

HB1406\_L.006

## HOUSE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB10-1406 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. Part 5 of article 30.5 of title 22, Colorado Revised  
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
5 read:

6 **22-30.5-519. Energy-efficient design of school buildings**  
7 **required.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION,  
8 ON AND AFTER JANUARY 1, 2011, EACH INSTITUTE CHARTER SCHOOL THAT  
9 UNDERTAKES A PROJECT TO CONSTRUCT OR REDESIGN A BUILDING OR  
10 STRUCTURE SHALL:

11 (a) ENSURE THAT THE PROJECT, AT A MINIMUM, SATISFIES THE  
12 DESIGN STANDARDS ASSOCIATED WITH THE "DESIGNED TO EARN THE  
13 ENERGY STAR" RATING ESTABLISHED BY THE FEDERAL ENVIRONMENTAL  
14 PROTECTION AGENCY;

15 (b) CONSULT WITH THE GOVERNOR'S ENERGY OFFICE CREATED IN  
16 SECTION 24-38.5-101, C.R.S., TO ENSURE THAT THE REQUIREMENT  
17 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IS SATISFIED; AND

18 (c) PRIOR TO PHYSICALLY COMMENCING THE PROJECT, SUBMIT TO  
19 THE GOVERNOR'S ENERGY OFFICE THE FINAL PLANS FOR THE PROJECT.

20 (2) THE REQUIREMENTS DESCRIBED IN PARAGRAPHS (a) AND (b) OF



1 SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO A PROJECT TO  
2 CONSTRUCT OR REDESIGN A BUILDING OR STRUCTURE:

3 (a) THAT IS LESS THAN THIRTY THOUSAND SQUARE FEET IN SIZE;

4 (b) THAT SATISFIES THE REQUIREMENTS OF THE HIGH  
5 PERFORMANCE STANDARD CERTIFICATION PROGRAM ADOPTED BY THE  
6 OFFICE OF THE STATE ARCHITECT PURSUANT TO SECTION 24-30-1305 (9);

7 (c) FOR WHICH AN INSTITUTE CHARTER SCHOOL SUBMITS BEFORE  
8 JANUARY 1, 2011, FINAL PLANS TO THE GOVERNOR'S ENERGY OFFICE  
9 PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION; OR

10 (d) TO WHICH THE "DESIGNED TO EARN THE ENERGY STAR" RATING  
11 IS DEEMED TO BE INAPPLICABLE PURSUANT TO THE PROVISIONS OF A  
12 FEDERAL STATUTE OR OF A RULE OR REGULATION PROMULGATED BY THE  
13 FEDERAL ENVIRONMENTAL PROTECTION AGENCY.

14 **SECTION 2.** Article 32 of title 22, Colorado Revised Statutes, is  
15 amended BY THE ADDITION OF A NEW SECTION to read:

16 **22-32-124.3. Energy-efficient design of school buildings**  
17 **required.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION,  
18 ON AND AFTER JANUARY 1, 2011, EACH SCHOOL DISTRICT AND EACH  
19 DISTRICT CHARTER SCHOOL THAT UNDERTAKES A PROJECT TO CONSTRUCT  
20 OR REDESIGN A BUILDING OR STRUCTURE SHALL:

21 (a) ENSURE THAT THE PROJECT, AT A MINIMUM, SATISFIES THE  
22 DESIGN STANDARDS ASSOCIATED WITH THE "DESIGNED TO EARN THE  
23 ENERGY STAR" RATING ESTABLISHED BY THE FEDERAL ENVIRONMENTAL  
24 PROTECTION AGENCY;

25 (b) CONSULT WITH THE GOVERNOR'S ENERGY OFFICE CREATED IN  
26 SECTION 24-38.5-101, C.R.S., TO ENSURE THAT THE REQUIREMENT  
27 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IS SATISFIED; AND

28 (c) PRIOR TO PHYSICALLY COMMENCING THE PROJECT, SUBMIT TO  
29 THE GOVERNOR'S ENERGY OFFICE THE FINAL PLANS FOR THE PROJECT.

30 (2) THE REQUIREMENTS DESCRIBED IN PARAGRAPHS (a) AND (b) OF  
31 SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO A PROJECT TO



1 CONSTRUCT OR REDESIGN A BUILDING OR STRUCTURE:

2 (a) THAT IS LESS THAN THIRTY THOUSAND SQUARE FEET IN SIZE;

3 (b) THAT SATISFIES THE REQUIREMENTS OF THE HIGH  
4 PERFORMANCE STANDARD CERTIFICATION PROGRAM ADOPTED BY THE  
5 OFFICE OF THE STATE ARCHITECT PURSUANT TO SECTION 24-30-1305 (9);

6 (c) FOR WHICH A SCHOOL DISTRICT OR DISTRICT CHARTER SCHOOL  
7 SUBMITS BEFORE JANUARY 1, 2011, FINAL PLANS TO THE GOVERNOR'S  
8 ENERGY OFFICE PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS  
9 SECTION; OR

10 (d) TO WHICH THE "DESIGNED TO EARN THE ENERGY STAR" RATING  
11 IS DEEMED TO BE INAPPLICABLE PURSUANT TO THE PROVISIONS OF A  
12 FEDERAL STATUTE OR OF A RULE OR REGULATION PROMULGATED BY THE  
13 FEDERAL ENVIRONMENTAL PROTECTION AGENCY.

14 **SECTION 3.** 24-38.5-102 (1), Colorado Revised Statutes, is  
15 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16 **24-38.5-102. Governor's energy office - duties and powers.**

17 (1) The governor's energy office shall:

18 (t) ADVISE SCHOOL DISTRICTS, DISTRICT CHARTER SCHOOLS, AND  
19 INSTITUTE CHARTER SCHOOLS CONCERNING HOW THEY MAY ENSURE THAT  
20 EACH PROJECT TO CONSTRUCT OR REDESIGN A BUILDING OR STRUCTURE,  
21 AT A MINIMUM, SATISFIES THE DESIGN STANDARDS ASSOCIATED WITH THE  
22 "DESIGNED TO EARN THE ENERGY STAR" RATING ESTABLISHED BY THE  
23 FEDERAL ENVIRONMENTAL PROTECTION AGENCY, AS DESCRIBED IN  
24 SECTIONS 22-32-124.3 AND 22-30.5-519, C.R.S.

25 **SECTION 4. Act subject to petition - effective date.** This act  
26 shall take effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August  
28 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
29 referendum petition is filed pursuant to section 1 (3) of article V of the  
30 state constitution against this act or an item, section, or part of this act  
31 within such period, then the act, item, section, or part shall not take effect  
32 unless approved by the people at the general election to be held in

1 November 2010 and shall take effect on the date of the official  
2 declaration of the vote thereon by the governor.".

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