidence of minimum
7 approved methods of construction for safety to life and property. The
8 affirmative vote of two-thirds of all appointed members of the board is
9 required to set any standards that are different from those set forth in the
10 national electrical code. If requested in writing, the board shall send a
11 copy of newly adopted standards and rules to any interested party at least
12 thirty days before the implementation and enforcement of the standards
13 or rules. The copies may be furnished for a fee established pursuant to
14 section 12-20-105.

15 (II) IN THE EVENT OF A CONFLICT BETWEEN THE 2021
16 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2024 INTERNATIONAL
17 ENERGY CONSERVATION CODE, OR ANY ENERGY CODES ADOPTED BY
18 EITHER A LOCAL GOVERNMENT OR DIVISIONS IN THE EXECUTIVE BRANCH
19 OF STATE GOVERNMENT AND THE NATIONAL ELECTRIC CODE OR THE
20 STANDARDS ADOPTED BY THE BOARD PURSUANT TO THIS SUBSECTION
21 (2)(a), THE NATIONAL ELECTRIC CODE OR THE STANDARDS ADOPTED BY
22 THE BOARD PURSUANT TO THIS SUBSECTION (2)(a) PREVAILS.

23 **SECTION 3.** In Colorado Revised Statutes, 12-155-106, **add**
24 (4.5) as follows:

25 **12-155-106. Colorado plumbing code - amendments -**
26 **variances - Colorado fuel gas code.** (4.5) IN THE EVENT OF A CONFLICT
27 BETWEEN THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE, THE
28 2024 INTERNATIONAL ENERGY CONSERVATION CODE, OR ANY ENERGY
29 CODES ADOPTED BY EITHER A LOCAL GOVERNMENT OR DIVISIONS IN THE
30 EXECUTIVE BRANCH OF STATE GOVERNMENT AND THE COLORADO
31 PLUMBING CODE, THE COLORADO PLUMBING CODE PREVAILS.

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

34 **24-30-1303. Office of the state architect - responsibilities.**
35 (1) The office of the state architect shall:

36 (ff) (I) (A) ON OR BEFORE JANUARY 1, 2025, ADOPT AND ENFORCE
37 AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER ENERGY
38 PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY CONSERVATION
39 CODE AND THE MODEL ELECTRIC READY AND SOLAR READY CODE
40 LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD
41 PURSUANT TO SECTION 24-38.5-401 (5). THIS ENERGY CODE MUST APPLY
42 TO ALL CONSTRUCTION BY STATE AGENCIES ON STATE-OWNED PROPERTIES
43 OR FACILITIES OR ON PROPERTIES OR FACILITIES THAT ARE LEASED BY THE

1 STATE UNDER A FINANCED PURCHASE OF AN ASSET OR CERTIFICATE OF
2 PARTICIPATION AGREEMENT.

3 (B) ON OR BEFORE JANUARY 1, 2030, ADOPT AND ENFORCE AN
4 ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER ENERGY AND
5 CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW ENERGY AND
6 CARBON CODE DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD
7 PURSUANT TO SECTION 24-38.5-401 (6). THIS ENERGY CODE MUST APPLY
8 TO ALL CONSTRUCTION BY STATE AGENCIES ON STATE-OWNED PROPERTIES
9 OR FACILITIES OR ON PROPERTIES OR FACILITIES THAT ARE LEASED BY THE
10 STATE UNDER A FINANCED PURCHASE OF AN ASSET OR CERTIFICATE OF
11 PARTICIPATION AGREEMENT.

12 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
13 SUBSECTION (1)(ff), THE OFFICE OF THE STATE ARCHITECT MAY MAKE ANY
14 AMENDMENTS TO AN ENERGY CODE THAT THE OFFICE OF THE STATE
15 ARCHITECT DEEMS APPROPRIATE, SO LONG AS THE AMENDMENTS DO NOT
16 DECREASE THE EFFECTIVENESS OR ENERGY EFFICIENCY OF THE ENERGY
17 CODE.

18 (III) NOTHING IN THIS SUBSECTION (1)(ff) RESTRICTS THE ABILITY
19 OF AN INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC
20 UTILITIES COMMISSION TO:

21 (A) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
22 SERVICES TO HELP THE OFFICE OF THE STATE ARCHITECT OR BUILDERS
23 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (1)(ff); OR

24 (B) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS TOWARD
25 ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE GAS
26 EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED BY
27 THE UTILITY TO HELP THE OFFICE OF THE STATE ARCHITECT OR BUILDERS
28 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (1)(ff).

29 (IV) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
30 UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
31 EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE OFFICE
32 OF THE STATE ARCHITECT OR ANY BUILDERS IN COMPLYING WITH THE
33 REQUIREMENTS OF THIS SUBSECTION (1)(ff).

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

40 (B) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
41 COMMISSION SHALL NOT BE ALLOWED TO COUNT ENERGY SAVINGS OR
42 GREENHOUSE GAS EMISSIONS REDUCTIONS ACHIEVED THROUGH THE
43 REQUIREMENTS OF THIS SUBSECTION (1)(ff) FOR THE PURPOSE OF

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

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

7 **24-32-3305. Rules - advisory committee - energy code -**
8 **enforcement.** (3) EXCEPT WHEN ADOPTING AN ENERGY CODE PURSUANT
9 TO SUBSECTION (3.5) OF THIS SECTION, the board must consult with and
10 obtain the advice of an advisory committee on residential and
11 nonresidential structures in the drafting and promulgation of rules. The
12 committee consists of twelve members appointed by the division from the
13 following professional and technical disciplines: One from architecture,
14 one from structural engineering, three from building code enforcement,
15 one from mechanical engineering or contracting, one from electrical
16 engineering or contracting, one from the plumbing industry, one from the
17 construction design or producer industry, two from manufactured
18 housing, and one from organized labor. Committee members shall be
19 reimbursed for actual and necessary expenses incurred while engaged in
20 official duties.

21 (3.5) (a) (I) ON OR BEFORE JANUARY 1, 2025, THE DIVISION SHALL
22 ADOPT AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
23 BETTER ENERGY PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY
24 CONSERVATION CODE AND THE MODEL ELECTRIC READY AND SOLAR
25 READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE
26 BOARD PURSUANT TO SECTION 24-38.5-401 (5). THIS ENERGY CODE MUST
27 APPLY TO FACTORY-BUILT STRUCTURES AND HOTELS, MOTELS, AND
28 MULTI-FAMILY STRUCTURES IN AREAS OF THE STATE WHERE NO
29 CONSTRUCTION STANDARDS FOR HOTELS, MOTELS, AND MULTI-FAMILY
30 STRUCTURES EXIST.

31 (II) ON OR BEFORE JANUARY 1, 2030, THE DIVISION SHALL ADOPT
32 AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
33 ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW
34 ENERGY AND CARBON CODE DEVELOPED FOR ADOPTION BY THE ENERGY
35 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6). THIS ENERGY CODE
36 MUST APPLY TO FACTORY-BUILT STRUCTURES AND HOTELS, MOTELS, AND
37 MULTI-FAMILY STRUCTURES IN AREAS OF THE STATE WHERE NO
38 CONSTRUCTION STANDARDS FOR HOTELS, MOTELS, AND MULTI-FAMILY
39 STRUCTURES EXIST.

40 (b) NOTHING IN THIS SUBSECTION (3.5) ESTABLISHES STANDARDS
41 APPLICABLE TO MANUFACTURED HOMES CONSTRUCTED PURSUANT TO THE
42 "NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY
43 STANDARDS ACT OF 1974", ESTABLISHED IN 42 U.S.C. SEC. 5401, ET SEQ.,

1 AND ANY CORRESPONDING REGULATIONS PROMULGATED BY THE UNITED
2 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN 24 CFR
3 3280, ET SEQ.

4 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
5 SUBSECTION (3.5), THE DIVISION MAY MAKE ANY AMENDMENTS TO AN
6 ENERGY CODE THAT THE DIVISION DEEMS APPROPRIATE, SO LONG AS THE
7 AMENDMENTS DO NOT DECREASE THE EFFECTIVENESS OR ENERGY
8 EFFICIENCY OF THE ENERGY CODE.

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

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

15 (II) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS TOWARD
16 ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE GAS
17 EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED BY
18 THE UTILITY TO HELP THE DIVISION OR BUILDERS COMPLY WITH THE
19 REQUIREMENTS OF THIS SUBSECTION (3.5).

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

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

31 (II) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
32 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS
33 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS
34 SUBSECTION (3.5) FOR THE PURPOSE OF CALCULATING A SHAREHOLDER
35 INCENTIVE ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND
36 40-3.2-104 (5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL
37 INVESTMENT FOR CODE ADOPTION AS DOCUMENTED IN A PLAN APPROVED
38 BY THE COMMISSION.

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

41 **24-33.5-1203. Duties of division.** (1) The division shall perform
42 the following duties:

43 (x) (I) (A) ON OR BEFORE JANUARY 1, 2025, THE DIVISION SHALL

1 ADOPT AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
2 BETTER ENERGY PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY
3 CONSERVATION CODE AND THE MODEL ELECTRIC READY AND SOLAR
4 READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE
5 BOARD PURSUANT TO SECTION 24-38.5-401 (5). THIS ENERGY CODE MUST
6 APPLY TO THE BUILDINGS DESCRIBED IN SECTIONS 22-32-124 (2),
7 23-71-122 (1)(v), AND 24-33.5-1212.5.

8 (B) ON OR BEFORE JANUARY 1, 2030, THE DIVISION SHALL ADOPT
9 AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
10 ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW
11 ENERGY AND CARBON CODE DEVELOPED FOR ADOPTION BY THE ENERGY
12 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6). THIS ENERGY CODE
13 MUST APPLY TO THE BUILDINGS DESCRIBED IN SECTIONS 22-32-124 (2),
14 23-71-122 (1)(v), 24-33.5-1212.5, 24-33.5-1213.3, AND 24-33.5-1213.5.

15 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
16 SUBSECTION (1)(x), THE DIVISION MAY MAKE ANY AMENDMENTS TO AN
17 ENERGY CODE THAT THE DIVISION DEEMS APPROPRIATE, SO LONG AS THE
18 AMENDMENTS DO NOT DECREASE THE EFFECTIVENESS OR ENERGY
19 EFFICIENCY OF THE ENERGY CODE.

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

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

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

31 (IV) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
32 UTILITIES COMMISSION MAY PROVIDE INCENTIVES AS THEY SO CHOOSE TO
33 ASSIST THE DIVISION OR ANY BUILDERS IN COMPLYING WITH THE
34 REQUIREMENTS OF THIS SUBSECTION (1)(x).

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

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

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

8 **30-28-211. Energy efficient building codes - legislative**
9 **declaration - definitions.** (1) The general assembly hereby finds and
10 declares that there is statewide interest in requiring an effective energy
11 efficient building code for the following reasons:

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

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

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

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

23 (b.5) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE
24 ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR A
25 SUCCESSOR ORGANIZATION.

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

34 (3.5) (a) A BOARD OF COUNTY COMMISSIONERS THAT HAS
35 ADOPTED AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT
36 UPDATES ONE OR MORE BUILDING CODES ON OR AFTER JULY 1, 2023, AND
37 BEFORE JULY 1, 2026, SHALL ADOPT AND ENFORCE AN ENERGY CODE THAT
38 ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN THE 2021
39 INTERNATIONAL ENERGY CONSERVATION CODE AND THE MODEL ELECTRIC
40 READY AND SOLAR READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY
41 THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5) AT THE
42 SAME TIME OTHER BUILDING CODES ARE UPDATED.

43 (b) A BOARD OF COUNTY COMMISSIONERS THAT HAS ADOPTED AND

1 ENFORCED ONE OR MORE BUILDING CODES, AND THAT UPDATES ONE OR
2 MORE BUILDING CODES ON OR AFTER JULY 1, 2026, SHALL ADOPT AND
3 BEGIN ENFORCING AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
4 BETTER ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL
5 LOW ENERGY AND CARBON CODE DEVELOPED FOR ADOPTION BY THE
6 ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6) AT THE
7 SAME TIME OTHER BUILDING CODES ARE UPDATED.

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

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

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

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

21 (a) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
22 SERVICES TO HELP THE BOARD OF COUNTY COMMISSIONERS OF ANY
23 COUNTY OR BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION;
24 OR

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

30 (9) 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 BOARD
33 OF COUNTY COMMISSIONERS OF ANY COUNTY OR ANY BUILDERS IN
34 COMPLYING WITH THE REQUIREMENTS OF THIS SECTION.

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

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

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

8 **31-15-602. Energy efficient building codes - legislative**
9 **declaration - definitions - repeal.** (1) The general assembly hereby finds
10 and declares that there is statewide interest in requiring an effective
11 energy efficient building code for the following reasons:

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

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

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

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

23 (b.5) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE
24 ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR A
25 SUCCESSOR ORGANIZATION.

26 (3) The governing body of any municipality ~~when adopting or~~
27 ~~updating any other building codes~~ THAT HAS ADOPTED AND ENFORCED
28 ONE OR MORE BUILDING CODES, OR THAT ADOPTS AND ENFORCES ONE OR
29 MORE BUILDING CODES AFTER JULY 1, 2022, shall adopt and enforce an
30 energy code that applies to the construction of, and MAJOR renovations
31 and additions to, all commercial and residential buildings AS REQUIRED
32 BY THE ENERGY CODE in the municipality to which the building code
33 applies.

34 (3.5) (a) THE GOVERNING BODY OF A MUNICIPALITY THAT HAS
35 ADOPTED AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT
36 UPDATES ONE OR MORE BUILDING CODES ON OR AFTER JULY 1, 2023, AND
37 BEFORE JULY 1, 2026, SHALL ADOPT AND ENFORCE AN ENERGY CODE THAT
38 ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN THE 2021
39 INTERNATIONAL ENERGY CONSERVATION CODE AND THE MODEL ELECTRIC
40 READY AND SOLAR READY CODE LANGUAGE EITHER DEVELOPED FOR
41 ADOPTION BY THE ENERGY CODE BOARD PURSUANT TO SECTION
42 24-38.5-401 (5) AT THE SAME TIME OTHER BUILDING CODES ARE UPDATED.

43 (b) THE GOVERNING BODY OF A MUNICIPALITY THAT HAS ADOPTED

1 AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT UPDATES ONE
2 OR MORE BUILDING CODES ON OR AFTER JULY 1, 2026, SHALL ADOPT AND
3 BEGIN ENFORCING AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
4 BETTER ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL
5 LOW ENERGY AND CARBON CODE LANGUAGE DEVELOPED FOR ADOPTION
6 BY THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6), AT
7 THE SAME TIME OTHER BUILDING CODES ARE UPDATED.

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

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

16 (5) The following buildings are exempt from subsections (3),
17 (3.5), and (4) of this section:

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

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

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

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

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

40 (b) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
41 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS
42 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS
43 SECTION FOR THE PURPOSE OF CALCULATING A SHAREHOLDER INCENTIVE

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

4 **SECTION 9.** In Colorado Revised Statutes, **repeal** article 7 of
5 title 6.

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

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

10 "EMISSIONS, AND, IN CONNECTION THEREWITH, REQUIRING THE
11 DIRECTOR OF THE COLORADO ENERGY OFFICE AND THE EXECUTIVE
12 DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS TO APPOINT AN
13 ENERGY CODE BOARD THAT DEVELOPS TWO MODEL CODES, REQUIRING
14 LOCAL GOVERNMENTS AND CERTAIN STATE AGENCIES TO ADOPT AND
15 ENFORCE CODES THAT ARE CONSISTENT WITH THE MODEL CODES
16 DEVELOPED BY THE ENERGY CODE BOARD, CREATING THE BUILDING
17 ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM, CREATING
18 THE HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT
19 PROGRAM, AND ESTABLISHING THE CLEAN AIR BUILDING INVESTMENTS
20 FUND."

** **