

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

REVISED

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

LLS NO. 13-0447.02 Jane Ritter x4342

SENATE BILL 13-279

SENATE SPONSORSHIP

Kerr,

HOUSE SPONSORSHIP

Gerou,

Senate Committees
Education

House Committees
Education

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.*

HOUSE
Amended 2nd Reading
May 2, 2013

SENATE
3rd Reading Unamended
April 30, 2013

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 **SUBMITTED TO OR VERIFIED BY**
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.**

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

23 (3) A SCHOOL DISTRICT, INSTITUTE CHARTER SCHOOL, OR DISTRICT
24 CHARTER SCHOOL THAT HAS MET THE REQUIREMENTS OF THIS SECTION FOR
25 DESIGNING OR CONSTRUCTING A NEW OR SUBSTANTIALLY RENOVATED
26 BUILDING OR STRUCTURE IS ENCOURAGED TO INCORPORATE THE HIGH
27 PERFORMANCE MEASURES ADOPTED OR HIGH PERFORMANCE STANDARDS

1 MET INTO ITS CURRICULUM.

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

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

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

12
13 (II) REDUCES THE OPERATING COSTS OF A SCHOOL DISTRICT,
14 INSTITUTE CHARTER SCHOOL, OR DISTRICT CHARTER SCHOOL BY REDUCING
15 THE CONSUMPTION OF ENERGY, WATER, OR OTHER RESOURCES;

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

18 (IV) PROTECTS COLORADO'S ENVIRONMENT; AND

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

26 (b) "SUBMITTED" MEANS THE SUBMISSION TO A FEDERAL AGENCY
27 OF AN ENERGY EFFICIENCY PLAN FOR DESIGN AND CONSTRUCTION

1 PURSUANT TO THE REQUIREMENTS OF THIS SECTION.

2 (c) "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 FIFTY
5 PERCENT OF THE AGGREGATE AREA OF THE BUILDING. IF THE ALTERATIONS
6 WITHIN THE IDENTIFIED SCOPE OF THE PROJECT OF THE WORK AREA
7 EXCEED FIFTY PERCENT OF THE AGGREGATE AREA OF THE BUILDING, THE
8 ALTERATIONS TO EXISTING BUILDINGS OR STRUCTURES ARE PERMITTED
9 WITHOUT REQUIRING MODIFICATIONS OUTSIDE THE IDENTIFIED SCOPE OF
10 THE PROJECT TO THE ENTIRE BUILDING OR STRUCTURE TO COMPLY WITH
11 THE REQUIREMENTS OF THIS SECTION. THE ALTERATIONS MUST CONFORM
12 TO THE REQUIREMENTS OF THIS SECTION AS THEY RELATE TO NEW
13 CONSTRUCTION ONLY.

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

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

19 **22-32-124. Building codes - zoning - planning - fees - rules -**
20 **definitions.** (1) (c.5) IN CONSTRUCTING BUILDINGS AND STRUCTURES, A
21 SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER
22 SCHOOL MAY CONSULT THE _____ GUIDELINES ADOPTED BY THE PUBLIC
23 SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD PURSUANT TO
24 SECTION 22-43.7-106 (2) (a).

25 **SECTION 4. Act subject to petition - effective date.** This act
26 takes 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

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