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

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

PART 4
ENERGY CODE ADOPTION

24-38.5-401. Energy code board - appointment - creation - duties - definitions. (1) Definitions. As used in this section, unless the context otherwise requires:
(a) "Acceptable refrigerant" means a refrigerant that is:
(I) Listed as acceptable in 42 U.S.C. sec. 7671k of the federal "Clean Air Act" and used in equipment that is listed and installed pursuant to the use conditions imposed within that section; and
(II) Listed as acceptable in Appendix U and Appendix V of Subpart G of 40 CFR 82 and used in equipment that is listed and installed pursuant to the use conditions imposed within those appendices.
(b) "Electric ready" means adequate panel capacity, dedicated electric panel space, electrical wire, electrical receptacles, and adequate physical space to accommodate future installation of high-efficiency electric appliances including heating, water heating, cooking, drying, and an electric vehicle.
(c) "Energy code board" means the energy code board appointed by the directors of the Colorado energy office and the department of local affairs pursuant to subsection (2) of this section.
(d) (I) "EV capable" means a parking space that:
(A) Has the electrical panel capacity and conduit installed to support future implementation of electrical vehicle charging with a minimum of two hundred eighty volts and a minimum of forty-ampere rated circuits; and
(B) Is adjacent to the terminal point of the conduit from the electrical facilities described in subsection (1)(d)(I)(A) of this section.
(II) "EV capable" includes two adjacent parking spaces if the conduit for the electrical facilities described in subsection (1)(d)(I)(A) of this section terminates adjacent to and between
BOTH PARKING SPACES.

(e) (I) "EV ready" means a parking space that:
   (A) has the electrical panel capacity, raceway wiring, receptacle, and circuit overprotection devices installed to support future implementation of electrical vehicle charging with a minimum of two hundred eight volts and a minimum of forty-ampere rated circuits; and
   (B) is adjacent to the receptacle for the electrical facilities described in subsection (1)(e)(I)(A) of this section.

(II) "EV ready" includes two adjacent parking spaces if the receptacle for the electrical facilities described in subsection (1)(e)(I)(A) of this section is installed adjacent to and between both parking spaces.

(f) "EV supply equipment" means:
   (I) an electric vehicle charging system as defined in section 38-12-601 (6)(a) that has power capacity of at least 6.2 kilowatts and has the ability to connect to the internet; or
   (II) an inductive residential charging system for battery-powered electric vehicles that:
      (A) is certified by Underwriters Laboratories or an equivalent certification;
      (B) complies with the current version of article 625 of the National Electrical Code, published by the National Fire Protection Association, and other applicable industry standards;
      (C) is Energy Star certified; and
      (D) has the ability to connect to the internet.

(g) "Individual with a disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations.

(h) "International energy conservation code" means the energy code published by the International Code Council, or subsequent code or entity.

(i) "Mixed fuel use building" means a residential or commercial building that is designed and built with equipment that uses gaseous fuels on site in addition to electricity.

(j) "Provisions for electrical service capacity" means:
   (I) building electrical service, sized for the anticipated load of electric vehicle charging stations, that has over current protection devices necessary for electric vehicle charging stations or has adequate space to add over current protection devices;
(II) A conduit system installed from building electrical service to parking spaces that can support, at a minimum, electrical wiring for installation of electric vehicle charging stations, and, if the conduit system is for future installation of electric vehicle charging stations, that labels both ends of the conduit system to mark the conduit system as provided for future electric vehicle charging stations; and

(III) Space within a building to add additional building electrical service for installation of electrical service capacity for electric vehicle charging stations.

(k) "Solar ready" means adequate panel capacity, dedicated electrical panel space, electrical conduit, physical roof space, and structural load to accommodate future installation of solar panels, with exemptions for small roofs and consistently shaded roofs.

(l) "State agencies" means the Office of the State Architect, the Division of Fire Prevention and Control, and the Division of Housing.

(2) Appointment of the energy code board. On or before October 1, 2022, the directors of the Colorado Energy Office and the Department of Local Affairs shall appoint and convene an energy code board to develop both a Model Electric Ready and Solar Ready Code and a Model Low Energy and Carbon Code for adoption by counties, municipalities, and state agencies.

(3) (a) Membership of the energy code board. The energy code board consists of the following members appointed by the director of the Colorado Energy Office:

(I) The director of the Colorado Energy Office or the director's designee;

(II) One member representing the urban counties of the state;

(III) One member representing the municipalities in rural areas of the state;

(IV) Two members representing environmental or sustainability groups;

(V) One member who is a solar power expert;

(VI) One member who is an energy efficiency expert;

(VII) One member with building design or operation expertise; and

(VIII) One member who is a building energy code expert.

(b) The energy code board consists of the following members appointed by the director of the Department of Local Affairs:
I) The director of the Department of Local Affairs or the director's designee;

II) One member representing the rural counties of the state;

III) One member representing the municipalities in urban areas of the state;

IV) Two members representing affordable housing operations:

(A) One of these members must represent a home ownership focused on for-rent nonprofit builder who serves populations with incomes under eighty percent of an area's median income; and

(B) One of these members must represent a nonprofit affordable for-sale housing builder;

V) One member who has direct experience in, or is a member of an organization representing workers in, mechanical, plumbing, or electrical work;

VI) One member representing a statewide organization for home building professionals;

VII) One member representing a statewide organization of general construction contractors;

VIII) One member representing a statewide organization of specialty construction contractors;

(c) One of the members identified in subsections (3)(a)(II), (3)(a)(III), (3)(b)(II), or (3)(b)(III) of this section must be a building code official.

(d) In order to be selected by the director of the Colorado energy office or the director of the Department of Local Affairs as a member of the energy code board, an applicant must submit with their application a recommendation from a relevant member or trade organization, if such member or trade organization exists. In making appointments to the energy code board, the directors of the Colorado energy office and the Department of Local Affairs shall strive to ensure geographic diversify and that each of the three major climate zones in the state is represented.

(e) If any member of the energy code board steps down, otherwise elects to no longer serve, or otherwise cannot no longer serve on the energy code board, the directors of the Colorado energy office and the Department of Local Affairs shall select that member's replacement according to the same criteria that the directors of the Colorado energy office and the Department of Local Affairs used in originally selecting the member.
(f) The energy code board shall adopt policies and procedures as necessary to meet the requirements of this section.

(4)(a) Energy code board executive committee. The directors of the Colorado energy office and the department of local affairs shall appoint an executive committee for the energy code board that consists of the following members:

(I) The director of the Colorado energy office or the director's designee selected to serve on the energy code board pursuant to subsection (3)(a)(I) of this section;

(II) The director of the department of local affairs or the director's designee selected to serve on the energy code board pursuant to subsection (3)(b)(I) of this section;

(III) One member of the energy code board selected to represent either urban or rural counties who was selected to serve on the energy code board pursuant to subsection (3)(a)(II) or (3)(b)(II) of this section;

(IV) One member of the energy code board selected to represent municipalities from either urban or rural areas of the state who was selected to serve on the energy code board pursuant to subsection (3)(a)(III) or (3)(b)(III) of this section; and

(V) The member of the energy code board who is a building energy code expert and who was selected to serve on the energy code board pursuant to subsection (3)(a)(VIII) of this section.

(b) Either the member of the executive committee selected pursuant to subsection (4)(a)(III) of this section or the member of the executive committee selected pursuant to subsection (4)(a)(IV) of this section must be a building code official.

(5)(a) Duty of the energy code board to adopt a model electric ready and solar ready code. It is the duty of the energy code board to develop a model electric ready and solar ready code on or before June 1, 2023, for adoption by counties, municipalities, and state agencies.

(b) The model electric ready and solar ready code developed by the energy code board must apply to commercial and residential buildings and must include:

(I) Solar ready requirements;

(II) EV ready and EV capable requirements for residential buildings;

(III) EV ready, EV capable, and EV supply equipment installed requirements for multi-family and commercial buildings with provisions for electrical service capacity in twenty percent or more of the vehicle parking spaces in the
GARAGE OR PARKING AREA;

(IV) Electric ready requirements for all single-family residential mixed fuel use buildings;

(V) Electric ready requirements for multi-family and small commercial mixed fuel use buildings under ten thousand square feet;

(VI) Requirements that multi-family and large commercial mixed fuel use buildings that are ten thousand square feet or greater provide dedicated electric panel space, electrical wire, electrical receptacles, and adequate panel capacity to accommodate the future installation of efficient, electric technologies and charging for electric vehicles. These requirements must take into account the cost-effectiveness of pre-wiring for efficient electric equipment and the ability to determine what wiring and receptacle locations would be needed; and

(VII) A process to waive energy code requirements when there has been a declared natural disaster that has destroyed buildings or other circumstances as determined by the energy code board.

(c) In developing a model electric ready and solar ready code, the energy code board shall:

(I) Ensure that buildings can be converted to high efficiency electric space and water heating equipment and appliances at the lowest possible cost to building owners;

(II) In developing the model electric ready and solar ready code language for multi-family and large commercial mixed fuel use for buildings ten thousand square feet or greater, the energy code board shall develop clear guidelines to be included in the model energy ready and solar ready code that seek to minimize the costs that builders, building owners, and developers incur in meeting electric ready and solar ready code requirements while also ensuring that buildings can be converted to high efficiency electric space and water heating equipment and appliances at the lowest possible cost to building owners. These guidelines must include provisions for:

(A) A standard methodology for determining how to calculate or measure when compliance with a model electric and solar ready code reaches a substantial cost differential that would require a waiver or variance for some or all of the provisions of the model electric and solar ready code; and

(B) An evidence-based, uniform waiver or variance process to allow a builder, developer, or building owner to
REQUEST A WAIVER WHEN IT CAN BE DEMONSTRATED WITH REASONABLE EVIDENCE THAT COMPLIANCE WILL CREATE A SUBSTANTIAL COST DIFFERENTIAL; AND

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

(III) TAKE INTO ACCOUNT HOME AFFORDABILITY;

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

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

(V) ENSURE THAT THE USE OF AN ACCEPTABLE REFRIGERANT IS NOT PROHIBITED.

(6) (a) **Duty of the energy code board to adopt a model low energy and carbon code.** It is the duty of the energy code board to develop a model low energy and carbon code on or before June 1, 2025, for adoption by counties, municipalities, and state agencies.

(b) The model low energy and carbon code developed by the energy code board must apply to commercial and residential buildings and must:

(I) Include the more energy efficient of either the 2021 or 2024 International Energy Conservation Code, except as the energy code board may modify those International Energy Conservation Codes pursuant to subsection (7) of this section, including any appendices to the International Energy Conservation Code that the energy code board deems appropriate;

(II) Include the model electric ready and solar ready code language developed for adoption by the energy code board pursuant to subsection (5) of this section, and modified as the energy code board deems appropriate;

(III) Provide compliance pathways for all-electric and mixed fuel use residential and commercial buildings;

(IV) Exempt electricity consumption in residential and commercial buildings from any onsite or offsite renewable energy requirements;

(V) Allow projects consisting of only replacing a space or water heating system, at the end of that system's useful life,
WITH THE INSTALLATION OF A NEW SYSTEM USING THE SAME FUEL OR POWER SOURCE, WITHOUT TRIGGERING PRE-WIRE REQUIREMENTS;

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

(VII) TAKE INTO ACCOUNT HOME AFFORDABILITY; AND

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

(c) In developing a model low energy and carbon code, the energy code board shall:

(I) (A) Ensure that the model electric ready and solar ready code developed by the energy code board does not apply to construction or renovation that serves the primary purpose of making a building accessible or more accessible for an individual with a disability;

(B) As used in this subsection (6)(c)(I), "ACCESSIBLE" means able to be approached, entered, and used; and

(II) Ensure that the use of an acceptable refrigerant is not prohibited.

(7) Option to relax international energy conservation code appendices. The energy code board may as necessary relax the stringency of any requirements in the international energy conservation code, including appendices that it adopts as part of the model low energy and carbon code language it develops pursuant to subsection (5) of this section if it deems that doing so is appropriate, but the energy code board shall not increase the stringency of any requirements in the international energy conservation code including appendices that it adopts as part of the model low energy and carbon code language it develops pursuant to subsection (5) of this section.

(8) (a) Process for model code development. In order to develop either the model electric ready and solar ready code pursuant to subsection (5) of this section or the model low energy and...
ENERGY AND CARBON CODE PURSUANT TO SUBSECTION (6) OF THIS
SECTION, TWO-THIRDS OF THE MEMBERS OF THE ENERGY CODE BOARD
MUST APPROVE EACH ELEMENT OF THE MODEL CODE.

(b) If two-thirds of the Energy Code Board fail to adopt
any element of the Model Electric Ready and Solar Ready Code
on or before April 1, 2023, the Executive Committee shall vote on
that same element on or before May 15, 2023. If two-thirds of the
energy code board fail to adopt an element of the Model Low
energy and carbon code on or before February 1, 2025, the
Executive Committee shall vote on that same element on or
before March 15, 2025.

(c) If the Energy Code Board fails to adopt any element of
the Model Electric Ready and Solar Ready Code required by
subsection (5) of this section on or before April 1, 2023, the
Executive Committee shall vote on that same element on or
before May 15, 2023. If the Energy Code Board fails to adopt an
element of the Model Low Energy and Carbon Code required by
subsection (6) of this section on or before February 1, 2025, the
Executive Committee shall vote on that same element on or
before March 15, 2025.

(d) Upon a vote of the majority of the Executive
Committee, an element that the Energy Code Board failed to
adopt is adopted as part of either the Model Electric Ready and
Solar Ready Code or the Model Low Energy and Carbon Code is
adopted as an element of the respective Model Code.

(e) During the development of both the Model Electric
Ready and Solar Ready Code and the Model Low Energy and
Carbon Code, the Director of the Department of Local Affairs or
the Director’s Designee and the Director of the Colorado Energy
Office or the Director’s Designee shall ensure that the Energy
Code Board adheres to the requirements of this section.

(9) Acceptable refrigerants. The use of an acceptable
refrigerant may not be prohibited or otherwise restricted by a
locality, county, or other state rule or regulation; except that
nothing in this Article 38.5 may be construed to prohibit, limit, or
otherwise modify the requirements of Regulation Number 22, 5
CCR 1001-26, as amended, or any entity’s procurement
requirements for their own use.

24-38.5-402. Model green energy code. (1) Before July 1,
2024, the Colorado Energy Office shall identify Model Green
Code Language for adoption. The Colorado Energy Office shall
promote the voluntary adoption of this Model Green Code
Language.
24-38.5-402. Energy code training - energy code adoption -
grant writing assistance. (1) (a) The Colorado energy office shall
provide energy code training to assist local governments,
divisions in the executive branch of state government, builders,
and contractors in adopting and implementing the 2021
international energy conservation code, electric ready and
solar ready codes, and low energy and carbon codes. The
training itself and the materials provided along with this
training must be in both English and Spanish.

(b) If the Colorado energy office is able to obtain
funding, the Colorado energy office shall provide financial
assistance through an application process to support the
adoption and enforcement by local governments of the 2021
international energy conservation code, an electric ready and
solar ready code, and a low energy and carbon code.

(2) The Colorado energy office shall adopt policies and
procedures as necessary for the creation and administration of
a grant program to award the grants described in subsection
(3)(a)(I) of this section, including policies and procedures that at
a minimum establish the application process and the grant award
criteria.

(3) (a) Within three days after the effective date of this
subsection (3)(a), the state treasurer shall transfer three
million dollars from the general fund to the energy fund
created in section 24-38.5-102.4. The Colorado energy office
shall expend the money transferred by the general assembly
pursuant to this subsection (3)(a) for the purposes of:

(I) Issuing grants, not to exceed a total of two million
dollars, to local governments to support their adoption and
enforcement of the 2021 international energy conservation
code, an electric ready and solar ready code, and a low energy
and carbon code and to cover the direct and indirect costs
associated with issuing these grants; and

(II) Providing energy code training and technical
assistance, including grant writing assistance, not to exceed a
total cost of one million dollars, to assist local governments
and divisions in the executive branch of state government in
adopting and enforcing the 2021 international energy
conservation code, an electric ready and solar ready code, a
low energy and carbon code, or a green code and covering the
direct and indirect costs associated with aligning energy codes
and with providing this training and technical assistance.

(b) Within three days after the effective date of this
SUBSECTION (3)(b), THE STATE TREASURER SHALL TRANSFER ONE MILLION
Dollars from the General Fund to the Energy Fund created in
Section 24-38.5-102.4. The Colorado Energy Office shall expend
the money transferred by the General Assembly pursuant to this
SUBSECTION (3)(b) FOR THE PURPOSE OF PROVIDING ENERGY CODE
TRAINING TO ASSIST ARCHITECTS, BUILDERS, CONTRACTORS, AND
DESIGNERS IN IMPLEMENTING THE 2021 INTERNATIONAL ENERGY
CONSERVATION CODE, ELECTRIC READY AND SOLAR READY CODES, AND
LOW ENERGY AND CARBON CODES. THE TRAINING AND MATERIALS
PROVIDED ALONG WITH THIS TRAINING MUST BE IN BOTH ENGLISH AND
SPANISH.

24-38.5-403. Building electrification for public buildings grant
program - creation - report - legislative declaration. (1) The General
Assembly hereby finds, determines, and declares that:
(a) Emissions from heating buildings are one of the five
largest sources of greenhouse gas pollution in Colorado;
(b) Many public buildings owned by local governments,
school districts, institutions of higher education, and other
governmental entities are older buildings with both high energy
costs and emissions;
(c) Energy performance contracting is an important tool
that governmental entities can use to upgrade the energy
performance of buildings by financing energy upgrades based on
projected savings in energy costs;
(d) Newer technologies such as cold climate heat pumps
and heat pump water heaters offer many opportunities to reduce
greenhouse gas and nitrogen oxide emissions and improve indoor
air quality; and
(e) Therefore, it is important for state investments to
support public agencies in including high-efficiency electric
heating upgrades in energy performance contracts for public
buildings.

(2) There is created in the Colorado Energy Office the
building electrification for public buildings grant program to
provide grants to institutions of higher education, local
governments, school districts, state agencies, and special
districts for the installation of high-efficiency electric heating
equipment.

(3) Grantees may use money received through the building
electrification for public buildings grant program for the
following purposes:
(a) The purchase and installation of high-efficiency
electric equipment for space heating, water heating, or cooking;
(b) The purchase of electrical installations and upgrades necessary to support the installation of high-efficiency electric equipment;

(c) The purchase and installation of other innovative building heating technologies that the Colorado energy office determines will likely achieve equal or lower levels of greenhouse gas emissions than high efficiency heat pumps operated on the projected 2030 electric grid; and

(d) In the case of eligible entities from low-income, disproportionately impacted communities, or just transition communities as those communities are identified by the Colorado energy office, to cover the administrative costs associated with the purchase and installation described in subsections (3)(a), (3)(b), and (3)(c) of this section.

(4) The Colorado energy office shall administer the building electrification for public buildings grant program, award grants as provided in this section, and develop policies and procedures as necessary to implement the grant program.

(5) Grants shall be paid out of the clean air buildings investments fund created in section 24-38.5-405.

(6) The Colorado energy office may develop policies and procedures prioritizing the grant applications of eligible entities from low-income, disproportionately impacted communities, or just transition communities as those communities are identified by the Colorado energy office, and the Colorado energy office shall award at least thirty percent of the total amount of money it awards through grants pursuant to the building electrification for public buildings grant program to such eligible entities.

(7) (a) To receive a grant, an eligible entity must submit an application to the Colorado energy office in accordance with the policies and procedures specified by the Colorado energy office.

(b) The Colorado energy office shall provide technical assistance in applying for grants through the building electrification for public buildings grant program as needed to eligible entities from low-income, disproportionately impacted communities, or just transition communities as those communities are identified by the Colorado energy office.

(8) (a) Each grantee that receives a grant through the building electrification for public buildings grant program shall submit an annual report to the Colorado energy office for the first five years after receiving the grant.
(b) (I) On or before February 1, 2024, and on each year thereafter, the Colorado Energy Office shall submit a summarized report to the Transportation and Energy Committee of the Senate and the Energy and Environment Committee of the House of Representatives or their successor committees, on the building electrification for public buildings grant program. At a minimum, this summarized report must include:

(A) A description of the grants awarded, including a description of the projects funded by the grants as described to the Colorado Energy Office in the grant applications;

(B) The percentage of grants awarded to low-income, disproportionately impacted communities or just transition communities and to individuals with a disability or entities that used the grants to provide a service for individuals with a disability; and

(C) To the extent available, the impacts of the grants on gas use, electricity use, emissions, and energy costs.

(II) This subsection (8)(b) is repealed, effective July 1, 2026.

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

(1) The General Assembly hereby finds, determines, and declares that:

(a) Emissions from heating buildings are one of the five largest sources of greenhouse gas pollution in Colorado;

(b) Over a million Coloradans live in energy burdened households that spend five percent or more of their household income on energy expenditures;

(c) Newer technologies such as cold climate heat pumps and heat pump water heaters offer many opportunities to reduce greenhouse gas and nitrogen oxide emissions and improve indoor air quality;

(d) Energy upgrades to residential and commercial buildings may be more cost effective and easier to implement when deployed at the neighborhood scale, and neighborhood-scale upgrades may allow utilities to avoid or defer investments in gas and electric distribution, thereby reducing costs for all utility ratepayers; and

(e) Therefore, it is important for the state to support investments in neighborhood-scale energy efficiency upgrades.

(2) There is created in the Colorado energy office the high-efficiency electric heating and appliances grant program to provide grants to institutions of higher education, local governments, utilities, nonprofit organizations, businesses and
OTHER ENTITIES AS DETERMINED BY THE COLORADO ENERGY OFFICE, AND
HOUSING DEVELOPERS FOR THE INSTALLATION OF HIGH-EFFICIENCY
ELECTRIC HEATING EQUIPMENT IN MULTIPLE STRUCTURES WITHIN A
NEIGHBORHOOD.

(3) GRANTEES MAY USE THE MONEY RECEIVED THROUGH THE
HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
FOR THE FOLLOWING PURPOSES:
(a) THE PURCHASE AND INSTALLATION OF HIGH-EFFICIENCY
ELECTRIC EQUIPMENT FOR SPACE HEATING, WATER HEATING, OR COOKING
IN MULTIPLE RESIDENTIAL OR COMMERCIAL BUILDINGS LOCATED IN CLOSE
PROXIMITY;
(b) THE PURCHASE OF ELECTRICAL INSTALLATIONS AND UPGRADES
NECESSARY TO SUPPORT THE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC
EQUIPMENT;
(c) THE PURCHASE AND INSTALLATION OF OTHER INNOVATIVE
BUILDING HEATING TECHNOLOGIES THAT THE COLORADO ENERGY OFFICE
DETERMINES WILL LIKELY ACHIEVE EQUAL OR LOWER LEVELS OF
GREENHOUSE GAS EMISSIONS THAN HIGH-EFFICIENCY HEAT PUMPS
OPERATED ON THE PROJECTED 2030 ELECTRIC GRID; AND
(d) IN THE CASE OF LOCAL GOVERNMENTS, ELECTRIC AND GAS
UTILITIES, NONPROFIT ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES
AS DETERMINED BY THE COLORADO ENERGY OFFICE, OR HOUSING
DEVELOPERS THAT OPERATE IN LOW-INCOME, DISPROPORTIONATELY
IMPACTED COMMUNITIES OR JUST TRANSITION COMMUNITIES AS THOSE
COMMUNITIES ARE IDENTIFIED BY THE COLORADO ENERGY OFFICE, TO
COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE PURCHASE AND
INSTALLATION DESCRIBED IN SUBSECTIONS (3)(a), (3)(b), AND (3)(c) OF
THIS SECTION.

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

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

(6) THE COLORADO ENERGY OFFICE MAY DEVELOP POLICIES AND
PROCEDURES PRIORITIZING THE GRANT APPLICATIONS OF LOCAL
GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT
ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY
THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS THAT OPERATE
IN LOW-INCOME, DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST
TRANSITION COMMUNITIES AS THOSE COMMUNITIES ARE IDENTIFIED BY
THE COLORADO ENERGY OFFICE, AND THE COLORADO ENERGY OFFICE
SHALL AWARD AT LEAST THIRTY PERCENT OF THE TOTAL AMOUNT OF
MONEY IT AWARDS THROUGH GRANTS PURSUANT TO THE HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM TO SUCH LOCAL GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS.

(7) (a) To receive a grant, a local government, electric or gas utility, nonprofit organization, business and other entity as determined by the Colorado energy office, or housing developer must submit an application to the Colorado energy office in accordance with the policies and procedures specified by the Colorado energy office.

(b) The Colorado energy office shall provide technical assistance in applying for grants through the high-efficiency electric heating and appliances grant program as needed to local governments, electric and gas utilities, nonprofit organizations, businesses and other entities as determined by the Colorado energy office, or housing developers that operate in low-income, disproportionately impacted communities or just transition communities as those communities are identified by the Colorado energy office.

(8) (a) Each grantee that receives a grant through the high-efficiency electric heating and appliances grant program shall submit a report to the Colorado energy office the first five years after receiving the grant.

(b) (I) On or before February 1, 2024, and on each year thereafter, the Colorado energy office shall submit a summarized report to the transportation and energy committee of the senate and the energy and environment committee of the house of representatives, or their successor committees, on the high-efficiency electric heating and appliances grant program. At a minimum, this summarized report must include:

(A) A description of the grants awarded, including a description of the projects funded by the grants as described to the Colorado energy office in the grant applications;

(B) The percentage of grants awarded to low-income, disproportionately impacted communities or just transition communities and to individuals with a disability or entities that used the grants to provide a service for individuals with a disability; and

(C) To the extent available, the impacts of the grants on gas use, electricity use, emissions, and energy costs.

(II) This subsection (8)(b) is repealed, effective July 1, 2026.

24-38.5-405. Clean air building investments fund - creation -
The Clean Air Building Investments Fund, referred to in this section as the "Fund," is created in the State Treasury. The principal of the Fund consists of money transferred to the Fund from the General Fund and gifts, grants, and donations. Interest and income earned on the deposit and investment of money in the Fund are credited to the Fund.

(2) All money in the Fund is continuously appropriated to the Colorado Energy Office. The Colorado Energy Office may expend money from the Fund for the creation, implementation, and administration of:

(a) The Building Electrification for Public Buildings Grant Program created in Section 24-38.5-403; and

(b) The High-Efficiency Electric Heating and Appliances Grant Program created in Section 24-38.5-404.

(3) (a) On the effective date of this section, or as soon as possible thereafter, the State Treasurer shall transfer twenty-one million dollars from the General Fund to the Fund.

(b) The Colorado Energy Office shall use ten million dollars of the money transferred pursuant to this subsection (3) for the creation, implementation, and administration of the Building Electrification for Public Buildings Grant Program created in Section 24-38.5-403.

(c) The Colorado Energy Office shall use eleven million dollars of the money transferred pursuant to this subsection (3) for the creation, implementation, and administration of the High-Efficiency Electric Heating and Appliances Grant Program created in Section 24-38.5-404.

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


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

(a) (I) Adopt, and from time to time revise, rules pursuant to section 12-20-204. In adopting the rules, the board shall be governed when appropriate by the standards in the most current edition of the national electrical code or by any modifications to the standards made by the board after a hearing is held pursuant to the provisions of article 4 of title 24. These standards are adopted as the minimum standards governing the planning, laying out, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power in this state. A copy of the code shall be kept in the office of the board and open to public inspection. Nothing contained in this section prohibits any city, town, county, city
and county, or qualified state institution of higher education from making
and enforcing any such standards that are more stringent than the
minimum standards adopted by the board, and any city, town, county, city
and county, or qualified state institution of higher education that adopts
more stringent standards shall furnish a copy thereof to the board. The
standards adopted by the board shall be prima facie evidence of minimum
approved methods of construction for safety to life and property. The
affirmative vote of two-thirds of all appointed members of the board is
required to set any standards that are different from those set forth in the
national electrical code. If requested in writing, the board shall send a
copy of newly adopted standards and rules to any interested party at least
thirty days before the implementation and enforcement of the standards
or rules. The copies may be furnished for a fee established pursuant to
section 12-20-105.

(II) In the event of a conflict between the 2021
international energy conservation code, the 2024 international
energy conservation code, or any energy codes adopted by
either a local government or divisions in the executive branch
of state government and the national electric code or the
standards adopted by the board pursuant to this subsection
(2)(a), the national electric code or the standards adopted by
the board pursuant to this subsection (2)(a) prevails.

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

12-155-106. Colorado plumbing code - amendments -
variances - Colorado fuel gas code. (4.5) In the event of a conflict
between the 2021 international energy conservation code, the
2024 international energy conservation code, or any energy
codes adopted by either a local government or divisions in the
executive branch of state government and the Colorado
plumbing code, the Colorado plumbing code prevails.

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

24-30-1303. Office of the state architect - responsibilities.
(1) The office of the state architect shall:
(ff) (I) (A) On or before January 1, 2025, adopt and enforce
an energy code that achieves equivalent or better energy
performance than the 2021 international energy conservation
code and the model electric ready and solar ready code
language developed for adoption by the energy code board
pursuant to section 24-38.5-401 (5). This energy code must apply
to all construction by state agencies on state-owned properties
or facilities or on properties or facilities that are leased by the
STATE UNDER A FINANCED PURCHASE OF AN ASSET OR CERTIFICATE OF
PARTICIPATION AGREEMENT.

(B) On or before January 1, 2030, adopt and enforce an
energy code that achieves equivalent or better energy and
carbon emissions performance than the model low energy and
carbon code developed for adoption by the energy code board
pursuant to section 24-38.5-401 (6). This energy code must apply
to all construction by state agencies on state-owned properties
or facilities or on properties or facilities that are leased by the
state under a financed purchase of an asset or certificate of
participation agreement.

(II) Notwithstanding any other provision of this
subsection (1)(ff), the office of the state architect may make any
amendments to an energy code that the office of the state
architect deems appropriate, so long as the amendments do not
decrease the effectiveness or energy efficiency of the energy
code.

(III) Nothing in this subsection (1)(ff) restricts the ability
of an investor-owned utility with approval from the public
utilities commission to:

(A) Provide incentives or other energy efficiency program
services to help the office of the state architect or builders
comply with the requirements of this subsection (1)(ff); or

(B) Earn shareholder incentives and claim credits toward
its regulatory requirements for energy or greenhouse gas
emission savings achieved as a result of incentives provided by
the utility to help the office of the state architect or builders
comply with the requirements of this subsection (1)(ff).

(IV) A utility not subject to regulation by the public
utilities commission may provide incentives or other energy
efficiency program services as they so choose to assist the office
of the state architect or any builders in complying with the
requirements of this subsection (1)(ff).

(V) (A) A utility shall be allowed to count mass-based
emissions reductions associated with the requirements of this
subsection (1)(ff) towards compliance with its requirements
under section 25-7-105 (1)(e)(X.7) or (1)(e)(X.8), section 40-3.2-108
(3)(b), or any similar greenhouse gas emissions reduction
program or set of requirements.

(B) A utility subject to regulation by the public utilities
commission shall not be allowed to count energy savings or
greenhouse gas emissions reductions achieved through the
requirements of this subsection (1)(ff) for the purpose of
CALCULATING A SHAREHOLDER INCENTIVE ESTABLISHED PURSUANT TO
SECTIONS 40-3.2-103 (2)(d) AND 40-3.2-104 (5) IF THE UTILITY HAS NOT
PROVIDED A FINANCIAL INVESTMENT FOR CODE ADOPTION AS
DOCUMENTED IN A PLAN APPROVED BY THE COMMISSION.

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

24-32-3305. Rules - advisory committee - energy code -
enforcement. (3) Except when adopting an energy code pursuant
to subsection (3.5) of this section, the board must consult with and
obtain the advice of an advisory committee on residential and
nonresidential structures in the drafting and promulgation of rules. The
commits consists of twelve members appointed by the division from the
following professional and technical disciplines: One from architecture,
one from structural engineering, three from building code enforcement,
one from mechanical engineering or contracting, one from electrical
engineering or contracting, one from the plumbing industry, one from the
construction design or producer industry, two from manufactured
housing, and one from organized labor. Committee members shall be
reimbursed for actual and necessary expenses incurred while engaged in
official duties.

(3.5) (a) (I) On or before January 1, 2025, the Division shall
adopt and enforce an energy code that achieves equivalent or
better energy performance than the 2021 International Energy
Conservation Code and the Model Electric Ready and Solar
Ready Code Language developed for adoption by the Energy Code
Board pursuant to Section 24-38.5-401 (5). This energy code must
apply to factory-built structures and hotels, motels, and
multi-family structures in areas of the state where no
construction standards for hotels, motels, and multi-family
structures exist.

(II) On or before January 1, 2030, the Division shall adopt
and enforce an energy code that achieves equivalent or better
energy and carbon emissions performance than the model low
energy and carbon code developed for adoption by the Energy
Code Board pursuant to Section 24-38.5-401 (6). This energy code
must apply to factory-built structures and hotels, motels, and
multi-family structures in areas of the state where no
construction standards for hotels, motels, and multi-family
structures exist.

(b) Nothing in this subsection (3.5) establishes standards
applicable to manufactured homes constructed pursuant to the
"National Manufactured Housing Construction and Safety
AND ANY CORRESPONDING REGULATIONS PROMULGATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN 24 CFR 3280, ET SEQ.  

(c) NOTwithstanding any other provision of this subsection (3.5), the division may make any amendments to an energy code that the division deems appropriate, so long as the amendments do not decrease the effectiveness or energy efficiency of the energy code.  

(d) NOTHING IN THIS SUBSECTION (3.5) restricts the ability of an investor-owned utility with approval from the Public Utilities Commission to:  

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE BOARD
OF COUNTY COMMISSIONERS OF ANY COUNTY OR ANY BUILDERS IN
COMPLYING WITH THE REQUIREMENTS OF THIS SECTION.

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

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

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

31-15-602. Energy efficient building codes - legislative
declaration - definitions - repeal. (1) The general assembly hereby finds
and declares that there is statewide interest in requiring an effective
energy efficient building code for the following reasons:
   (i) HIGHLY ENERGY EFFICIENT HOMES AND BUILDINGS CAN REDUCE
       ENERGY USE AND HELP CONSUMERS SAVE MONEY ON ENERGY BILLS.
   (j) HIGHLY ENERGY EFFICIENT AND LOW CARBON NEW HOMES AND
       BUILDINGS ARE CRITICAL FOR MEETING THE GREENHOUSE GAS POLLUTION
       REDUCTION TARGETS ESTABLISHED IN SECTION 25-7-102 (2)(g).
(2) As used in this section, unless the context otherwise requires:
   (b) "Energy code" means at a minimum, one of the three most
       recent versions of the international energy conservation code published
       by the international code council A SUBSET OF BUILDING CODES RELATED
       TO THE TOTAL ENERGY PERFORMANCE AND CARBON EMISSIONS OF
       RESIDENTIAL AND COMMERCIAL BUILDINGS.
   (b.5) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE
       ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR A
       SUCCESSOR ORGANIZATION.
(3) The governing body of any municipality when adopting or
       updating any other building codes THAT HAS ADOPTED AND ENFORCED
       ONE OR MORE BUILDING CODES, OR THAT ADOPTS AND ENFORCES ONE OR
       MORE BUILDING CODES AFTER JULY 1, 2022, shall adopt and enforce an
       energy code that applies to the construction of, and major renovations
       and additions to, all commercial and residential buildings AS REQUIRED
       BY THE ENERGY CODE in the municipality to which the building code
       applies.
   (3.5) (a) THE GOVERNING BODY OF A MUNICIPALITY THAT HAS
       ADOPTED AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT
       UPDATES ONE OR MORE BUILDING CODES ON OR AFTER JULY 1, 2023, AND
       BEFORE JULY 1, 2026, SHALL ADOPT AND ENFORCE AN ENERGY CODE THAT
       ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN THE 2021
       INTERNATIONAL ENERGY CONSERVATION CODE AND THE MODEL ELECTRIC
       READY AND SOLAR READY CODE LANGUAGE EITHER DEVELOPED FOR
       ADOPTION BY THE ENERGY CODE BOARD PURSUANT TO SECTION
       24-38.5-401 (5) AT THE SAME TIME OTHER BUILDING CODES ARE UPDATED.
   (b) THE GOVERNING BODY OF A MUNICIPALITY THAT HAS ADOPTED
AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT UPDATES ONE
OR MORE BUILDING CODES ON OR AFTER JULY 1, 2026, SHALL ADOPT AND
BEGIN ENFORCING AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
BETTER ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL
LOW ENERGY AND CARBON CODE LANGUAGE DEVELOPED FOR ADOPTION
BY THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6), AT
THE SAME TIME OTHER BUILDING CODES ARE UPDATED.
(c) When adopting or updating a building code prior to
JULY 1, 2023, THE GOVERNING BODY OF A MUNICIPALITY SHALL ADOPT
AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
ENERGY PERFORMANCE THAN ONE OF THE THREE MOST RECENT EDITIONS
OF THE INTERNATIONAL ENERGY CONSERVATION CODE.
(4) (a) The energy code shall apply to any commercial or
residential building in the municipality for which a building permit
application is received subsequent to the adoption of the energy code.
(5) The following buildings are exempt from subsections (3),
(3.5), and (4) of this section:
(8) Nothing in this section restricts the ability of an
INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC UTILITIES
COMMISSION TO:
(a) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
SERVICES TO HELP THE GOVERNING BODY OF ANY MUNICIPALITY OR
BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION; OR
(b) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS
TOWARDS ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE
GAS EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED
BY THE UTILITY TO HELP THE GOVERNING BODY OF ANY MUNICIPALITY OR
BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION.
(9) A utility not subject to regulation by the public
utilities commission may provide incentives or other energy
efficiency program services as they so choose to assist the
governing body of any municipality or any builders in complying
with the requirements of this section.
(10) (a) A utility may count mass-based emissions
reductions associated with the requirements of this section
towards compliance with its requirements under section
25-7-105 (1)(c)(X.7) or (1)(c)(X.8), section 40-3.2-108 (3)(b), or any
similar greenhouse gas emissions reduction program or set of
requirements.
(b) A utility subject to regulation by the public utilities
commission shall not count energy savings or greenhouse gas
emissions reductions achieved through the requirements of this
section for the purpose of calculating a shareholder incentive
ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND 40-3.2-104
(5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL INVESTMENT FOR CODE
ADOPTION AS DOCUMENTED IN A PLAN APPROVED BY THE COMMISSION.

SECTION 9. In Colorado Revised Statutes, repeal article 7 of
SECTION 10. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety.".

Page 1, strike lines 102 through 113 and substitute:
"EMISSIONS, AND, IN CONNECTION THEREWITH, REQUIRING THE
DIRECTOR OF THE COLORADO ENERGY OFFICE AND THE EXECUTIVE
DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS TO APPOINT AN
ENERGY CODE BOARD THAT DEVELOPS TWO MODEL CODES, REQUIRING
LOCAL GOVERNMENTS AND CERTAIN STATE AGENCIES TO ADOPT AND
ENFORCE CODES THAT ARE CONSISTENT WITH THE MODEL CODES
DEVELOPED BY THE ENERGY CODE BOARD, CREATING THE BUILDING
ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM, CREATING
THE HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT
PROGRAM, AND ESTABLISHING THE CLEAN AIR BUILDING INVESTMENTS
FUND.".

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