

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

PREAMENDED

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

LLS NO. 13-0335.01 Esther van Mourik x4215

SENATE BILL 13-028

SENATE SPONSORSHIP

Jones,

HOUSE SPONSORSHIP

Tyler, Vigil

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

For all state-assisted facilities that complete the design process on or after July 1, 2013, each state agency is required to monitor, track, and

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.

verify utility vendor bill data pertaining to the state-assisted facility and annually report to the office of the state architect any necessary information used to ensure that 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 are recouped. A state agency may use a commercial utility tracking software for this purpose. The annual report must include information related to building performance based on the state-assisted facility's utility consumption.

State-assisted facilities that have achieved the highest performance certification attainable and completed the design process prior to July 1, 2013, are strongly encouraged to monitor, track, and verify utility vendor bill data pertaining to such state-assisted facility to ensure that the increased initial costs to achieve the highest performance certification attainable are recouped.

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

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

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

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

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

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

4 (e) While previous legislation has required a state agency or
5 department to perform any substantial renovation, design, or new
6 construction of a state-assisted facility to achieve the highest performance
7 standard certification attainable, the state agencies and departments are
8 not statutorily required to track the data needed to measure whether the
9 certification is indeed attained; _____

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

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

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

21 **24-30-1305. Life-cycle cost - application - high performance**
22 **standards - report.** (9) (b) (I) A state agency or department controlling
23 the substantial renovation, design, or new construction of a state-assisted
24 facility shall, pursuant to the program adopted in paragraph (a) of this
25 subsection (9), perform the substantial renovation, design, or new
26 construction to achieve the highest performance certification attainable
27 as certified by an independent third party pursuant to the high

1 performance standard certification program. For purposes of this
2 paragraph (b), a certification is attainable if the increased initial costs of
3 the substantial renovation, design, or new construction, including the time
4 value of money, TO ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION
5 ATTAINABLE can be recouped from decreased operational costs within
6 fifteen years.

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

16 (B) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
17 DECLARES THAT STATE-ASSISTED FACILITIES THAT HAVE ACHIEVED THE
18 HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE AND STARTED THE
19 DESIGN PROCESS PRIOR TO JANUARY 1, 2010, ARE STRONGLY ENCOURAGED
20 TO MONITOR, TRACK, AND VERIFY UTILITY VENDOR BILL DATA PERTAINING
21 TO SUCH STATE-ASSISTED FACILITY IN ORDER TO ENSURE THAT THE
22 INCREASED INITIAL COSTS TO ACHIEVE THE HIGHEST PERFORMANCE
23 CERTIFICATION ATTAINABLE ARE IN FACT RECOUPED. IF SUCH DATA IS
24 MONITORED, TRACKED, AND VERIFIED, THEN THE STATE AGENCY OR
25 DEPARTMENT MUST ANNUALLY REPORT TO THE OFFICE OF THE STATE
26 ARCHITECT, OR AN ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT.
27 IF SUCH DATA IS NOT MONITORED, TRACKED, AND VERIFIED, THEN

1 THE STATE AGENCY OR DEPARTMENT MUST PROVIDE THE STATE
2 ARCHITECT, IN WRITING, A REASONABLE EXPLANATION WHY SUCH DATA
3 IS NOT MONITORED, TRACKED, AND VERIFIED BY THE STATE AGENCY OR
4 DEPARTMENT. ANY STATE AGENCY OR DEPARTMENT THAT IS NOT
5 MONITORING, TRACKING, AND VERIFYING SUCH DATA MUST WORK WITH
6 THE STATE ARCHITECT TO FIND A WAY TO START MONITORING, TRACKING,
7 VERIFYING, AND REPORTING SUCH DATA.

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

15 ~~(c) (IV) A state-assisted facility may be exempted from complying~~
16 ~~with this section upon a determination by the executive director that~~
17 ~~extenuating circumstances exist such as to preclude the implementation~~
18 ~~of this subsection (9).~~

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