

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0447.02 Jane Ritter x4342

SENATE BILL 13-279

SENATE SPONSORSHIP

Kerr,

HOUSE SPONSORSHIP

Gerou,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING INCREASING ENERGY RESOURCE EFFICIENCY IN PUBLIC
102 SCHOOLS.

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>.)

After January 1, 2014, each school district and district charter school shall ensure that each project for a new or substantially renovated building or structure is designed and constructed to the highest energy efficiency standards practicable, including but not limited to the federal energy star label or the highest performance certification attainable as

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.

certified by an independent third party pursuant to the public school facility construction guidelines adopted by the public school capital construction assistance board. A school that meets the construction or design high performance standards is encouraged to incorporate the measures adopted or standards met into its curriculum.

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) School utility costs are the second highest expense for school
5 districts;

6 (b) Reducing utility costs and other operational costs in schools
7 is one of the general assembly's best tools to help ensure the long-term
8 financial health of school districts;

9 (c) The physical location where students learn has a direct impact
10 on their educational experience. Resource-efficient schools provide
11 students, teachers, and visitors with clean and healthy air, better acoustics,
12 regular access to daylight, thermal comfort, and moisture control.

13 (d) Resource-efficient schools use thirty-three percent less energy
14 and thirty-two percent less water than their conventional counterparts; and

15 (e) Resource-efficient schools save, on average, one hundred
16 thousand dollars per year on direct operating expenses, which equates to
17 two new teacher hires or the purchase of two hundred computers or five
18 thousand textbooks.

19 (2) The general assembly therefore finds that creating a public
20 school system of resource-efficient schools is in the best interest of the
21 health and educational needs of the children of Colorado.

22 **SECTION 2.** In Colorado Revised Statutes, **add** 22-32-124.3 as
23 follows:

1 **22-32-124.3. Energy-efficient design of school buildings and**
2 **structures required - definitions.** (1) ON AND AFTER JANUARY 1, 2014,
3 EACH SCHOOL DISTRICT AND EACH DISTRICT CHARTER SCHOOL THAT
4 RECEIVES OPERATING MONEYS FROM THE STATE SHALL ENSURE THAT
5 EACH PROJECT FOR A NEW OR SUBSTANTIALLY RENOVATED BUILDING OR
6 STRUCTURE IS DESIGNED AND CONSTRUCTED TO THE HIGHEST ENERGY
7 EFFICIENCY STANDARDS PRACTICABLE, INCLUDING BUT NOT LIMITED TO
8 THE FEDERAL ENERGY STAR LABEL OR THE HIGHEST PERFORMANCE
9 CERTIFICATION ATTAINABLE AS CERTIFIED BY AN INDEPENDENT THIRD
10 PARTY, AS DESIGNATED BY THE PUBLIC SCHOOL FACILITY CONSTRUCTION
11 GUIDELINES ADOPTED BY THE PUBLIC SCHOOL CAPITAL CONSTRUCTION
12 ASSISTANCE BOARD PURSUANT TO SECTION 22-43.7-106 (2) (i). A DESIGN
13 AND CONSTRUCTION PLAN FOR NEW OR SUBSTANTIALLY RENOVATED
14 BUILDINGS OR STRUCTURES MUST RECEIVE THIRD-PARTY VERIFICATION
15 THAT IT MEETS NATIONAL STANDARDS FOR HIGH PERFORMANCE SCHOOLS.

16 (2) THE SCHOOL DISTRICT OR DISTRICT CHARTER SCHOOL MAY
17 CONSULT WITH THE COLORADO ENERGY OFFICE CONCERNING THE BEST
18 BUILDING PRACTICES FOR THE CONSTRUCTION, REDESIGN, OR RENOVATION
19 PROJECT. IF A SCHOOL DISTRICT OR DISTRICT CHARTER SCHOOL CONSULTS
20 WITH THE COLORADO ENERGY OFFICE PURSUANT TO THIS SUBSECTION (2),
21 THE COLORADO ENERGY OFFICE SHALL ADVISE THE SCHOOL DISTRICT OR
22 DISTRICT CHARTER SCHOOL CONCERNING THE BEST BUILDING PRACTICES
23 FOR THE CONSTRUCTION, REDESIGN, OR RENOVATION PROJECT. IT IS THE
24 INTENT OF THE GENERAL ASSEMBLY THAT THE COLORADO ENERGY OFFICE
25 USE EXISTING RESOURCES TO SATISFY THE REQUIREMENTS OF THIS
26 SUBSECTION (2).

27 (3) A SCHOOL THAT HAS MET THE REQUIREMENTS OF THIS SECTION

1 FOR DESIGNING OR CONSTRUCTING A NEW OR SUBSTANTIALLY RENOVATED
2 BUILDING OR STRUCTURE IS ENCOURAGED TO INCORPORATE THE HIGH
3 PERFORMANCE MEASURES ADOPTED OR HIGH PERFORMANCE STANDARDS
4 MET INTO ITS CURRICULUM.

5 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "HIGH PERFORMANCE STANDARD" MEANS A BUILDING OR
8 STRUCTURE RENOVATION, DESIGN, AND CONSTRUCTION STANDARD THAT:

9 (I) RESULTS IN THE RECOVERY OF THE INITIAL CAPITAL COSTS
10 ATTRIBUTABLE TO COMPLIANCE WITH THIS SECTION OVER A TIME PERIOD
11 TO BE DETERMINED BY THE SCHOOL DISTRICT OR DISTRICT CHARTER
12 SCHOOL, NOT TO EXCEED FIFTEEN YEARS, BY REDUCING LONG-TERM
13 ENERGY, MAINTENANCE, AND OPERATING COSTS;

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

16 (III) REDUCES THE OPERATING COSTS OF A SCHOOL DISTRICT OR
17 DISTRICT CHARTER SCHOOL BY REDUCING THE CONSUMPTION OF ENERGY,
18 WATER, OR OTHER RESOURCES;

19 (IV) IMPROVES THE INDOOR ENVIRONMENTAL QUALITY OF A
20 SCHOOL BUILDING FOR A HEALTHIER LEARNING ENVIRONMENT;

21 (V) PROTECTS COLORADO'S ENVIRONMENT; AND

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

1 C.R.S.

2 (b) "SUBSTANTIALLY RENOVATE A BUILDING OR STRUCTURE"
3 MEANS ANY RENOVATION THAT CAUSES THE BUILDING OCCUPANCY TO
4 CHANGE OR WHERE ALTERATIONS OF THE WORK AREA EXCEED
5 TWENTY-FIVE PERCENT OF THE AGGREGATE AREA OF THE BUILDING. IF THE
6 ALTERATIONS OF THE WORK AREA EXCEED TWENTY-FIVE PERCENT OF THE
7 AGGREGATE AREA OF THE BUILDING, THE ALTERATIONS TO EXISTING
8 BUILDINGS OR STRUCTURES ARE PERMITTED WITHOUT REQUIRING THE
9 ENTIRE BUILDING OR STRUCTURE TO COMPLY WITH THE REQUIREMENTS OF
10 THIS SECTION. THE ALTERATIONS MUST CONFORM TO THE REQUIREMENTS
11 OF THIS SECTION AS THEY RELATE TO NEW CONSTRUCTION ONLY.

12 **SECTION 3.** In Colorado Revised Statutes, 22-32-124, **add** (1)
13 (c.5) as follows:

14 **22-32-124. Building codes - zoning - planning - fees - rules -**
15 **definitions.** (1) (c.5) ALL BUILDINGS AND STRUCTURES SHALL BE
16 CONSTRUCTED IN CONFORMITY WITH THE PUBLIC SCHOOL FACILITY
17 CONSTRUCTION GUIDELINES ADOPTED BY THE PUBLIC SCHOOL CAPITAL
18 CONSTRUCTION ASSISTANCE BOARD PURSUANT TO SECTION 22-43.7-106
19 (2) (i).

20 **SECTION 4. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2014 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.