



## States' Biofuels Statutes

### STATE OF COLORADO

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#). These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.*

*Current through the 2013 Legislative Session of the Colorado General Assembly.*

#### **§ 24-30-1305. Life-cycle cost--application--high performance standards--report**

(1) The general assembly authorizes and directs that state agencies shall employ design and construction methods for state facilities and design and construction methods for state-assisted facilities under their jurisdiction, in such a manner as to further the policy declared in section 24-30-1304, insuring that life-cycle cost analyses and energy conservation practices are employed in new state-owned and state-assisted facilities and in new or renovated major state-owned and state-assisted facilities.

(2) The life-cycle cost analysis shall include but not be limited to such elements as:

(a) The coordination, orientation, and positioning of the facility on its physical site;

(b) The amount and type of fenestration employed in the facility;

(c) Thermal performance and efficiency characteristics of materials incorporated into the facility design;

(d) The variable occupancy and operating conditions of the facility, including illumination levels;

(e) Architectural features which affect energy consumption; and

(f) An energy consumption analysis of a major facility's heating, ventilating, and air conditioning system, lighting system, and all other energy-consuming systems. The energy consumption analysis of the operation of energy-consuming systems in the major facility should include but not be limited to:

(I) The comparison of two or more system alternatives;

(II) The simulation or engineering evaluation of each system over the entire range of operation of the major facility for a year's operating period; and

(III) The engineering evaluation of the energy consumption of component equipment in each system considering the operation of such components at other than full or rated outputs.

(3) The life-cycle cost analysis performed for each major facility shall provide but not be limited to the following information:

(a) The initial estimated cost of each energy-consuming system being compared and evaluated;

(b) The estimated annual operating cost of all utility requirements, including consideration of possible escalating costs of energy. The department may rely on any national or locally appropriate fuel escalating methodology approved by the department in performing life-cycle cost analyses.

(c) The estimated annual cost of maintaining each energy-consuming system;

(d) The average estimated replacement cost for each system expressed in annual terms for the economic life of the major facility; and

(e)(I) The use of biofuel to provide supplemental or exclusive heating, power, or both for the major facility. For a renovation of a major facility, the cost analysis regarding the use of biofuel shall consider any stranded utility costs.

(II) As used in this paragraph(e), “biofuel” means nontoxic plant matter consisting of agricultural or silvicultural crops or their byproducts, urban wood waste, mill residue, slash, or brush.

(4) The life-cycle cost analysis shall be certified by a licensed architect or professional engineer, or by both architect and engineer, particularly qualified by training and experience for the type of work involved.

(5) In order to protect the integrity of historic buildings, no provision of section 24-30-1304 or this section shall be interpreted to require such analysis with respect to any property eligible for, nominated to, or entered in the national register of historic places, designated by statute, or included in an established list of places compiled by the state historical society.

(6) Selection of the optimum system or combination of systems to be incorporated into the design of state facilities and state-assisted facilities shall be based on the life-cycle cost analysis over the economic life of the facility, unless a request for an alternative system is made and approved by the department prior to beginning construction.

(7) The principal representatives of all state agencies shall be responsible for implementing the provisions of this section and the policy established in section 24-30-1304.

(8) The provisions of section 24-30-1304 and this section shall not apply to municipalities or counties nor to any agency or department of any municipality or county.

(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)(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)(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) Repealed by Laws 2013, Ch. 66, § 2, eff. March 22, 2013.

(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).

**Credits:** Added by Laws 1979, S.B.306, § 1. Amended by Laws 2004, Ch. 326, § 55, eff. May 28, 2004; Laws 2006, Ch. 51, § 1, eff. Mar. 31, 2006; Laws 2007, Ch. 129, § 2, eff. Sept. 1, 2007; Laws 2008, Ch. 300, § 2, eff. Aug. 5, 2008; Laws 2013, Ch. 66, § 2, eff. March 22, 2013.