

## CHAPTER 129

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**GOVERNMENT - STATE**


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**SENATE BILL 07-051**

BY SENATOR(S) Gordon, Bacon, Boyd, Brophy, Fitz-Gerald, Groff, Isgar, Johnson, Keller, Kopp, McElhany, Mitchell S., Morse, Sandoval, Schultheis, Schwartz, Shaffer, Tapia, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams, Windels, and Spence; also REPRESENTATIVE(S) Witwer and Levy, Buescher, Carroll M., Carroll T., Fischer, Frangas, Green, Hodge, Kefalas, Labuda, Madden, Marshall, McGihon, Merrifield, Peniston, Romanoff, Solano, Sonnenberg, Summers, and Todd.

**AN ACT****CONCERNING A REQUIREMENT FOR INCREASED RESOURCE EFFICIENCY FOR STATE-ASSISTED BUILDINGS.**

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

**SECTION 1.** 24-30-1301 (13), Colorado Revised Statutes, is amended, and the said 24-30-1301 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

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

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

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

(f) PROTECTS COLORADO'S ENVIRONMENT; AND

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

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

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

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

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

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

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

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

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

(II) A FACILITY FINANCED BY THE COLORADO HOUSING AND FINANCE AUTHORITY PURSUANT TO PART 7 OF ARTICLE 4 OF TITLE 29, C.R.S., OR THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS; OR

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

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

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

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

(b) A STATE AGENCY OR DEPARTMENT CONTROLLING THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION OF A STATE-ASSISTED FACILITY SHALL, PURSUANT TO THE PROGRAM ADOPTED IN PARAGRAPH (a) OF THIS SUBSECTION (9), PERFORM THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION TO ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE AS CERTIFIED BY AN INDEPENDENT THIRD PARTY PURSUANT TO THE HIGH PERFORMANCE STANDARD CERTIFICATION PROGRAM. FOR PURPOSES OF THIS PARAGRAPH (b), A CERTIFICATION IS ATTAINABLE IF THE INCREASED INITIAL COSTS OF THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW CONSTRUCTION, INCLUDING THE TIME VALUE OF MONEY, CAN BE RECOUPED FROM DECREASED OPERATIONAL COSTS WITHIN FIFTEEN YEARS.

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

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

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

(IV) A STATE-ASSISTED FACILITY MAY BE EXEMPTED FROM COMPLYING WITH THIS SECTION UPON A DETERMINATION BY THE EXECUTIVE DIRECTOR THAT EXTENUATING CIRCUMSTANCES EXIST SUCH AS TO PRECLUDE THE IMPLEMENTATION OF THIS SUBSECTION (9).

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

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

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not

take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: April 16, 2007