

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 07-0337.01 Thomas Morris

SENATE BILL 07-051

SENATE SPONSORSHIP

Gordon,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT FOR INCREASED RESOURCE EFFICIENCY
102 FOR STATE-ASSISTED 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 the state agency or department that controls the substantial renovation, design, or construction of a state-assisted facility of 5,000 or more square feet that has not entered the design phase prior to January 1, 2008, and that receives at least 25% of the project cost from a state agency or department, to register with the U.S. green building council declaring the agency's or department's intent and method to pursue the council's gold level leadership in energy and environmental

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.

design green building rating system ("LEED"), if the increased initial costs of constructing the building to the gold level can be recouped from decreased operational costs within 5 years. Requires such facilities to be designed and constructed in pursuit of certification at that level. Requires controlled maintenance and minor renovations to be executed to LEED standards even if LEED certification is not sought. Requires the department of personnel and administration to develop and issue guidelines for implementing the LEED requirement. Requires the department to annually report to the general assembly regarding the ongoing implementation of the LEED requirement.

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

2 **SECTION 1.** 24-30-1301, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF THE FOLLOWING NEW
4 SUBSECTIONS to read:

5 **24-30-1301. Definitions.** As used in this part 13, unless the
6 context otherwise requires:

7 (8.5) "LEED CERTIFICATION" MEANS THE U.S. GREEN BUILDING
8 COUNCIL'S LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN GREEN
9 BUILDING CERTIFICATION SYSTEM.

10 (15) "SUBSTANTIAL RENOVATION" MEANS ANY RENOVATION THE
11 COST OF WHICH EXCEEDS TWENTY-FIVE PERCENT OF THE VALUE OF THE
12 PROPERTY.

13 **SECTION 2.** 24-30-1305, Colorado Revised Statutes, is amended
14 BY THE ADDITION OF A NEW SUBSECTION to read:

15 **24-30-1305. Life-cycle cost - application - report.** (9) (a) THE
16 STATE AGENCY OR DEPARTMENT CONTROLLING THE SUBSTANTIAL
17 RENOVATION, DESIGN, OR NEW CONSTRUCTION OF A STATE-ASSISTED
18 FACILITY OF FIVE THOUSAND OR MORE GROSS SQUARE FEET THAT HAS NOT
19 ENTERED THE DESIGN PHASE PRIOR TO JANUARY 1, 2008, AND THAT
20 RECEIVES AT LEAST TWENTY-FIVE PERCENT OF THE PROJECT COST FROM A

1 STATE AGENCY OR DEPARTMENT, SHALL, PURSUANT TO THE GUIDELINES
2 ADOPTED IN PARAGRAPH (b) OF THIS SUBSECTION (9), REGISTER THE
3 STATE-ASSISTED FACILITY WITH THE U.S. GREEN BUILDING COUNCIL TO
4 DECLARE THE AGENCY'S OR DEPARTMENT'S INTENT AND METHOD TO
5 PURSUE LEED CERTIFICATION AT THE GOLD LEVEL, IF THE INCREASED
6 INITIAL COSTS OF CONSTRUCTING THE STATE-ASSISTED FACILITY TO THE
7 GOLD LEVEL CAN BE RECOUPED FROM DECREASED OPERATIONAL COSTS
8 WITHIN FIVE YEARS. SUCH STATE-ASSISTED FACILITIES SHALL BE
9 DESIGNED AND CONSTRUCTED IN PURSUIT OF LEED CERTIFICATION AT THE
10 GOLD LEVEL. ANY CONTROLLED MAINTENANCE OR MINOR RENOVATIONS
11 SHALL BE EXECUTED TO LEED STANDARDS EVEN IF LEED CERTIFICATION
12 IS NOT SOUGHT AT THAT TIME. IF THE STATE-ASSISTED FACILITY
13 UNDERGOING SUBSTANTIAL RENOVATION CANNOT ACHIEVE LEED
14 CERTIFICATION DUE TO EITHER THE HISTORICAL NATURE OF THE BUILDING
15 OR BECAUSE THE INCREASED COSTS OF RENOVATING THE STATE-ASSISTED
16 FACILITY TO THE GOLD LEVEL CANNOT BE RECOUPED FROM DECREASED
17 OPERATIONAL COSTS WITHIN FIVE YEARS, A VERIFIED LEED-ACCREDITED
18 PROFESSIONAL SHALL ASSERT IN WRITING THAT, AS MUCH AS POSSIBLE,
19 THE SUBSTANTIAL RENOVATION HAS BEEN CONSISTENT WITH LEED
20 STANDARDS.

21 (b) (I) THE DEPARTMENT, IN CONSULTATION WITH AFFECTED
22 STATE AGENCIES, SHALL DEVELOP AND ISSUE GUIDELINES FOR STATE
23 AGENCIES CONCERNING THE IMPLEMENTATION OF THIS SUBSECTION (9) IN
24 ORDER TO:

25 (A) REDUCE THE OPERATING COSTS OF STATE-ASSISTED FACILITIES
26 BY REDUCING THE CONSUMPTION OF ENERGY, WATER, AND OTHER
27 RESOURCES;

1 (B) RECOVER THE INCREASED INITIAL CAPITAL COSTS
2 ATTRIBUTABLE TO COMPLIANCE WITH THE GUIDELINES OVER A TIME
3 PERIOD BY REDUCING LONG-TERM ENERGY, MAINTENANCE, AND
4 OPERATING COSTS; AND

5 (C) IMPROVE THE INDOOR ENVIRONMENTAL QUALITY OF
6 STATE-ASSISTED FACILITIES FOR A HEALTHIER WORK ENVIRONMENT.

7 (II) SUCH GUIDELINES SHALL COMPLY WITH THE FEDERAL
8 SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF
9 HISTORIC PROPERTIES WHEN SUCH WORK WILL AFFECT PROPERTIES FIFTY
10 OR MORE YEARS OF AGE, UNLESS THE STATE HISTORICAL SOCIETY
11 DESIGNATED IN SECTION 24-80-201 DETERMINES THAT SUCH PROPERTY IS
12 NOT OF HISTORICAL SIGNIFICANCE, AS THAT TERM IS DEFINED IN SECTION
13 24-80.1-102 (6).

14 (c) THE DEPARTMENT SHALL REPORT ANNUALLY TO THE GENERAL
15 ASSEMBLY'S CAPITAL DEVELOPMENT COMMITTEE REGARDING
16 CONTRACTING DOCUMENTS, PROJECT GUIDELINES, AND REPORTING AND
17 TRACKING PROCEDURES RELATED TO THE IMPLEMENTATION OF THIS
18 SUBSECTION (9).

19 **SECTION 3. Effective date.** (1) This act shall take effect
20 September 1, 2007.

21 (2) However, if a referendum petition is filed against this act or
22 an item, section, or part of this act during the 90-day period after final
23 adjournment of the general assembly that is allowed for submitting a
24 referendum petition pursuant to article V, section 1 (3) of the state
25 constitution, then the act, item, section, or part, shall not take effect unless
26 approved by the people at a biennial regular general election and shall

1 take effect on the date specified in subsection (1) or on the date of the
2 official declaration of the vote thereon by proclamation of the governor,
3 whichever is later.