

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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.*

SENATE
Amended 2nd Reading
April 29, 2013

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

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

1 EXISTING RESOURCES TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION
2 (2).

3 (3) A SCHOOL DISTRICT, INSTITUTE CHARTER SCHOOL, OR DISTRICT
4 CHARTER SCHOOL THAT HAS MET THE REQUIREMENTS OF THIS SECTION FOR
5 DESIGNING OR CONSTRUCTING A NEW OR SUBSTANTIALLY RENOVATED
6 BUILDING OR STRUCTURE IS ENCOURAGED TO INCORPORATE THE HIGH
7 PERFORMANCE MEASURES ADOPTED OR HIGH PERFORMANCE STANDARDS
8 MET INTO ITS CURRICULUM.

9 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

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

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

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

21 (III) REDUCES THE OPERATING COSTS OF A SCHOOL DISTRICT,
22 INSTITUTE CHARTER SCHOOL, OR DISTRICT CHARTER SCHOOL BY REDUCING
23 THE CONSUMPTION OF ENERGY, WATER, OR OTHER RESOURCES;

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

26 (V) PROTECTS COLORADO'S ENVIRONMENT; AND

27 (VI) COMPLIES WITH THE FEDERAL SECRETARY OF THE INTERIOR'S

1 STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES WHEN SUCH
2 WORK WILL AFFECT PROPERTIES FIFTY YEARS OF AGE OR OLDER, UNLESS
3 THE STATE HISTORICAL SOCIETY, DESIGNATED IN SECTION 24-80-201,
4 C.R.S., DETERMINES THAT THE PROPERTY IS NOT OF HISTORICAL
5 SIGNIFICANCE, AS THAT TERM IS DEFINED IN SECTION 24-80.1-102 (6),
6 C.R.S.

7 (b) "SUBSTANTIALLY RENOVATE A BUILDING OR STRUCTURE"
8 MEANS ANY RENOVATION THAT CAUSES THE BUILDING OCCUPANCY TO
9 CHANGE OR WHERE ALTERATIONS OF THE WORK AREA EXCEED FIFTY
10 PERCENT OF THE AGGREGATE AREA OF THE BUILDING. IF THE ALTERATIONS
11 WITHIN THE IDENTIFIED SCOPE OF THE PROJECT OF THE WORK AREA
12 EXCEED FIFTY PERCENT OF THE AGGREGATE AREA OF THE BUILDING, THE
13 ALTERATIONS TO EXISTING BUILDINGS OR STRUCTURES ARE PERMITTED
14 WITHOUT REQUIRING MODIFICATIONS OUTSIDE THE IDENTIFIED SCOPE OF
15 THE PROJECT TO THE ENTIRE BUILDING OR STRUCTURE TO COMPLY WITH
16 THE REQUIREMENTS OF THIS SECTION. THE ALTERATIONS MUST CONFORM
17 TO THE REQUIREMENTS OF THIS SECTION AS THEY RELATE TO NEW
18 CONSTRUCTION ONLY.

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

21 **22-32-124. Building codes - zoning - planning - fees - rules -**
22 **definitions.** (1) (c.5) IN CONSTRUCTING BUILDINGS AND STRUCTURES, A
23 SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER
24 SCHOOL SHALL CONSULT THE _____ GUIDELINES ADOPTED BY THE PUBLIC
25 SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD PURSUANT TO
26 SECTION 22-43.7-106 (2) (i).

27 **SECTION 4. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2014 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.