

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 15, 2007
Date

Committee on Agriculture, Natural Resources & Energy.

After consideration on the merits, the Committee recommends the following:

SB07-051 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, after line 6, insert the following:

2 "(7.5) "HIGH PERFORMANCE" MEANS A SUBSTANTIAL RENOVATION,
3 DESIGN, OR NEW CONSTRUCTION THAT COMPLIES WITH EITHER:

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

5 (b) THE STATE HIGH PERFORMANCE CERTIFICATION PROGRAM.";

6 after line 9, insert the following:

7 "(15) "STATE HIGH PERFORMANCE CERTIFICATION PROGRAM"
8 MEANS A HIGH PERFORMANCE BUILDING ACCREDITATION PROGRAM
9 ADOPTED BY THE DEPARTMENT IN CONJUNCTION WITH THE DEPARTMENT
10 OF AGRICULTURE, THE DEPARTMENT OF NATURAL RESOURCES, THE
11 GOVERNOR'S OFFICE OF ENERGY MANAGEMENT AND CONSERVATION, AND
12 THE OFFICE OF THE STATE ARCHITECT, OR ANALOGOUS SUCCESSOR
13 OFFICES, THAT CERTIFIES THAT STATE-ASSISTED FACILITIES MEET A
14 PERFORMANCE STANDARD EQUIVALENT TO OR IN EXCESS OF LEED
15 CERTIFICATION AT THE GOLD LEVEL; EXCEPT THAT THE STATE HIGH
16 PERFORMANCE CERTIFICATION PROGRAM NEED NOT BE EQUIVALENT TO OR
17 IN EXCESS OF LEED CERTIFICATION AT THE GOLD LEVEL IF THE
18 DEPARTMENT DETERMINES, BASED ON FACTORS SPECIFIC TO COLORADO,
19 THAT PARTICULARLY-IDENTIFIED CRITERIA NEED NOT BE COMPLIED WITH.

1 THE PROGRAM SHALL GIVE CREDIT FOR THE USE OF PRODUCTS HARVESTED,
2 CREATED, OR MINED WITHIN COLORADO.";

3 line 10, strike "(15)" and substitute "(16)";

4 line 15, after "(a)", insert "(I)";

5 line 18, after "THAT", insert "INCLUDES A HEATING, VENTILATION, OR AIR
6 CONDITIONING SYSTEM AND THAT".

7 Page 3, strike lines 2 through 20 and substitute the following:

8 "ADOPTED IN PARAGRAPH (b) OF THIS SUBSECTION (9), PERFORM THE
9 SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION TO ACHIEVE
10 HIGH PERFORMANCE IF THE INCREASED INITIAL COSTS OF DOING SO,
11 INCLUDING THE TIME VALUE OF MONEY, CAN BE RECOUPED FROM
12 DECREASED OPERATIONAL COSTS WITHIN FIFTEEN YEARS.

13 (II) IF THE STATE AGENCY OR DEPARTMENT ESTIMATES THAT SUCH
14 INCREASED INITIAL COSTS WILL EXCEED FIVE PERCENT OF THE TOTAL COST
15 OF THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION, THE
16 GENERAL ASSEMBLY'S CAPITAL DEVELOPMENT COMMITTEE SHALL
17 SPECIFICALLY EXAMINE SUCH ESTIMATE BEFORE APPROVING ANY
18 APPROPRIATION FOR THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW
19 CONSTRUCTION.

20 (III) IF A STATE-ASSISTED FACILITY UNDERGOING SUBSTANTIAL
21 RENOVATION CANNOT ACHIEVE HIGH PERFORMANCE DUE TO EITHER THE
22 HISTORICAL NATURE OF THE BUILDING OR BECAUSE THE INCREASED COSTS
23 OF RENOVATING THE STATE-ASSISTED FACILITY CANNOT BE RECOUPED
24 FROM DECREASED OPERATIONAL COSTS WITHIN FIFTEEN YEARS, A VERIFIED
25 LEED-ACCREDITED PROFESSIONAL SHALL ASSERT IN WRITING THAT, AS
26 MUCH AS POSSIBLE, THE SUBSTANTIAL RENOVATION HAS BEEN CONSISTENT
27 WITH HIGH PERFORMANCE STANDARDS.

28 (IV) ANY DESIGN OR NEW CONSTRUCTION OF A STATE-ASSISTED
29 FACILITY OF LESS THAN FIVE THOUSAND SQUARE FEET THAT IS OTHERWISE
30 SUBJECT TO THIS SECTION AND MINOR RENOVATION AND CONTROLLED
31 MAINTENANCE OF SUCH FACILITIES AND FACILITIES THAT ARE SUBJECT TO
32 THIS SECTION SHALL BE EXECUTED TO HIGH PERFORMANCE STANDARDS
33 EVEN IF HIGH PERFORMANCE CERTIFICATION IS NOT SOUGHT AT THAT



1 TIME."

2 Page 4, after line 13, insert the following:

3 "(III) THE DEPARTMENT'S GUIDELINES SHALL SPECIFY THE
4 VERSIONS OF HIGH PERFORMANCE CERTIFICATION THAT ARE IN EFFECT AND
5 SHALL UPDATE THE SPECIFICATIONS FROM TIME TO TIME.

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

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

11 (II) APPROVAL OF SUCH DETERMINATION BY THE GOVERNOR OR
12 THE GOVERNOR'S CHIEF OF STAFF."

13 Reletter succeeding paragraph accordingly.

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