

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 07-0337.01 Thomas Morris

SENATE BILL 07-051

SENATE SPONSORSHIP

Gordon,

HOUSE SPONSORSHIP

Witwer and Levy,

Senate Committees

Agriculture, Natural Resources & Energy

House Committees

Transportation & Energy

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.

HOUSE
3rd Reading Unamended
April 3, 2007

HOUSE
Amended 2nd Reading
April 2, 2007

SENATE
3rd Reading Unamended
March 2, 2007

SENATE
Amended 2nd Reading
March 1, 2007

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 (13), Colorado Revised Statutes, is
3 amended, and the said 24-30-1301 is further amended BY THE
4 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

7 (7.5) "HIGH PERFORMANCE STANDARD CERTIFICATION PROGRAM"
8 MEANS A BUILDING RENOVATION, DESIGN, AND CONSTRUCTION STANDARD
9 THAT:

10 (a) IS QUANTIFIABLE, MEASURABLE, AND VERIFIABLE AS CERTIFIED
11 BY AN INDEPENDENT THIRD PARTY;

12 (b) REDUCES THE OPERATING COSTS OF STATE-ASSISTED
13 FACILITIES BY REDUCING THE CONSUMPTION OF ENERGY, WATER, AND
14 OTHER RESOURCES;

15 (c) RESULTS IN THE RECOVERY OF THE INCREASED INITIAL CAPITAL
16 COSTS ATTRIBUTABLE TO COMPLIANCE WITH THE PROGRAM OVER A TIME
17 PERIOD BY REDUCING LONG-TERM ENERGY, MAINTENANCE, AND
18 OPERATING COSTS;

19 (d) IMPROVES THE INDOOR ENVIRONMENTAL QUALITY OF
20 STATE-ASSISTED FACILITIES FOR A HEALTHIER WORK ENVIRONMENT;

1 (e) ENCOURAGES THE USE OF PRODUCTS HARVESTED, CREATED, OR
2 MINED WITHIN COLORADO, REGARDLESS OF PRODUCT CERTIFICATION
3 STATUS;

4 (f) PROTECTS COLORADO'S ENVIRONMENT; AND

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

11 (13) "State-assisted facility" means a facility constructed, or a
12 major facility constructed or renovated, in whole or in part, with state
13 funds or with funds guaranteed or insured by a state agency; EXCEPT
14 THAT, FOR PURPOSES OF SECTION 24-30-1305 (9):

15 (a) "STATE-ASSISTED FACILITY" MEANS A FACILITY THAT:

16 (I) IS SUBSTANTIALLY RENOVATED, DESIGNED, OR CONSTRUCTED
17 WITH STATE FUNDS OR WITH FUNDS GUARANTEED OR INSURED BY A STATE
18 AGENCY AND SUCH FUNDS CONSTITUTE AT LEAST TWENTY-FIVE PERCENT
19 OF THE PROJECT COST;

20 (II) CONTAINS FIVE THOUSAND OR MORE GROSS SQUARE FEET;

21 (III) INCLUDES A HEATING, VENTILATION, OR AIR CONDITIONING
22 SYSTEM; AND

23 (IV) HAS NOT ENTERED THE DESIGN PHASE PRIOR TO JANUARY 1,
24 2008.

25 (b) "STATE -ASSISTED FACILITY" DOES NOT INCLUDE:

26 (I) A FACILITY SPECIFIED IN SECTION 23-1-106 (9), C.R.S.;

27 (II) A FACILITY FINANCED BY THE COLORADO HOUSING AND

1 FINANCE AUTHORITY PURSUANT TO PART 7 OF ARTICLE 4 OF TITLE 29,
2 C.R.S., OR THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL
3 AFFAIRS; OR

4 (III) A FACILITY THE SOURCE OF FUNDING FOR WHICH IS SECTION
5 39-29-110 (1) (b), C.R.S.

6 (15) "SUBSTANTIAL RENOVATION" MEANS ANY RENOVATION THE
7 COST OF WHICH EXCEEDS TWENTY-FIVE PERCENT OF THE VALUE OF THE
8 PROPERTY.

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

11 **24-30-1305. Life-cycle cost - application - high performance**
12 **standards - report. (9) (a) THE OFFICE OF THE STATE ARCHITECT, OR AN**
13 **ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT, SHALL, IN**
14 **CONSULTATION WITH THE COLORADO COMMISSION ON HIGHER**
15 **EDUCATION, ADOPT AND UPDATE FROM TIME TO TIME A HIGH**
16 **PERFORMANCE STANDARD CERTIFICATION PROGRAM.**

17 **(b) A STATE AGENCY OR DEPARTMENT CONTROLLING THE**
18 **SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION OF A**
19 **STATE-ASSISTED FACILITY SHALL, PURSUANT TO THE PROGRAM ADOPTED**
20 **IN PARAGRAPH (a) OF THIS SUBSECTION (9), PERFORM THE SUBSTANTIAL**
21 **RENOVATION, DESIGN, OR NEW CONSTRUCTION TO ACHIEVE THE HIGHEST**
22 **PERFORMANCE CERTIFICATION ATTAINABLE AS CERTIFIED BY AN**
23 **INDEPENDENT THIRD PARTY PURSUANT TO THE HIGH PERFORMANCE**
24 **STANDARD CERTIFICATION PROGRAM. FOR PURPOSES OF THIS PARAGRAPH**
25 **(b), A CERTIFICATION IS ATTAINABLE IF THE INCREASED INITIAL COSTS OF**
26 **THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION,**
27 **INCLUDING THE TIME VALUE OF MONEY, CAN BE RECOUPED FROM**

1 DECREASED OPERATIONAL COSTS WITHIN FIFTEEN YEARS.

2 (c) (I) IF THE STATE AGENCY OR DEPARTMENT ESTIMATES THAT
3 SUCH INCREASED INITIAL COSTS WILL EXCEED FIVE PERCENT OF THE TOTAL
4 COST OF THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION,
5 THE GENERAL ASSEMBLY'S CAPITAL DEVELOPMENT COMMITTEE SHALL
6 SPECIFICALLY EXAMINE SUCH ESTIMATE BEFORE APPROVING ANY
7 APPROPRIATION FOR THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW
8 CONSTRUCTION.

9 (II) IF A STATE-ASSISTED FACILITY UNDERGOING SUBSTANTIAL
10 RENOVATION CANNOT ACHIEVE HIGH PERFORMANCE DUE TO EITHER THE
11 HISTORICAL NATURE OF THE BUILDING OR BECAUSE THE INCREASED COSTS
12 OF RENOVATING THE STATE-ASSISTED FACILITY CANNOT BE RECOUPED
13 FROM DECREASED OPERATIONAL COSTS WITHIN FIFTEEN YEARS, AN
14 ACCREDITED PROFESSIONAL SHALL ASSERT IN WRITING THAT, AS MUCH AS
15 POSSIBLE, THE SUBSTANTIAL RENOVATION HAS BEEN CONSISTENT WITH
16 THE HIGH PERFORMANCE STANDARD CERTIFICATION PROGRAM.

17 (III) ANY DESIGN OR NEW CONSTRUCTION OF A FACILITY OF LESS
18 THAN FIVE THOUSAND SQUARE FEET THAT IS, BUT FOR ITS SIZE, OTHERWISE
19 SUBJECT TO THIS SECTION AND MINOR RENOVATION AND CONTROLLED
20 MAINTENANCE OF SUCH FACILITIES AND FACILITIES THAT ARE SUBJECT TO
21 THIS SECTION SHALL BE EXECUTED TO THE HIGH PERFORMANCE
22 STANDARDS ADOPTED IN THE HIGH PERFORMANCE STANDARD
23 CERTIFICATION PROGRAM EVEN IF HIGH PERFORMANCE CERTIFICATION IS
24 NOT SOUGHT AT THAT TIME.

25 (IV) A STATE-ASSISTED FACILITY MAY BE EXEMPTED FROM
26 COMPLYING WITH THIS SECTION UPON A DETERMINATION BY THE
27 EXECUTIVE DIRECTOR THAT EXTENUATING CIRCUMSTANCES EXIST SUCH

1 AS TO PRECLUDE THE IMPLEMENTATION OF THIS SUBSECTION (9).

2 (d) THE DEPARTMENT SHALL REPORT ANNUALLY TO THE GENERAL
3 ASSEMBLY'S CAPITAL DEVELOPMENT COMMITTEE REGARDING
4 CONTRACTING DOCUMENTS, PROJECT GUIDELINES, AND REPORTING AND
5 TRACKING PROCEDURES RELATED TO THE IMPLEMENTATION OF THIS
6 SUBSECTION (9).

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

9 (2) However, if a referendum petition is filed against this act or
10 an item, section, or part of this act during the 90-day period after final
11 adjournment of the general assembly that is allowed for submitting a
12 referendum petition pursuant to article V, section 1 (3) of the state
13 constitution, then the act, item, section, or part, shall not take effect unless
14 approved by the people at a biennial regular general election and shall
15 take effect on the date specified in subsection (1) or on the date of the
16 official declaration of the vote thereon by proclamation of the governor,
17 whichever is later.