

**NOTE: The governor signed this measure on 6/5/2013.**

# An Act

SENATE BILL 13-279

BY SENATOR(S) Kerr, Jones, Kefalas, Nicholson;  
also REPRESENTATIVE(S) Gerou, Court, Fischer, Ginal, Hamner,  
Hullinghorst, Labuda, Lebsock, Lee, Melton, Mitsch Bush, Pabon,  
Pettersen, Rosenthal, Salazar, Schafer, Vigil, Young.

CONCERNING INCREASING ENERGY RESOURCE EFFICIENCY IN PUBLIC  
SCHOOLS.

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

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

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

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

(c) The physical location where students learn has a direct impact on their educational experience. Resource-efficient schools provide students, teachers, and visitors with clean and healthy air, better acoustics,

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

regular access to daylight, thermal comfort, and moisture control.

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

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

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

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

**22-32-124.3. Energy-efficient design of school buildings and structures required - definitions.** (1) ON AND AFTER JANUARY 1, 2014, EACH SCHOOL DISTRICT, INSTITUTE CHARTER SCHOOL, AND EACH DISTRICT CHARTER SCHOOL THAT RECEIVES OPERATING MONEYS FROM THE STATE SHALL ENSURE THAT EACH PROJECT FOR A NEW OR SUBSTANTIALLY RENOVATED BUILDING OR STRUCTURE IS SUBMITTED TO OR VERIFIED BY THE HIGHEST ENERGY EFFICIENCY STANDARDS PRACTICABLE, INCLUDING BUT NOT LIMITED TO THE FEDERAL ENERGY STAR LABEL OR THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE.

(2) THE SCHOOL DISTRICT, INSTITUTE CHARTER SCHOOL, OR DISTRICT CHARTER SCHOOL MAY CONSULT WITH THE COLORADO ENERGY OFFICE CONCERNING THE BEST BUILDING PRACTICES FOR THE CONSTRUCTION, REDESIGN, OR RENOVATION PROJECT. IF A SCHOOL DISTRICT, INSTITUTE CHARTER SCHOOL, OR DISTRICT CHARTER SCHOOL CONSULTS WITH THE COLORADO ENERGY OFFICE PURSUANT TO THIS SUBSECTION (2), THE COLORADO ENERGY OFFICE SHALL ADVISE THE SCHOOL DISTRICT, INSTITUTE CHARTER SCHOOL, OR DISTRICT CHARTER SCHOOL CONCERNING THE BEST BUILDING PRACTICES FOR THE CONSTRUCTION, REDESIGN, OR RENOVATION PROJECT. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COLORADO ENERGY OFFICE USE EXISTING RESOURCES TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION (2).

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

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

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

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

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

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

(IV) PROTECTS COLORADO'S ENVIRONMENT; AND

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

(b) "SUBMITTED" MEANS THE SUBMISSION TO A FEDERAL AGENCY OF AN ENERGY EFFICIENCY PLAN FOR DESIGN AND CONSTRUCTION PURSUANT TO THE REQUIREMENTS OF THIS SECTION.

(c) "SUBSTANTIALLY RENOVATE A BUILDING OR STRUCTURE" MEANS

ANY RENOVATION THAT CAUSES THE BUILDING OCCUPANCY TO CHANGE OR WHERE ALTERATIONS OF THE WORK AREA EXCEED FIFTY PERCENT OF THE AGGREGATE AREA OF THE BUILDING. IF THE ALTERATIONS WITHIN THE IDENTIFIED SCOPE OF THE PROJECT OF THE WORK AREA EXCEED FIFTY PERCENT OF THE AGGREGATE AREA OF THE BUILDING, THE ALTERATIONS TO EXISTING BUILDINGS OR STRUCTURES ARE PERMITTED WITHOUT REQUIRING MODIFICATIONS OUTSIDE THE IDENTIFIED SCOPE OF THE PROJECT TO THE ENTIRE BUILDING OR STRUCTURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION. THE ALTERATIONS MUST CONFORM TO THE REQUIREMENTS OF THIS SECTION AS THEY RELATE TO NEW CONSTRUCTION ONLY.

(d) "VERIFIED" MEANS CERTIFICATION OF THE HIGHEST ENERGY EFFICIENCY STANDARDS AS PRACTICABLE BY AN INDEPENDENT THIRD PARTY.

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

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

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

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO