

HB1286_L.005

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB21-1286 be amended as follows:

1 Amend the Energy and Environment Committee Report, dated May 6,
2 2021, page 1, strike line 1 and substitute:

3 "Amend printed bill, page 3, line 6, strike the first "**declaration.**" and
4 substitute "**declaration - repeal.**".

5 Page 7 of the bill, line 16, strike "AND".

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

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

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

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

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

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

12 ""(10) **Task force recommendations for implementation -**
13 **repeal.** (a) (I) NO LATER THAN OCTOBER 1, 2021, THE DIRECTOR OF THE
14 OFFICE SHALL APPOINT AND CONVENE A TASK FORCE TO DEVELOP AND
15 PROVIDE RECOMMENDATIONS TO THE COMMISSION, THE GENERAL
16 ASSEMBLY, AND THE GOVERNOR ON MODIFICATIONS TO THE PERFORMANCE
17 STANDARDS FOR COVERED BUILDINGS SET FORTH IN SUBSECTION (8) OF
18 THIS SECTION. ANY RECOMMENDATIONS MUST BE APPROVED BY AT LEAST
19 TWO-THIRDS OF THE MEMBERS APPOINTED TO THE TASK FORCE.

20 (II) THE TASK FORCE MAY DEVELOP RECOMMENDATIONS
21 REGARDING THE RULES THAT THE COMMISSION MAY PROMULGATE:

22 (A) PURSUANT TO SUBSECTION (11)(a) OF THIS SECTION, FOR
23 MODIFICATIONS TO THE PERFORMANCE STANDARDS FOR PERFORMANCE
24 YEAR 2026 IF THE PERFORMANCE STANDARDS WOULD ACHIEVE A
25 REDUCTION IN CARBON DIOXIDE EMISSIONS FROM THE PERFORMANCE
26 STANDARDS SET FORTH IN SUBSECTION (8) OF THIS SECTION;

27 (B) PURSUANT TO SUBSECTION (11)(b) OF THIS SECTION, FOR
28 PERFORMANCE STANDARDS FOR PERFORMANCE YEAR 2031 AND BEYOND
29 IF THE RECOMMENDATIONS WOULD ALIGN WITH THE
30 GREENHOUSE-GAS-EMISSION-REDUCTION TARGETS SET FORTH IN SECTION
31 25-7-102 (2)(g).

1 (III) ADDITIONALLY, THE TASK FORCE MAY CONSIDER MAKING
2 RECOMMENDATIONS RELATED TO:

3 (A) WORKFORCE AVAILABILITY AND DEVELOPMENT RELATED TO
4 BUILDING ENERGY PERFORMANCE;

5 (B) FINANCIAL AND NONFINANCIAL COSTS AND BENEFITS OF
6 UPGRADED BUILDING ENERGY PERFORMANCE;

7 (C) AVAILABILITY OF PROGRAMS, TECHNICAL ASSISTANCE, AND
8 INCENTIVES TO SUPPORT BUILDING OWNERS, UTILITIES, AND LOCAL
9 GOVERNMENTS; AND

10 (D) OPPORTUNITIES TO IMPROVE COMMERCIAL BUILDING ENERGY
11 USE IN COLORADO.

12 (IV) IN DEVELOPING ITS RECOMMENDATIONS, THE TASK FORCE
13 MAY CONSIDER:

14 (A) BENCHMARKING DATA REPORTED PURSUANT TO SUBSECTION
15 (3) OF THIS SECTION;

16 (B) BENCHMARKING DATA FROM COMMUNITIES THAT ARE
17 CURRENTLY CONDUCTING COMMERCIAL BUILDING BENCHMARKING;

18 (C) ANY OTHER PUBLICLY AVAILABLE BUILDING BENCHMARKING
19 DATA THROUGH WHICH BENCHMARKING IS REPORTED TO A BUILDING
20 BENCHMARKING PROGRAM IN COLORADO; AND

21 (D) ANY OTHER INFORMATION THAT THE OFFICE DETERMINES IS
22 AVAILABLE REGARDING ENERGY USE IN COMMERCIAL BUILDINGS IN
23 COLORADO.

24 (b) (I) IF AT LEAST TWO-THIRDS OF THE MEMBERS APPOINTED TO
25 THE TASK FORCE AGREE ON RECOMMENDATIONS PURSUANT TO
26 SUBSECTION (10)(a)(II)(A) OF THIS SECTION, AND THE DIRECTOR OF THE
27 OFFICE IN CONSULTATION WITH THE COMMISSION DETERMINES THAT THE
28 RECOMMENDATIONS MEET THE CARBON DIOXIDE REDUCTION
29 REQUIREMENT SET FORTH IN SUBSECTION (10)(a)(II)(A) OF THIS SECTION,
30 THE DIVISION SHALL, ON OR BEFORE JULY 1, 2023, REQUEST THAT THE
31 COMMISSION, PURSUANT TO SUBSECTION (11)(a) OF THIS SECTION, PUBLISH
32 A NOTICE OF PROPOSED RULE-MAKING TO ADOPT RULES TO IMPLEMENT
33 THE TASK FORCE'S RECOMMENDATIONS.

34 (II) IF TWO-THIRDS OF THE MEMBERS OF THE TASK FORCE CANNOT
35 AGREE ON RECOMMENDATIONS OR IF THE DIRECTOR OF THE OFFICE IN
36 CONSULTATION WITH THE COMMISSION DETERMINES THAT THE TASK
37 FORCE'S RECOMMENDATIONS WOULD NOT MEET THE CARBON DIOXIDE
38 REDUCTION REQUIREMENT SET FORTH IN SUBSECTION (10)(a)(II)(A) OF
39 THIS SECTION, THE PERFORMANCE STANDARDS SET FORTH IN SUBSECTION
40 (8) OF THIS SECTION CONTINUE IN EFFECT UNTIL THE COMMISSION,
41 PURSUANT TO SUBSECTION (11)(b) OF THIS SECTION, ADOPTS ANY RULES
42 MODIFYING THE PERFORMANCE STANDARDS.

43 (c) ON OR BEFORE OCTOBER 1, 2022, THE TASK FORCE SHALL

1 DELIVER TO THE DIRECTOR OF THE OFFICE ANY INTERIM
2 RECOMMENDATIONS DEVELOPED. ON OR BEFORE JANUARY 1, 2023, THE
3 TASK FORCE SHALL DELIVER TO THE DIRECTOR OF THE OFFICE ANY FINAL
4 RECOMMENDATIONS DEVELOPED. THE DIRECTOR OF THE OFFICE SHALL
5 SEND COPIES OF THE TASK FORCE'S FINAL RECOMMENDATIONS TO THE
6 COMMISSION, THE GENERAL ASSEMBLY, AND THE GOVERNOR.

- 7 (d) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:
8 (I) THE DIRECTOR OF THE OFFICE OR THE DIRECTOR'S DESIGNEE;
9 (II) THE DIRECTOR OF THE DIVISION OR THE DIRECTOR'S DESIGNEE;
10 (III) TWO MEMBERS WHO ARE OWNERS OF COVERED BUILDINGS OR
11 WHO REPRESENT OWNERS OF COVERED BUILDINGS, WITH ONE
12 REPRESENTING OWNERS OF COMMERCIAL BUILDINGS AND ONE
13 REPRESENTING OWNERS OF MULTIFAMILY RESIDENTIAL BUILDINGS;
14 (IV) TWO MEMBERS WHO HAVE DIRECT EXPERIENCE IN, OR ARE
15 MEMBERS OF ORGANIZATIONS REPRESENTING WORKERS IN, MECHANICAL,
16 PLUMBING, OR ELECTRICAL WORK;
17 (V) ONE MEMBER REPRESENTING ARCHITECTS, BUILDING SYSTEM
18 ENGINEERS, OR OTHER DESIGN PROFESSIONALS;
19 (VI) ONE MEMBER REPRESENTING DEVELOPERS, CONSTRUCTION
20 ORGANIZATIONS, OR BUILDING CONTRACTORS;
21 (VII) ONE MEMBER REPRESENTING AN ELECTRIC UTILITY, A GAS
22 UTILITY, OR A COMBINED ELECTRIC AND GAS UTILITY;
23 (VIII) TWO MEMBERS OF ENVIRONMENTAL CONSERVATION OR
24 ENVIRONMENTAL JUSTICE GROUPS WITH EXPERIENCE IN ENERGY
25 EFFICIENCY OR THE BUILT ENVIRONMENT;
26 (IX) ONE MEMBER FROM A LOCAL GOVERNMENT THAT HAS
27 ENACTED OR ADOPTED A BENCHMARKING OR BUILDING ENERGY
28 PERFORMANCE ORDINANCE OR RESOLUTION;
29 (X) ONE MEMBER FROM A LOCAL GOVERNMENT THAT HAS NOT
30 ENACTED OR ADOPTED A BENCHMARKING OR BUILDING ENERGY
31 PERFORMANCE ORDINANCE OR RESOLUTION; AND
32 (XI) TWO MEMBERS WITH RELEVANT BUILDING PERFORMANCE
33 EXPERTISE, AS DETERMINED BY THE DIRECTOR OF THE OFFICE.

34 (e) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2025.

35 (11) **Performance standard rules.** (a) ON OR BEFORE JANUARY
36 1, 2024, IF THE DIVISION, PURSUANT TO SUBSECTION (10)(b) OF THIS
37 SECTION, REQUESTS THAT THE COMMISSION PUBLISH A NOTICE OF
38 PROPOSED RULE-MAKING TO ADOPT RULES TO IMPLEMENT
39 RECOMMENDATIONS OF THE TASK FORCE, THE COMMISSION MAY ENGAGE
40 IN SUCH A RULE-MAKING PROCEEDING TO MODIFY THE PERFORMANCE
41 STANDARDS FOR PERFORMANCE YEAR 2026.

42 (b) ON OR AFTER DECEMBER".".

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

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

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

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

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

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

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