

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 07-0229.01 Nicole Myers

HOUSE BILL 07-1146

HOUSE SPONSORSHIP

Levy, Fischer, Merrifield, and Solano

SENATE SPONSORSHIP

Gordon,

House Committees

Transportation & Energy

Senate Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT THAT CERTAIN LOCAL**
102 **GOVERNMENTS ADOPT AN ENERGY EFFICIENCY CODE IN**
103 **CONNECTION WITH THE CONSTRUCTION OF CERTAIN BUILDINGS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires every board of county commissioners (board) and every governing body of a municipality (governing body) that has enacted a building code to adopt an energy code that meets or exceeds the standards in the 2003 international energy conservation code (code) as minimum requirements that apply to the construction of, and renovations and additions to, all commercial and residential buildings in the county or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 5, 2007

HOUSE
3rd Reading Unamended
February 16, 2007

HOUSE
Amended 2nd Reading
February 15, 2007

municipality.

Specifies the period during which a board or governing body shall adopt the code. Specifies that in the case of certain alterations to a building that was in existence before adoption of the code, the provisions of the code shall apply only to the portions of the structure that are altered subsequent to the adoption of the code. Specifies certain buildings that are exempt from the requirements of the code.

Directs the governor's office of energy management and conservation to provide information explaining the requirements of the code and to provide boards and governing bodies with technical assistance concerning the implementation and enforcement of the code. Authorizes the department of local affairs to award grants to boards and governing bodies out of moneys made available to the energy and mineral assistance program for training and technical assistance. Authorizes the department to award grants to nonprofit organizations to provide training and technical assistance in the implementation and enforcement of the code.

Makes legislative findings and declarations. Defines terms.

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

2 **SECTION 1.** 30-28-201, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **30-28-201. Commissioners may adopt - emission performance**
5 **standards required.** (3) BY THE DATE ESTABLISHED IN SECTION
6 30-28-211, EVERY BOARD OF COUNTY COMMISSIONERS OF A COUNTY THAT
7 HAS ENACTED A BUILDING CODE, AND THEREAFTER EVERY BOARD THAT
8 ENACTS A BUILDING CODE, SHALL ADOPT AND ENFORCE A BUILDING
9 ENERGY CODE THAT MEETS OR EXCEEDS THE STANDARDS IN THE 2003
10 VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE PURSUANT
11 TO SECTION 30-28-211.

12 **SECTION 2.** Part 2 of article 28 of title 30, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:

15 **30-28-211. Energy efficient building codes - legislative**

1 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
2 AND DECLARES THAT THERE IS STATEWIDE INTEREST IN REQUIRING AN
3 EFFECTIVE ENERGY EFFICIENT BUILDING CODE FOR THE FOLLOWING
4 REASONS:

5 (a) EXCESSIVE ENERGY CONSUMPTION CREATES EFFECTS BEYOND
6 THE BOUNDARIES OF THE LOCAL GOVERNMENT WITHIN WHICH THE ENERGY
7 IS CONSUMED BECAUSE THE PRODUCTION OF POWER OCCURS IN
8 CENTRALIZED LOCATIONS.

9 (b) AIR POLLUTANT EMISSIONS FROM ENERGY CONSUMPTION
10 AFFECTS THE HEALTH OF THE CITIZENS THROUGHOUT COLORADO.


11 (c) THE STRAIN ON THE GRID FROM PEAK ELECTRIC POWER
12 DEMANDS IS NOT CONFINED TO JURISDICTIONAL BOUNDARIES.

13 (d) THERE IS STATEWIDE INTEREST IN THE RELIABILITY OF THE
14 ELECTRICAL GRID AND AN ADEQUATE SUPPLY OF HEATING OIL AND
15 NATURAL GAS.

16 (e) CONTROLLING ENERGY COSTS FOR RESIDENTS AND BUSINESSES
17 FURTHERS A STATEWIDE INTEREST IN A STRONG ECONOMY AND REDUCING
18 THE COST OF HOUSING IN COLORADO.

19 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "BUILDING CODE" MEANS REGULATIONS RELATED TO ENERGY
22 PERFORMANCE, ELECTRICAL SYSTEMS, MECHANICAL SYSTEMS, PLUMBING
23 SYSTEMS, OR OTHER ELEMENTS OF RESIDENTIAL OR COMMERCIAL
24 BUILDINGS.

25 
26 (b) "ENERGY CODE" MEANS, AT A MINIMUM, THE 2003
27 INTERNATIONAL ENERGY CONSERVATION CODE, OR ANY SUCCESSOR

1 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR ANY
2 OTHER CODE DETERMINED BY THE OFFICE OF ENERGY MANAGEMENT AND
3 CONSERVATION TO BE MORE APPROPRIATE FOR LOCAL CONDITIONS.

4 (c) "OFFICE" MEANS THE OFFICE OF ENERGY MANAGEMENT AND
5 CONSERVATION WITHIN THE OFFICE OF THE GOVERNOR OR ANY SUCCESSOR
6 OFFICE THAT IS CREATED WITHIN THE OFFICE OF THE GOVERNOR FOR THE
7 PURPOSE OF PROMOTING ENERGY MANAGEMENT OR CONSERVATION.

8 (3) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION,
9 EVERY BOARD OF COUNTY COMMISSIONERS THAT HAS ENACTED A
10 BUILDING CODE PURSUANT TO SECTION 30-28-201 SHALL ADOPT AN
11 ENERGY CODE THAT SHALL APPLY TO THE CONSTRUCTION OF, AND
12 RENOVATIONS AND ADDITIONS TO, ALL COMMERCIAL AND RESIDENTIAL
13 BUILDINGS IN THE COUNTY TO WHICH THE BUILDING CODE APPLIES.

14 (4) THE ENERGY CODE SHALL APPLY TO ANY COMMERCIAL OR
15 RESIDENTIAL BUILDING IN THE COUNTY FOR WHICH A BUILDING PERMIT
16 APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF THE ENERGY
17 CODE.

18 (5) (a) IN THE CASE OF AN ADDITION, ALTERATION, RENOVATION,
19 OR REPAIR TO A COMMERCIAL OR RESIDENTIAL STRUCTURE THAT WAS IN
20 EXISTENCE BEFORE THE BOARD OF COUNTY COMMISSIONERS ADOPTED THE
21 ENERGY CODE, THE PROVISIONS OF THE ENERGY CODE SHALL APPLY ONLY
22 TO THE PORTIONS OF THE STRUCTURE THAT ARE ADDED, ALTERED,
23 RENOVATED, OR REPAIRED SUBSEQUENT TO THE ADOPTION OF THE ENERGY
24 CODE.

25 (b) AN EXISTING ENERGY-USING SYSTEM, INCLUDING AN
26 ENVELOPED, MECHANICAL, SERVICE WATER HEATING, ELECTRICAL,
27 DISTRIBUTION, OR LIGHTING SYSTEM SHALL NOT BE AFFECTED BY THE

1 ADOPTION OF THE ENERGY CODE IF THE EXISTING SYSTEM COMPLIES TO
2 THE ENERGY CODE UNDER WHICH THE BUILDING WAS ORIGINALLY
3 CONSTRUCTED. IF THERE ARE NO PREVIOUS ENERGY CODE CRITERIA TO
4 APPLY, THE ENERGY CODE OFFICIAL SHALL APPLY THE PROVISIONS OF THE
5 ENERGY CODE THAT ARE REASONABLY APPLICABLE TO EXISTING
6 BUILDINGS. ADDITIONS, ALTERATIONS, OR REPAIRS SHALL NOT CAUSE ANY
7 EXISTING SYSTEMS SPECIFIED IN THIS PARAGRAPH (b) TO BECOME UNSAFE,
8 HAZARDOUS, OR OVERLOADED.

9 (6) THE FOLLOWING BUILDINGS ARE EXEMPT FROM THE
10 PROVISIONS OF SUBSECTION (4) OF THIS SECTION:

11 (a) ANY BUILDING THAT IS OTHERWISE EXEMPT FROM THE
12 PROVISIONS OF THE BUILDING CODE ADOPTED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF THE COUNTY IN WHICH THE BUILDING IS LOCATED AND
14 BUILDINGS THAT DO NOT CONTAIN A CONDITIONED SPACE;

15 (b) ANY BUILDING THAT DOES NOT USE EITHER ELECTRICITY OR
16 FOSSIL FUELS FOR COMFORT HEATING. A BUILDING WILL BE PRESUMED TO
17 BE HEATED BY ELECTRICITY EVEN IN THE ABSENCE OF EQUIPMENT USED
18 FOR ELECTRIC COMFORT HEATING IF THE BUILDING IS PROVIDED WITH
19 ELECTRICAL SERVICE IN EXCESS OF ONE HUNDRED AMPS, UNLESS THE CODE
20 ENFORCEMENT OFFICIAL OF THE COUNTY DETERMINES THAT THE
21 ELECTRICAL SERVICE IS NECESSARY FOR A PURPOSE OTHER THAN FOR
22 PROVIDING ELECTRIC COMFORT HEATING.

23 (c) HISTORIC BUILDINGS THAT ARE LISTED _____ ON THE
24 NATIONAL REGISTER OF HISTORIC PLACES OR COLORADO STATE REGISTER
25 OF HISTORIC PROPERTIES AND BUILDINGS THAT HAVE BEEN DESIGNATED
26 AS HISTORICALLY SIGNIFICANT OR THAT HAVE BEEN DEEMED ELIGIBLE FOR
27 DESIGNATION BY A LOCAL GOVERNING BODY THAT IS AUTHORIZED TO

1 MAKE SUCH DESIGNATIONS; AND

2 (d) ANY BUILDING THAT IS EXEMPT PURSUANT TO THE ENERGY
3 CODE.

4 ==

5 (7) (a) THE OFFICE SHALL ENSURE THAT INFORMATION EXPLAINING
6 THE REQUIREMENTS OF THE ENERGY CODE AND DESCRIBING ACCEPTABLE
7 METHODS OF COMPLIANCE IS AVAILABLE TO BUILDERS, DESIGNERS,
8 ENGINEERS, AND ARCHITECTS.

9 (b) THE OFFICE SHALL PROVIDE BOARDS OF COUNTY
10 COMMISSIONERS WITH TECHNICAL ASSISTANCE CONCERNING THE
11 IMPLEMENTATION AND ENFORCEMENT OF THE ENERGY CODE.

12

13 **SECTION 3.** Part 6 of article 15 of title 31, Colorado Revised
14 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
15 read:

16 **31-15-602. Energy efficient building codes - legislative**
17 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
18 AND DECLARES THAT THERE IS STATEWIDE INTEREST IN REQUIRING AN
19 EFFECTIVE ENERGY EFFICIENT BUILDING CODE FOR THE FOLLOWING
20 REASONS:

21 (a) EXCESSIVE ENERGY CONSUMPTION CREATES EFFECTS BEYOND
22 THE BOUNDARIES OF THE LOCAL GOVERNMENT WITHIN WHICH THE ENERGY
23 IS CONSUMED BECAUSE THE PRODUCTION OF POWER OCCURS IN
24 CENTRALIZED LOCATIONS.

25 (b) AIR POLLUTANT EMISSIONS FROM ENERGY CONSUMPTION
26 AFFECTS THE HEALTH OF THE CITIZENS THROUGHOUT COLORADO.

27 (c) THE STRAIN ON THE GRID FROM PEAK ELECTRIC POWER

1 DEMANDS IS NOT CONFINED TO JURISDICTIONAL BOUNDARIES.

2 (d) THERE IS STATEWIDE INTEREST IN THE RELIABILITY OF THE
3 ELECTRICAL GRID AND AN ADEQUATE SUPPLY OF HEATING OIL AND
4 NATURAL GAS.

5 (e) CONTROLLING ENERGY COSTS FOR RESIDENTS AND BUSINESSES
6 FURTHERS A STATEWIDE INTEREST IN A STRONG ECONOMY AND REDUCING
7 THE COST OF HOUSING IN COLORADO.

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

10 (a) "BUILDING CODE" MEANS REGULATIONS RELATED TO ENERGY
11 PERFORMANCE, ELECTRICAL SYSTEMS, MECHANICAL SYSTEMS, PLUMBING
12 SYSTEMS, OR OTHER ELEMENTS OF RESIDENTIAL OR COMMERCIAL
13 BUILDINGS.

14 [REDACTED]
15 (b) "ENERGY CODE" MEANS, AT A MINIMUM, THE 2003
16 INTERNATIONAL ENERGY CONSERVATION CODE, OR ANY SUCCESSOR
17 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR ANY
18 OTHER CODE DETERMINED BY THE OFFICE OF ENERGY MANAGEMENT AND
19 CONSERVATION TO [REDACTED] BE MORE APPROPRIATE FOR LOCAL CONDITIONS.

20 (c) "OFFICE" MEANS THE OFFICE OF ENERGY MANAGEMENT AND
21 CONSERVATION WITHIN THE OFFICE OF THE GOVERNOR OR ANY SUCCESSOR
22 OFFICE THAT IS CREATED WITHIN THE OFFICE OF THE GOVERNOR FOR THE
23 PURPOSE OF PROMOTING ENERGY MANAGEMENT OR CONSERVATION.

24 (3) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION,
25 THE GOVERNING BODY OF ANY MUNICIPALITY THAT HAS ENACTED A
26 BUILDING CODE SHALL ADOPT AN ENERGY CODE THAT SHALL APPLY TO
27 THE CONSTRUCTION OF, AND RENOVATIONS AND ADDITIONS TO, ALL

1 COMMERCIAL AND RESIDENTIAL BUILDINGS IN THE MUNICIPALITY.

2 (4) THE ENERGY CODE SHALL APPLY TO ANY COMMERCIAL OR
3 RESIDENTIAL BUILDING IN THE MUNICIPALITY FOR WHICH A BUILDING
4 PERMIT APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF THE
5 ENERGY CODE.

6 (5) (a) IN THE CASE OF AN ADDITION, ALTERATION, RENOVATION,
7 OR REPAIR TO A COMMERCIAL OR RESIDENTIAL STRUCTURE THAT WAS IN
8 EXISTENCE BEFORE THE GOVERNING BODY OF THE MUNICIPALITY ADOPTED
9 THE ENERGY CODE, THE PROVISIONS OF THE ENERGY CODE SHALL APPLY
10 ONLY TO THE PORTIONS OF THE STRUCTURE THAT ARE ADDED, ALTERED,
11 RENOVATED, OR REPAIRED SUBSEQUENT TO THE ADOPTION OF THE ENERGY
12 CODE.

13 (b) AN EXISTING ENERGY-USING SYSTEM, INCLUDING AN
14 ENVELOPED, MECHANICAL, SERVICE WATER HEATING, ELECTRICAL,
15 DISTRIBUTION, OR LIGHTING SYSTEM SHALL NOT BE AFFECTED BY THE
16 ADOPTION OF THE ENERGY CODE IF THE EXISTING SYSTEM COMPLIES TO
17 THE ENERGY CODE UNDER WHICH THE BUILDING WAS ORIGINALLY
18 CONSTRUCTED. IF THERE ARE NO PREVIOUS ENERGY CODE CRITERIA TO
19 APPLY, THE ENERGY CODE OFFICIAL SHALL APPLY THE PROVISIONS OF THE
20 ENERGY CODE THAT ARE REASONABLY APPLICABLE TO EXISTING
21 BUILDINGS. ADDITIONS, ALTERATIONS, OR REPAIRS SHALL NOT CAUSE ANY
22 EXISTING SYSTEMS SPECIFIED IN THIS PARAGRAPH (b) TO BECOME UNSAFE,
23 HAZARDOUS, OR OVERLOADED.

24 (6) THE FOLLOWING BUILDINGS ARE EXEMPT FROM THE
25 PROVISIONS OF SUBSECTION (4) OF THIS SECTION:

26 (a) ANY BUILDING THAT IS OTHERWISE EXEMPT FROM THE
27 PROVISIONS OF THE BUILDING CODE ADOPTED BY THE GOVERNING BODY OF

1 THE MUNICIPALITY IN WHICH THE BUILDING IS LOCATED AND BUILDINGS
2 THAT DO NOT CONTAIN A CONDITIONED SPACE;

3 (b) ANY BUILDING THAT DOES NOT USE EITHER ELECTRICITY OR
4 FOSSIL FUELS FOR COMFORT HEATING. A BUILDING WILL BE PRESUMED TO
5 BE HEATED BY ELECTRICITY EVEN IN THE ABSENCE OF EQUIPMENT USED
6 FOR ELECTRIC COMFORT HEATING IF THE BUILDING IS PROVIDED WITH
7 ELECTRICAL SERVICE IN EXCESS OF ONE HUNDRED AMPS, UNLESS THE CODE
8 ENFORCEMENT OFFICIAL OF THE MUNICIPALITY DETERMINES THAT THE
9 ELECTRICAL SERVICE IS NECESSARY FOR A PURPOSE OTHER THAN FOR
10 PROVIDING ELECTRIC COMFORT HEATING.

11 (c) HISTORIC BUILDINGS THAT ARE LISTED == ON THE NATIONAL
12 REGISTER OF HISTORIC PLACES OR COLORADO STATE REGISTER OF
13 HISTORIC PROPERTIES AND BUILDINGS THAT HAVE BEEN DESIGNATED AS
14 HISTORICALLY SIGNIFICANT OR THAT HAVE BEEN DEEMED ELIGIBLE FOR
15 DESIGNATION BY A LOCAL GOVERNING BODY THAT IS AUTHORIZED TO
16 MAKE SUCH DESIGNATIONS; AND

17 (d) ANY BUILDING THAT IS EXEMPT PURSUANT TO THE ENERGY
18 CODE.

19 ==
20 (7) (a) THE OFFICE SHALL ENSURE THAT INFORMATION EXPLAINING
21 THE REQUIREMENTS OF THE ENERGY CODE AND DESCRIBING ACCEPTABLE
22 METHODS OF COMPLIANCE IS AVAILABLE TO BUILDERS, DESIGNERS,
23 ENGINEERS, AND ARCHITECTS.

24 (b) THE OFFICE SHALL PROVIDE THE GOVERNING BODY OF ANY
25 MUNICIPALITY WITH TECHNICAL ASSISTANCE CONCERNING THE
26 IMPLEMENTATION AND ENFORCEMENT OF THE ENERGY CODE.

27 **SECTION 4. Effective date.** This act shall take effect July 1,

1 2007.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.