

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

INTRODUCED

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

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.

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 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

26 (c) "ENERGY CODE" MEANS, AT A MINIMUM, THE 2003
27 INTERNATIONAL ENERGY CONSERVATION CODE PUBLISHED BY THE

1 INTERNATIONAL CODE COUNCIL OR ANY OTHER CODE DETERMINED BY THE
2 OFFICE OF ENERGY MANAGEMENT AND CONSERVATION TO EFFECT AN
3 EQUIVALENT AMOUNT OF ENERGY CONSERVATION.

4 (d) "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.

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) IN THE CASE OF AN ADDITION, ALTERATION, RENOVATION, OR
19 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 (6) THE FOLLOWING BUILDINGS ARE EXEMPT FROM THE
26 PROVISIONS OF SUBSECTION (4) OF THIS SECTION:

27 (a) ANY BUILDING THAT IS OTHERWISE EXEMPT FROM THE

1 PROVISIONS OF THE BUILDING CODE ADOPTED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF THE COUNTY IN WHICH THE BUILDING IS LOCATED AND
3 BUILDINGS THAT DO NOT CONTAIN A CONDITIONED SPACE;

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

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

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

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

23 (b) THE OFFICE SHALL PROVIDE BOARDS OF COUNTY
24 COMMISSIONERS WITH TECHNICAL ASSISTANCE CONCERNING THE
25 IMPLEMENTATION AND ENFORCEMENT OF THE ENERGY CODE.

26 (8) (a) THE DEPARTMENT MAY AWARD GRANTS TO BOARDS OF
27 COUNTY COMMISSIONERS OUT OF MONEYS MADE AVAILABLE TO THE

1 ENERGY AND MINERAL ASSISTANCE PROGRAM FOR TRAINING AND
2 TECHNICAL ASSISTANCE IN ENACTING, COMPLYING WITH, AND ENFORCING
3 THE ENERGY CODE.

4 (b) THE DEPARTMENT MAY AWARD GRANTS TO NONPROFIT
5 ORGANIZATIONS TO PROVIDE TRAINING AND TECHNICAL ASSISTANCE IN
6 THE IMPLEMENTATION AND ENFORCEMENT OF THE ENERGY CODE AND ON
7 BUILDING DESIGN AND CONSTRUCTION METHODS THAT EXCEED THE
8 MINIMUM STANDARDS REQUIRED PURSUANT TO THIS SECTION.

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

12 **31-15-602. Energy efficient building codes - legislative**
13 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
14 AND DECLARES THAT THERE IS STATEWIDE INTEREST IN REQUIRING AN
15 EFFECTIVE ENERGY EFFICIENT BUILDING CODE FOR THE FOLLOWING
16 REASONS:

17 (a) EXCESSIVE ENERGY CONSUMPTION CREATES EFFECTS BEYOND
18 THE BOUNDARIES OF THE LOCAL GOVERNMENT WITHIN WHICH THE ENERGY
19 IS CONSUMED BECAUSE THE PRODUCTION OF POWER OCCURS IN
20 CENTRALIZED LOCATIONS.

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

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

25 (d) THERE IS STATEWIDE INTEREST IN THE RELIABILITY OF THE
26 ELECTRICAL GRID AND AN ADEQUATE SUPPLY OF HEATING OIL AND
27 NATURAL GAS.

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

4 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (a) "BUILDING CODE" MEANS REGULATIONS RELATED TO ENERGY
7 PERFORMANCE, ELECTRICAL SYSTEMS, MECHANICAL SYSTEMS, PLUMBING
8 SYSTEMS, OR OTHER ELEMENTS OF RESIDENTIAL OR COMMERCIAL
9 BUILDINGS.

10 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

11 (c) "ENERGY CODE" MEANS, AT A MINIMUM, THE 2003
12 INTERNATIONAL ENERGY CONSERVATION CODE PUBLISHED BY THE
13 INTERNATIONAL CODE COUNCIL OR ANY OTHER CODE DETERMINED BY THE
14 OFFICE OF ENERGY MANAGEMENT AND CONSERVATION TO EFFECT AN
15 EQUIVALENT AMOUNT OF ENERGY CONSERVATION.

16 (d) "OFFICE" MEANS THE OFFICE OF ENERGY MANAGEMENT AND
17 CONSERVATION WITHIN THE OFFICE OF THE GOVERNOR OR ANY SUCCESSOR
18 OFFICE THAT IS CREATED WITHIN THE OFFICE OF THE GOVERNOR FOR THE
19 PURPOSE OF PROMOTING ENERGY MANAGEMENT OR CONSERVATION.

20 (3) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION,
21 THE GOVERNING BODY OF ANY MUNICIPALITY THAT HAS ENACTED A
22 BUILDING CODE SHALL ADOPT AN ENERGY CODE THAT SHALL APPLY TO
23 THE CONSTRUCTION OF, AND RENOVATIONS AND ADDITIONS TO, ALL
24 COMMERCIAL AND RESIDENTIAL BUILDINGS IN THE MUNICIPALITY.

25 (4) THE ENERGY CODE SHALL APPLY TO ANY COMMERCIAL OR
26 RESIDENTIAL BUILDING IN THE MUNICIPALITY FOR WHICH A BUILDING
27 PERMIT APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF THE

1 ENERGY CODE.

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

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 GOVERNING BODY OF
13 THE MUNICIPALITY IN WHICH THE BUILDING IS LOCATED AND BUILDINGS
14 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 MUNICIPALITY 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 NATIONAL
24 REGISTER OF HISTORIC PLACES OR COLORADO STATE REGISTER OF
25 HISTORIC PROPERTIES AND BUILDINGS THAT HAVE BEEN DESIGNATED AS
26 HISTORICALLY SIGNIFICANT BY A LOCAL GOVERNING BODY THAT IS
27 AUTHORIZED TO MAKE SUCH DESIGNATIONS; AND

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

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

7 (b) THE OFFICE SHALL PROVIDE THE GOVERNING BODY OF ANY
8 MUNICIPALITY WITH TECHNICAL ASSISTANCE CONCERNING THE
9 IMPLEMENTATION AND ENFORCEMENT OF THE ENERGY CODE.

10 (8) (a) THE DEPARTMENT MAY AWARD GRANTS TO THE GOVERNING
11 BODY OF ANY MUNICIPALITY OUT OF MONEYS MADE AVAILABLE TO THE
12 ENERGY AND MINERAL ASSISTANCE PROGRAM FOR TRAINING AND
13 TECHNICAL ASSISTANCE IN ENACTING, COMPLYING WITH, AND ENFORCING
14 THE ENERGY CODE.

15 (b) THE DEPARTMENT MAY AWARD GRANTS TO NONPROFIT
16 ORGANIZATIONS TO PROVIDE TRAINING AND TECHNICAL ASSISTANCE IN
17 THE IMPLEMENTATION AND ENFORCEMENT OF THE ENERGY CODE AND ON
18 BUILDING DESIGN AND CONSTRUCTION METHODS THAT EXCEED THE
19 MINIMUM STANDARDS REQUIRED PURSUANT TO THIS SECTION.

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