

## CHAPTER 66

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**GOVERNMENT - STATE**

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## SENATE BILL 13-028

BY SENATOR(S) Jones, Crowder, Giron, Guzman, Heath, Kerr, Nicholson, Schwartz, Todd;  
also REPRESENTATIVE(S) Tyler, Vigil, Buck, Court, Fields, Fischer, Ginal, Labuda, Lee, Levy, McCann, McLachlan, Melton,  
Mitsch Bush, Moreno, Pabon, Pettersen, Ryden, Salazar, Schafer, Williams, Young.

**AN ACT****CONCERNING TRACKING THE UTILITY DATA OF A STATE BUILDING THAT HAS ACHIEVED THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE AS PART OF ITS CAPITAL CONSTRUCTION PROJECT.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) Part of addressing the budget challenges facing state government includes employing measures to steward public resources to save money, water, and energy, and to ensure that those savings are attained;

(b) The daily activities of state government have a significant impact on the quality of the state's budget, public health, environment, and use of its natural resources. To achieve greening government goals and to measure progress toward those goals, further reductions in state agency consumption of water and energy are necessary, and to be effective, systematic collection of reduction data must be implemented.

(c) The evaluation, upgrading, and optimized operation of state-assisted facilities will expand opportunities for skilled jobs in construction trades, engineering, operations, sales, and innovative technologies;

(d) Investing in energy efficiency contributes to stable, long-term economic growth, encourages job creation, and enhances stewardship of natural resources;

(e) While previous legislation has required a state agency or department to

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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.*

perform any substantial renovation, design, or new construction of a state-assisted facility to achieve the highest performance standard certification attainable, the state agencies and departments are not statutorily required to track the data needed to measure whether the certification is indeed attained;

(f) Tracking actual building consumption and comparing the results to the usage proposed in design or tracked during a performance period is essential to the individual success of each certified building and the ongoing evaluation and development of the high performance standards certification program; and

(g) In order to manage our state-assisted facilities to attain the highest performance standard possible, it is important to measure the resource usage of such facilities carefully and to evaluate whether the facilities are performing at an optimum level.

**SECTION 2.** In Colorado Revised Statutes, 24-30-1305, **amend** (9) (b); and **repeal** (9) (c) (IV) as follows:

**24-30-1305. Life-cycle cost - application - high performance standards - report.** (9) (b) (I) 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, TO ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE can be recouped from decreased operational costs within fifteen years.

(II) (A) FOR ALL STATE-ASSISTED FACILITIES THAT STARTED THE DESIGN PROCESS ON OR AFTER JANUARY 1, 2010, EACH STATE AGENCY OR DEPARTMENT SHALL MONITOR, TRACK, AND VERIFY UTILITY VENDOR BILL DATA PERTAINING TO THE STATE-ASSISTED FACILITY AND MUST ANNUALLY REPORT TO THE OFFICE OF THE STATE ARCHITECT, OR AN ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT. THE ANNUAL REPORT MUST ALSO INCLUDE INFORMATION RELATED TO BUILDING PERFORMANCE BASED ON THE STATE-ASSISTED FACILITY'S UTILITY CONSUMPTION.

(B) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT STATE-ASSISTED FACILITIES THAT HAVE ACHIEVED THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE AND STARTED THE DESIGN PROCESS PRIOR TO JANUARY 1, 2010, ARE STRONGLY ENCOURAGED TO MONITOR, TRACK, AND VERIFY UTILITY VENDOR BILL DATA PERTAINING TO SUCH STATE-ASSISTED FACILITY IN ORDER TO ENSURE THAT THE INCREASED INITIAL COSTS TO ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE ARE IN FACT RECOUPED. IF SUCH DATA IS MONITORED, TRACKED, AND VERIFIED, THEN THE STATE AGENCY OR DEPARTMENT MUST ANNUALLY REPORT TO THE OFFICE OF THE STATE ARCHITECT, OR AN ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT. IF SUCH DATA IS NOT MONITORED, TRACKED, AND VERIFIED, THEN THE STATE AGENCY OR DEPARTMENT MUST PROVIDE THE STATE ARCHITECT, IN WRITING, A REASONABLE EXPLANATION WHY SUCH DATA IS NOT MONITORED, TRACKED, AND VERIFIED BY THE STATE

AGENCY OR DEPARTMENT. ANY STATE AGENCY OR DEPARTMENT THAT IS NOT MONITORING, TRACKING, AND VERIFYING SUCH DATA MUST WORK WITH THE STATE ARCHITECT TO FIND A WAY TO START MONITORING, TRACKING, VERIFYING, AND REPORTING SUCH DATA.

(C) FOR PURPOSES OF THIS SUBPARAGRAPH (II), "UTILITY VENDOR BILL DATA" IS LIMITED TO THE USAGE DATA MEASURED BY THE STATE AGENCY OR DEPARTMENT OR THE INFORMATION OR DATA REQUIRED TO MEET MINIMUM PROGRAM STANDARDS BY AN INDEPENDENT THIRD PARTY PURSUANT TO THE HIGH PERFORMANCE STANDARD CERTIFICATION PROGRAM. THE STATE AGENCY OR DEPARTMENT, NOT A UTILITY COMPANY, SHALL COMPILE SUCH DATA OR INFORMATION.

~~(c) (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).~~

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 22, 2013