

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 (7.5) "HIGH PERFORMANCE" MEANS A SUBSTANTIAL RENOVATION,
8 DESIGN, OR NEW CONSTRUCTION THAT COMPLIES WITH EITHER:

9 (a) LEED CERTIFICATION AT THE GOLD LEVEL; OR

10 (b) THE STATE HIGH PERFORMANCE CERTIFICATION PROGRAM.

11 (8.5) "LEED CERTIFICATION" MEANS THE U.S. GREEN BUILDING
12 COUNCIL'S LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN GREEN
13 BUILDING CERTIFICATION SYSTEM.

14 (15) "STATE HIGH PERFORMANCE CERTIFICATION PROGRAM"
15 MEANS A HIGH PERFORMANCE BUILDING ACCREDITATION PROGRAM
16 ADOPTED BY THE DEPARTMENT IN CONJUNCTION WITH THE DEPARTMENT
17 OF AGRICULTURE, THE DEPARTMENT OF NATURAL RESOURCES, THE
18 GOVERNOR'S OFFICE OF ENERGY MANAGEMENT AND CONSERVATION, AND
19 THE OFFICE OF THE STATE ARCHITECT, OR ANALOGOUS SUCCESSOR
20 OFFICES, THAT CERTIFIES THAT STATE-ASSISTED FACILITIES MEET A

1 PERFORMANCE STANDARD EQUIVALENT TO OR IN EXCESS OF LEED
2 CERTIFICATION AT THE GOLD LEVEL; EXCEPT THAT THE STATE HIGH
3 PERFORMANCE CERTIFICATION PROGRAM NEED NOT BE EQUIVALENT TO OR
4 IN EXCESS OF LEED CERTIFICATION AT THE GOLD LEVEL IF THE
5 DEPARTMENT DETERMINES, BASED ON FACTORS SPECIFIC TO COLORADO,
6 THAT PARTICULARLY-IDENTIFIED CRITERIA NEED NOT BE COMPLIED WITH.
7 THE PROGRAM SHALL GIVE CREDIT FOR THE USE OF PRODUCTS HARVESTED,
8 CREATED, OR MINED WITHIN COLORADO.

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

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

14 24-30-1305. Life-cycle cost - application - report. (9) (a) (I)
15 THE STATE AGENCY OR DEPARTMENT CONTROLLING THE SUBSTANTIAL
16 RENOVATION, DESIGN, OR NEW CONSTRUCTION OF A STATE-ASSISTED
17 FACILITY OF FIVE THOUSAND OR MORE GROSS SQUARE FEET THAT
18 INCLUDES A HEATING, VENTILATION, OR AIR CONDITIONING SYSTEM AND
19 THAT HAS NOT ENTERED THE DESIGN PHASE PRIOR TO JANUARY 1, 2008,
20 AND THAT RECEIVES AT LEAST TWENTY-FIVE PERCENT OF THE PROJECT
21 COST FROM A STATE AGENCY OR DEPARTMENT, SHALL, PURSUANT TO THE
22 GUIDELINES ADOPTED IN PARAGRAPH (b) OF THIS SUBSECTION (9),
23 PERFORM THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW
24 CONSTRUCTION TO ACHIEVE HIGH PERFORMANCE IF THE INCREASED
25 INITIAL COSTS OF DOING SO, INCLUDING THE TIME VALUE OF MONEY, CAN
26 BE RECOUPED FROM DECREASED OPERATIONAL COSTS WITHIN FIFTEEN
27 YEARS.

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

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

16 (IV) ANY DESIGN OR NEW CONSTRUCTION OF A STATE-ASSISTED
17 FACILITY OF LESS THAN FIVE THOUSAND SQUARE FEET THAT IS OTHERWISE
18 SUBJECT TO THIS SECTION AND MINOR RENOVATION AND CONTROLLED
19 MAINTENANCE OF SUCH FACILITIES AND FACILITIES THAT ARE SUBJECT TO
20 THIS SECTION SHALL BE EXECUTED TO HIGH PERFORMANCE STANDARDS
21 EVEN IF HIGH PERFORMANCE CERTIFICATION IS NOT SOUGHT AT THAT TIME.

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

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

1 RESOURCES;

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

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

8 (II) SUCH GUIDELINES SHALL COMPLY WITH THE FEDERAL
9 SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF
10 HISTORIC PROPERTIES WHEN SUCH WORK WILL AFFECT PROPERTIES FIFTY
11 OR MORE YEARS OF AGE, UNLESS THE STATE HISTORICAL SOCIETY
12 DESIGNATED IN SECTION 24-80-201 DETERMINES THAT SUCH PROPERTY IS
13 NOT OF HISTORICAL SIGNIFICANCE, AS THAT TERM IS DEFINED IN SECTION
14 24-80.1-102 (6).

15 (III) THE DEPARTMENT'S GUIDELINES SHALL SPECIFY THE VERSIONS
16 OF HIGH PERFORMANCE CERTIFICATION THAT ARE IN EFFECT AND SHALL
17 UPDATE THE SPECIFICATIONS FROM TIME TO TIME.

18 (c) A STATE-ASSISTED FACILITY MAY BE EXEMPTED FROM
19 COMPLYING WITH THIS SECTION UPON:

20 (I) A DETERMINATION BY THE EXECUTIVE DIRECTOR THAT
21 EXTENUATING CIRCUMSTANCES EXIST SUCH AS TO PRECLUDE THE
22 IMPLEMENTATION OF THIS SUBSECTION (9); AND

23 (II) APPROVAL OF SUCH DETERMINATION BY THE GOVERNOR OR
24 THE GOVERNOR'S CHIEF OF STAFF.

25 (d) THE DEPARTMENT SHALL REPORT ANNUALLY TO THE GENERAL
26 ASSEMBLY'S CAPITAL DEVELOPMENT COMMITTEE REGARDING
27 CONTRACTING DOCUMENTS, PROJECT GUIDELINES, AND REPORTING AND

1 TRACKING PROCEDURES RELATED TO THE IMPLEMENTATION OF THIS
2 SUBSECTION (9).

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

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