

# An Act

HOUSE BILL 24-1307

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CONCERNING HVAC INFRASTRUCTURE IMPROVEMENT PROJECTS IN SCHOOLS.

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

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

(a) Students and staff in Colorado's public schools deserve access to clean, healthy air along with proper heating and cooling to improve their opportunities to learn;

(b) Indoor air quality is one of several toxic threats to students in

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

schools;

(c) The condition of inadequate school facilities can expose students and staff to mold and legacy toxins such as lead, asbestos, and industrial products and chemicals known as PCBs; poor air quality and temperature control; inadequate lighting; and excessive noise; and

(d) Improving the air quality in schools can result in higher attendance, better cognitive function, less asthma and other respiratory health problems, and improved academic performance.

(2) The general assembly further finds that:

(a) In Colorado, many of the conditions that cause unhealthy indoor air and environmental quality impact Colorado school buildings;

(b) Various Colorado schools have been featured in news stories profiling funding shortages, heating and cooling issues, and the need for facility improvements;

(c) The department of education's own Facility Insight Dashboard reports the average age of school infrastructure to be forty years; and

(d) State school buildings receive a poor score on the department of education's Facility Condition Index.

(3) The general assembly further finds that:

(a) Despite efforts by state agencies and school districts to improve indoor environmental quality in classrooms and other school buildings, many of Colorado's school districts lack the funding and staff to improve facility conditions and thereby improve school health outcomes;

(b) According to the American Society of Civil Engineers' 2020 infrastructure report card, Colorado schools have an approximately \$14 billion funding gap between the need for infrastructure replacements, repairs, or upgrades and money available from regular funding and budget processes;

(c) The current funding sources for schools do not equitably

distribute funds, leaving many schools in rural and disproportionately impacted communities unable to pay for necessary retrofits and updates;

(d) The passage of the federal "Inflation Reduction Act of 2022" and "Bipartisan Infrastructure Law", which was enacted in the federal "Infrastructure Investment and Jobs Act", have made billions of dollars in federal money available to combine with current and planned state or local funding that can help public schools improve air quality, improve student performance and staff retention, and realize significant energy savings for school districts;

(e) Accessing this federal money would not only improve air quality in schools but also bring billions of dollars in economic investments in quality projects to Colorado communities and workers; and

(f) Unfortunately, many of the schools with the most pressing infrastructure improvement needs lack the staff capacity to track, apply for, and manage grant funding available at the state and federal level.

(4) Therefore, the general assembly declares that, in order to help schools address health concerns and energy efficiency needs, this act:

(a) Makes local education providers, including the Colorado school for the deaf and the blind, eligible to receive grants from the "Infrastructure Investment and Jobs Act" cash fund created in Senate Bill 22-215, which was enacted in 2022;

(b) Authorizes the governor's office to coordinate with outside entities to provide local education providers, including the Colorado school for the deaf and the blind, with project planning, grant writing, and other technical assistance, such as school ventilation and energy efficiency verification, as needed;

(c) Ensures that school districts' federal funding applications remain competitive by requiring the use of certified contractors or the negotiation of a project labor agreement to complete HVAC infrastructure improvement projects receiving federal funding and requiring compliance with the labor standards outlined in federal funding opportunities;

(d) Will save schools money by ensuring that facility improvement

projects are completed by a highly skilled workforce and result in measurable energy efficiency improvements and health improvements for students and staff; and

(e) Allows Colorado's school districts to choose to undergo an HVAC assessment and find a pathway to fund any improvements identified without mandating that any school must undergo an assessment or HVAC improvements.

**SECTION 2.** In Colorado Revised Statutes, add 22-32-152 as follows:

**22-32-152. School ventilation and energy efficiency verification and repair - definitions - applicability of section - ventilation verification assessment - filtration - HVAC assessment report - mechanical engineer review - adjustments, repairs, upgrades, and replacements - HVAC verification report - periodic inspections and ongoing maintenance - certified contractors - grants. (1) Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ANAB" MEANS THE AMERICAN NATIONAL STANDARDS INSTITUTE NATIONAL ACCREDITATION BOARD.

(b) "ASHRAE" MEANS THE AMERICAN SOCIETY OF HEATING, REFRIGERATION AND AIR-CONDITIONING ENGINEERS.

(c) "CERTIFIED CONTRACTOR" MEANS A CONTRACTOR ON THE CERTIFIED CONTRACTOR LIST.

(d) "CERTIFIED CONTRACTOR LIST" MEANS THE CERTIFIED CONTRACTOR LIST CREATED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT PURSUANT TO SECTION 40-3.2-105.6 (3)(a).

(e) "CERTIFIED TAB TECHNICIAN" MEANS A TECHNICIAN CERTIFIED TO PERFORM TESTING, ADJUSTING, AND BALANCING OF HVAC SYSTEMS BY:

(I) THE ASSOCIATED AIR BALANCE COUNCIL;

(II) THE NATIONAL ENVIRONMENTAL BALANCING BUREAU;

(III) THE TESTING, ADJUSTING AND BALANCING BUREAU; OR

(IV) A SUCCESSOR ORGANIZATION OF AN ORGANIZATION NAMED IN SUBSECTION (1)(e)(I), (1)(e)(II), OR (1)(e)(III) OF THIS SECTION.

(f) "CO2" MEANS CARBON DIOXIDE.

(g) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.

(h) "HVAC" MEANS HEATING, VENTILATION, AND AIR CONDITIONING.

(i) "HVAC ASSESSMENT REPORT" MEANS THE HVAC ASSESSMENT REPORT DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

(j) "INTERNATIONAL MECHANICAL CODE" MEANS THE 2021 INTERNATIONAL MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR THE MOST RECENT VERSION ADOPTED BY THE OFFICE OF THE STATE ARCHITECT CREATED IN SECTION 24-30-1302.5.

(k) "ISO/IEC 17024 PERSONNEL CERTIFICATION STANDARD" MEANS THE ISO/IEC 17024 PERSONNEL CERTIFICATION ACCREDITATION STANDARD DEVELOPED BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION AND THE INTERNATIONAL ELECTROTECHNICAL COMMISSION FOR THE PURPOSE OF CERTIFYING PERSONNEL.

(l) "LOCAL EDUCATION PROVIDER" MEANS:

(I) A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION 22-16-103 (4); AND

(II) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND CREATED IN SECTION 22-80-102.

(m) "MECHANICAL ENGINEER" MEANS A PROFESSIONAL ENGINEER WHO IS LICENSED PURSUANT TO PART 2 OF ARTICLE 120 OF TITLE 12 AND HAS PROFESSIONAL EXPERIENCE WITH HVAC SYSTEMS.

(n) "MERV" MEANS MINIMUM EFFICIENCY REPORTING VALUE, AS

ESTABLISHED BY ANAB/ASHRAE STANDARD 52.2-2017, "METHOD OF TESTING GENERAL VENTILATION AIR-CLEANING DEVICES FOR REMOVAL EFFICIENCY BY PARTICLE SIZE".

(o) "NOX" HAS THE MEANING SET FORTH IN SECTION 25-7-1502 (8).

(p) "OCCUPIED AREAS" MEANS THE CLASSROOMS, AUDITORIUMS, GYMNASIUMS, CAFETERIAS, NURSES' OFFICES, RESTROOMS, AND OFFICES OF A SCHOOL.

(q) "PPM" MEANS PARTS PER MILLION.

(r) "PROJECT LABOR AGREEMENT" HAS THE MEANING SET FORTH IN 48 CFR 52.222-34.

(s) "QUALIFIED ADJUSTING PERSONNEL" MEANS:

(I) A CERTIFIED TAB TECHNICIAN; OR

(II) A WORKER WHO IS UNDER THE DIRECT SUPERVISION OF A CERTIFIED TAB TECHNICIAN.

(t) "QUALIFIED PERSONNEL" MEANS QUALIFIED TESTING PERSONNEL, QUALIFIED ADJUSTING PERSONNEL, OR OTHER WORKFORCE THAT IS HIRED BY AND UNDER THE DIRECT SUPERVISION OF A CERTIFIED CONTRACTOR FOR THE PURPOSE OF PERFORMING HVAC WORK.

(u) "QUALIFIED TESTING PERSONNEL" MEANS:

(I) A CERTIFIED TAB TECHNICIAN; OR

(II) AN INDIVIDUAL CERTIFIED TO PERFORM VENTILATION ASSESSMENTS OF HVAC SYSTEMS BY THE INTERNATIONAL CERTIFICATION BOARD OR THROUGH AN EQUIVALENT CERTIFICATION PROGRAM OR BODY ACCREDITED UNDER THE ISO/IEC 17024 PERSONNEL CERTIFICATION STANDARD.

(v) "REGISTERED APPRENTICESHIP PROGRAM" HAS THE MEANING SET FORTH IN SECTION 8-15.7-101 (13).

(w) "SCHOOL" MEANS AN EDUCATIONAL FACILITY OPERATED BY A LOCAL EDUCATION PROVIDER.

(x) "TAB" MEANS TESTING, ADJUSTING, AND BALANCING OF AN HVAC SYSTEM.

(2) **Applicability of section.** (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A LOCAL EDUCATION PROVIDER UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS AT A SCHOOL USING MONEY MADE AVAILABLE BY A FEDERAL GOVERNMENT SOURCE OR BY A FEDERAL GOVERNMENT SOURCE IN COMBINATION WITH A STATE GOVERNMENT SOURCE SPECIFICALLY FOR SUCH PURPOSE, THE LOCAL EDUCATION PROVIDER SHALL COMPLY WITH THE PROCEDURES SET FORTH IN THIS SECTION IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO SATISFY THE REQUIREMENTS OF THIS SECTION UNLESS THE LOCAL EDUCATION PROVIDER RECEIVES MONEY FROM A FEDERAL GOVERNMENT SOURCE OR FROM A FEDERAL GOVERNMENT SOURCE IN COMBINATION WITH A STATE GOVERNMENT SOURCE, WHICH MONEY IS MADE AVAILABLE FOR THE SPECIFIC PURPOSE OF IMPLEMENTING HVAC SYSTEM IMPROVEMENTS.

(3) **Ventilation verification assessment.** QUALIFIED PERSONNEL SHALL PERFORM ALL OF THE FOLLOWING:

(a) **Filtration.** MERV 13 OR BETTER FILTRATION MUST BE INSTALLED IN A SCHOOL'S HVAC SYSTEM WHERE FEASIBLE. QUALIFIED PERSONNEL SHALL:

(I) REVIEW SYSTEM CAPACITY AND AIRFLOW TO DETERMINE THE HIGHEST MERV FILTRATION THAT CAN BE INSTALLED WITHOUT ADVERSELY IMPACTING EQUIPMENT;

(II) REPLACE OR UPGRADE FILTERS WHERE NEEDED AND VERIFY THAT FILTERS ARE INSTALLED CORRECTLY; AND

(III) ISSUE RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, FREQUENCY OF FILTER REPLACEMENTS, OR UPGRADES TO ALLOW FOR MORE PROTECTIVE FILTRATION AND RECORD THE RECOMMENDATIONS IN THE

HVAC ASSESSMENT REPORT.

(b) **Ventilation and exhaust.** AFTER ASSESSING THE FILTRATION AS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, QUALIFIED PERSONNEL SHALL ASSESS THE VENTILATION RATES IN THE SCHOOL'S OCCUPIED AREAS TO DETERMINE WHETHER THEY MEET THE MINIMUM VENTILATION RATE REQUIREMENTS SET FORTH IN THE INTERNATIONAL MECHANICAL CODE. ASSESSMENT OF THE VENTILATION AND EXHAUST MUST INCLUDE ALL THE FOLLOWING:

(I) CALCULATION OF THE ESTIMATED MINIMUM OUTSIDE AIR VENTILATION RATES FOR EACH OCCUPIED AREA BASED ON THE MAXIMUM ANTICIPATED OCCUPANCY AND THE MINIMUM REQUIRED VENTILATION RATE PER OCCUPANT. CALCULATIONS MUST BE BASED ON MAXIMUM ANTICIPATED CLASSROOM OR OTHER OCCUPIED AREA OCCUPANCY RATES AND DETERMINED BY THE INTERNATIONAL MECHANICAL CODE;

(II) MEASUREMENT OF OUTSIDE AIR AND VERIFICATION THAT THE SYSTEM PROVIDES THE MINIMUM OUTSIDE AIR VENTILATION RATES CALCULATED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION;

(III) VERIFICATION OF COIL VELOCITIES AND UNIT DISCHARGE AIR TEMPERATURES REQUIRED TO MAINTAIN DESIRED INDOOR CONDITIONS AND TO AVOID MOISTURE CARRYOVER FROM COOLING COILS;

(IV) VERIFICATION THAT SEPARATION BETWEEN OUTDOOR AIR INTAKES AND EXHAUST DISCHARGE OUTLETS MEETS THE REQUIREMENTS OF THE INTERNATIONAL MECHANICAL CODE;

(V) CONFIRMATION THAT THE AIR HANDLING UNIT IS BRINGING IN OUTDOOR AIR AND REMOVING EXHAUST AIR AS INTENDED BY THE SYSTEM DESIGN; AND

(VI) MEASUREMENT OF ALL EXHAUST AIR VOLUME FOR EXHAUST FANS, SUCH AS RESTROOM EXHAUST FANS, INCLUDING DOCUMENTATION OF ANY DISCREPANCIES FROM SYSTEM DESIGN.

(c) **Economizers.** FOR HVAC SYSTEMS WITH ECONOMIZERS, QUALIFIED PERSONNEL SHALL TEST SYSTEM ECONOMIZER DAMPERS FOR PROPER OPERATION. ECONOMIZER DAMPERS AND CONTROLS THAT ARE NOT



PROPERLY FUNCTIONING SHALL BE REPAIRED BY A CERTIFIED CONTRACTOR AND THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL. QUALIFIED PERSONNEL SHALL RECORD RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPLACEMENT, OR UPGRADES IN THE HVAC ASSESSMENT REPORT.

(d) **Demand control ventilation.** (I) IF DEMAND CONTROL VENTILATION SYSTEMS ARE INSTALLED, QUALIFIED PERSONNEL SHALL VERIFY THEIR PROPER OPERATION.

(II) DEMAND CONTROL VENTILATION SYSTEMS THAT ARE NOT PROPERLY FUNCTIONING SHALL BE REPAIRED BY A CERTIFIED CONTRACTOR AND THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL.

(III) IF A DEMAND CONTROL VENTILATION SYSTEM IS RECOMMENDED TO BE DISABLED OR IS UNABLE TO PROVIDE RECOMMENDED VENTILATION RATES, THE HVAC SYSTEM MUST BE CONFIGURED TO MEET THE MINIMUM VENTILATION RATE REQUIREMENTS WITHOUT USE OF THE DEMAND CONTROL VENTILATION SYSTEM AND TESTED AND ADJUSTED TO ACHIEVE THE ESTIMATED MINIMUM OUTSIDE AIR VENTILATION RATE, AS DESCRIBED IN SUBSECTION (3)(b)(I) OF THIS SECTION.

(IV) QUALIFIED PERSONNEL SHALL RECORD RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPLACEMENT, OR UPGRADES IN THE HVAC ASSESSMENT REPORT.

(e) **Air distribution and building pressurization.** (I) QUALIFIED PERSONNEL SHALL:

(A) PERFORM SURVEY READINGS OF INLETS AND OUTLETS TO VERIFY THAT ALL VENTILATION IS REACHING THE SERVED ZONES AND THAT THERE IS ADEQUATE AIR DISTRIBUTION;

(B) VERIFY THAT INLETS AND OUTLETS ARE BALANCED WITHIN TOLERANCE OF THE SYSTEM DESIGN; AND

(C) DOCUMENT READ VALUES AND DEFICIENCIES. IF THE ORIGINAL SYSTEM DESIGN VALUES ARE NOT AVAILABLE, QUALIFIED PERSONNEL SHALL DOCUMENT AVAILABLE INFORMATION AND NOTE THE UNAVAILABILITY OF SYSTEM DESIGN VALUES IN THE HVAC ASSESSMENT REPORT.

(II) QUALIFIED PERSONNEL SHALL VERIFY BUILDING AND SPACE PRESSURE TO ENSURE THAT:

(A) THE PRESSURE DIFFERENTIAL IS WITHIN TOLERANCE OF DESIGN, IF KNOWN;

(B) THE SCHOOL BUILDING IS NOT OVER PRESSURIZED; AND

(C) IF APPLICABLE, ROOMS DESIGNATED FOR TEMPORARY OCCUPATION BY SICK STUDENTS OR STAFF MAINTAIN A NEGATIVE PRESSURE, OR AS OTHERWISE DESIGNED.

(f) **General maintenance.** QUALIFIED PERSONNEL SHALL VERIFY COIL CONDITION, CONDENSATE DRAINAGE, COOLING COIL AIR TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING DRY BULB), HEAT EXCHANGER AIR TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING DRY BULB), AND DRIVE ASSEMBLY CONDITION. QUALIFIED PERSONNEL SHALL RECORD RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPLACEMENT, OR UPGRADES IN THE HVAC ASSESSMENT REPORT.

(g) **Operational controls.** QUALIFIED PERSONNEL SHALL REVIEW CONTROL SEQUENCES TO VERIFY THAT SYSTEMS WILL MAINTAIN INTENDED VENTILATION, TEMPERATURE, AND HUMIDITY CONDITIONS DURING SCHOOL OPERATION.

(h) **CO2 monitoring.** (I) AS AN INDICATOR OF PROPER VENTILATION THROUGHOUT THE SCHOOL YEAR, OCCUPIED AREAS, AS DETERMINED BY QUALIFIED PERSONNEL, MUST BE EQUIPPED WITH A CO2 MONITOR THAT:

(A) IS HARDWIRED, PLUG-IN, OR BATTERY OPERATED AND MOUNTED TO THE WALL AT LEAST THREE FEET BUT LESS THAN SIX FEET ABOVE THE FLOOR AND AT LEAST FIVE FEET AWAY FROM THE DOOR AND ANY OPERABLE WINDOWS;

(B) DISPLAYS THE CO2 READINGS TO THE SCHOOL FACILITIES MANAGER OR DESIGNATED STAFF MEMBER THROUGH A DISPLAY ON THE DEVICE OR OTHER MEANS, SUCH AS A WEB-BASED APPLICATION OR CELL PHONE APPLICATION;

(C) NOTIFIES THE SCHOOL FACILITIES MANAGER OR DESIGNATED

STAFF MEMBER THROUGH A VISUAL INDICATOR OR OTHER ALERT, SUCH AS AN E-MAIL, A TEXT, OR A CELL PHONE APPLICATION, WHEN CO<sub>2</sub> LEVELS IN THE OCCUPIED AREAS, AS DETERMINED BY QUALIFIED PERSONNEL, HAVE EXCEEDED ONE THOUSAND ONE HUNDRED PPM;

(D) MAINTAINS A RECORD OF PREVIOUS DATA, WHICH RECORD INCLUDES AT LEAST THE MAXIMUM CO<sub>2</sub> CONCENTRATION MEASURED;

(E) HAS A MEASUREMENT RANGE OF AT LEAST FOUR HUNDRED TO FIVE THOUSAND PPM; AND

(F) IS CERTIFIED BY THE MANUFACTURER TO BE ACCURATE WITHIN SEVENTY-FIVE PPM AT ONE THOUSAND PPM CO<sub>2</sub> CONCENTRATION AND TO REQUIRE CALIBRATION NO MORE FREQUENTLY THAN ONCE EVERY FIVE YEARS.

(II) QUALIFIED PERSONNEL SHALL VERIFY THAT THE CO<sub>2</sub> MONITORS ARE ACCURATE WITHIN SEVENTY-FIVE PPM AT ONE THOUSAND PPM CO<sub>2</sub>.

(III) IN SCHOOLS WHERE THERE IS LIMITED OR NO EXISTING MECHANICAL VENTILATION, THE ASSESSMENT OF CO<sub>2</sub> MONITORING MUST FOCUS ON DOCUMENTING EXISTING CONDITIONS AND PROVIDING THE MECHANICAL ENGINEER WITH THE INFORMATION NEEDED TO PROVIDE MECHANICAL VENTILATION UPGRADE RECOMMENDATIONS, IF NEEDED, TO ENSURE PROPER VENTILATION AND INDOOR AIR QUALITY. OCCUPIED AREAS WITH LIMITED OR NO EXISTING MECHANICAL VENTILATION MUST HAVE CO<sub>2</sub> MONITORS INSTALLED.

(IV) IN THE HVAC ASSESSMENT REPORT, QUALIFIED PERSONNEL SHALL INCLUDE VERIFICATION OF THE INSTALLATION OF CO<sub>2</sub> MONITORS IN OCCUPIED AREAS, AS APPLICABLE.

(4) **HVAC assessment report.** QUALIFIED PERSONNEL SHALL PREPARE AN HVAC ASSESSMENT REPORT FOR REVIEW BY A MECHANICAL ENGINEER. THE HVAC ASSESSMENT REPORT MUST INCLUDE ALL OF THE FOLLOWING INFORMATION:

(a) THE NAME AND ADDRESS OF THE SCHOOL AND THE CERTIFIED CONTRACTOR COMPLETING THE WORK, INCLUDING THE NAME OF THE QUALIFIED PERSONNEL PREPARING THE ASSESSMENT REPORT AND THE NAME

OF THE MECHANICAL ENGINEER CERTIFYING THE ASSESSMENT REPORT;

(b) A DESCRIPTION OF ASSESSMENT, MAINTENANCE, ADJUSTMENT, AND REPAIR ACTIVITIES AND OUTCOMES;

(c) DOCUMENTATION OF HVAC EQUIPMENT MODEL NUMBERS, SERIAL NUMBERS, GENERAL CONDITION OF UNITS, AND ANY ADDITIONAL INFORMATION THAT COULD BE USED TO ASSESS REPLACEMENT AND REPAIR OPTIONS GIVEN THE POTENTIAL FOR INCREASED ENERGY EFFICIENCY BENEFITS;

(d) VERIFICATION THAT EITHER:

(I) MERV 13 FILTERS HAVE BEEN INSTALLED; OR

(II) THE MAXIMUM MERV-RATED FILTER THAT THE SYSTEM IS ABLE TO EFFECTIVELY HANDLE HAS BEEN INSTALLED, INCLUDING AN INDICATION OF THE MERV RATING OF THAT FILTER;

(e) VERIFICATION THAT ALL REQUIREMENTS DESCRIBED IN THIS SUBSECTION (4) HAVE BEEN SATISFIED, INCLUDING INSTALLATION OF CO<sub>2</sub> MONITORS IN OCCUPIED AREAS;

(f) THE VERIFIED VENTILATION RATES FOR OCCUPIED AREAS AND WHETHER THOSE RATES MEET THE ESTIMATED REQUIREMENTS SET FORTH IN THE INTERNATIONAL MECHANICAL CODE;

(g) THE VERIFIED EXHAUST FOR OCCUPIED AREAS AND WHETHER THOSE RATES MEET THE REQUIREMENTS OF THE SYSTEM'S DESIGN; AND

(h) DOCUMENTATION OF SYSTEM DEFICIENCIES AND RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPLACEMENT, OR UPGRADES TO IMPROVE ENERGY EFFICIENCY, NO<sub>x</sub> EMISSIONS, GREENHOUSE GAS EMISSIONS, SAFETY, OR PERFORMANCE, IF ANY.

**(5) Mechanical engineer review.** A MECHANICAL ENGINEER SHALL:

(a) REVIEW THE HVAC ASSESSMENT REPORT;

(b) VERIFY OR ADJUST THE ESTIMATED MINIMUM OUTSIDE AIR

VENTILATION RATES;

(c) DETERMINE WHAT, IF ANY, ADDITIONAL ADJUSTMENTS, REPAIRS, UPGRADES, OR REPLACEMENTS ARE NECESSARY TO MEET THE MINIMUM VENTILATION AND FILTRATION REQUIREMENTS OF THE INTERNATIONAL MECHANICAL CODE;

(d) RECOMMEND A PATHWAY FOR REDUCING NOX EMISSIONS AND GREENHOUSE GAS EMISSIONS; AND

(e) PROVIDE A COST ESTIMATE FOR ALL RECOMMENDED WORK.

(6) **Adjustments, repairs, upgrades, and replacements.** ALL HVAC REPAIRS, UPGRADES, AND REPLACEMENTS SHALL BE PERFORMED BY A CERTIFIED CONTRACTOR AND THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL. ALL HVAC ADJUSTMENTS SHALL BE PERFORMED BY QUALIFIED ADJUSTING PERSONNEL.

(7) **HVAC verification report.** (a) THE CERTIFIED CONTRACTOR OR A MEMBER OF THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL SHALL PREPARE AN HVAC VERIFICATION REPORT, AND THE LOCAL EDUCATION PROVIDER SHALL SUBMIT THE HVAC VERIFICATION REPORT TO THE DEPARTMENT WITHIN THIRTY DAYS AFTER COMPLETION OF ALL WORK DESCRIBED IN SUBSECTIONS (3) TO (6) OF THIS SECTION.

(b) THE HVAC VERIFICATION REPORT MUST INCLUDE ALL OF THE FOLLOWING INFORMATION:

(I) THE NAME AND ADDRESS OF THE SCHOOL AND THE PERSON PREPARING AND CERTIFYING THE REPORT;

(II) A DESCRIPTION OF ASSESSMENT, MAINTENANCE, ADJUSTMENT, REPAIR, UPGRADE, AND REPLACEMENT ACTIVITIES AND OUTCOMES;

(III) VERIFICATION THAT THE CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL HAS COMPLIED WITH ALL REQUIREMENTS OF THIS SECTION;

(IV) VERIFICATION THAT EITHER:

(A) MERV 13 FILTERS HAVE BEEN INSTALLED; OR

(B) THE MAXIMUM MERV-RATED FILTER THAT THE SYSTEM IS ABLE TO EFFECTIVELY HANDLE HAS BEEN INSTALLED, INCLUDING AN INDICATION OF THE MERV RATING OF THAT FILTER;

(V) THE VERIFIED VENTILATION RATES FOR OCCUPIED AREAS AND WHETHER THOSE RATES MEET THE REQUIREMENTS SET FORTH IN THE INTERNATIONAL MECHANICAL CODE. IF VENTILATION RATES DO NOT MEET APPLICABLE GUIDANCE, THEN THE HVAC VERIFICATION REPORT MUST INCLUDE AN EXPLANATION OF WHY THE CURRENT SYSTEM IS UNABLE TO MEET THOSE RATES.

(VI) THE VERIFIED EXHAUST RATES FOR OCCUPIED AREAS AND WHETHER THOSE RATES MEET THE REQUIREMENTS SET FORTH IN THE SYSTEM'S DESIGN;

(VII) DOCUMENTATION OF REPAIRS, UPGRADES, OR REPLACEMENTS PERFORMED IN RESPONSE TO:

(A) THE HVAC ASSESSMENT REPORT; AND

(B) THE MECHANICAL ENGINEER'S RECOMMENDATIONS MADE PURSUANT TO SUBSECTION (5) OF THIS SECTION;

(VIII) DOCUMENTATION OF RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPAIRS, REPLACEMENTS, OR UPGRADES TO IMPROVE ENERGY EFFICIENCY, NOX EMISSIONS, GREENHOUSE GAS EMISSIONS, SAFETY, OR PERFORMANCE;

(IX) DOCUMENTATION OF THE MECHANICAL ENGINEER'S RECOMMENDED PATHWAY FOR REDUCING NOX EMISSIONS AND GREENHOUSE GAS EMISSIONS;

(X) DOCUMENTATION OF INITIAL OPERATING VERIFICATIONS, ADJUSTMENTS, AND FINAL OPERATING VERIFICATIONS AND DOCUMENTATION OF ANY ADJUSTMENTS OR REPAIRS PERFORMED;

(XI) VERIFICATION OF INSTALLATION OF CO<sub>2</sub> MONITORS, INCLUDING THE NUMBER OF MONITORS INSTALLED AND VERIFIED AND THE MAKE AND

MODEL OF EACH MONITOR; AND

(XII) VERIFICATION THAT ALL WORK HAS BEEN PERFORMED BY A CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL, INCLUDING THE CONTRACTOR'S NAME, THE NAMES OF QUALIFIED PERSONNEL, CERTIFICATION NUMBERS OF ANY QUALIFIED PERSONNEL, AND VERIFICATION THAT ALL CONSTRUCTION WORK HAS BEEN PERFORMED BY A CERTIFIED CONTRACTOR AND THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL.

(c) THE LOCAL EDUCATION PROVIDER SHALL MAINTAIN A COPY OF THE HVAC VERIFICATION REPORT FOR AT LEAST FIVE YEARS AND MAKE IT AVAILABLE TO THE PUBLIC UPON REQUEST.

**(8) Periodic inspections and ongoing maintenance.** (a) AT LEAST ONCE EVERY FIVE YEARS, QUALIFIED PERSONNEL SHALL PERFORM THE DUTIES CONCERNING ASSESSMENT, MAINTENANCE, ADJUSTMENT, OPERATIONAL CONTROLS, AND CO<sub>2</sub> MONITORS DESCRIBED IN SUBSECTIONS (3) TO (6) OF THIS SECTION.

(b) FOR CO<sub>2</sub> MONITORS INSTALLED IN OCCUPIED AREAS, AS DETERMINED BY QUALIFIED PERSONNEL, IF THE CO<sub>2</sub> CONCENTRATION ALARM SET POINT IS EXCEEDED FOR MORE THAN FIFTEEN MINUTES MORE THAN FOUR TIMES IN A MONTH, QUALIFIED ADJUSTING PERSONNEL SHALL EITHER ADJUST THE OCCUPIED AREA'S VENTILATION RATES OR INSTALL A DIRECT OUTSIDE AIRFLOW MEASUREMENT DEVICE AND VERIFY ITS ACCURACY TO ENSURE PEAK CO<sub>2</sub> CONCENTRATIONS IN THE OCCUPIED AREA REMAIN BELOW THE SET POINT.

(c) EACH LOCAL EDUCATION PROVIDER SHALL:

(I) RECORD EACH INCIDENT IN WHICH A CO<sub>2</sub> CONCENTRATION ALARM SET POINT WAS BREACHED;

(II) RETAIN EACH RECORD FOR AT LEAST FIVE YEARS; AND

(III) MAKE THE RECORDS AVAILABLE TO THE PUBLIC UPON REQUEST.

**(9) Certified contractors.** (a) IF A LOCAL EDUCATION PROVIDER UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS AS DESCRIBED IN

THIS SECTION USING MONEY MADE AVAILABLE BY FEDERAL GOVERNMENT SOURCES OR FEDERAL GOVERNMENT SOURCES IN COMBINATION WITH STATE GOVERNMENT SOURCES SPECIFICALLY FOR SUCH PURPOSE, THE LOCAL EDUCATION PROVIDER SHALL:

(I) OBTAIN AND MAKE USE OF THE CERTIFIED CONTRACTOR LIST TO ASSIST IN CONTRACTOR SELECTION AND ENSURE COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS; AND

(II) EMPLOY ONLY CERTIFIED CONTRACTORS OR CONTRACTORS THAT USE PREVAILING WAGES AND APPRENTICES REGISTERED WITH THE FEDERAL DEPARTMENT OF LABOR OR THE STATE APPRENTICESHIP AGENCY CREATED IN SECTION 8-15.7-102 FOR THE PERFORMANCE OF THE HVAC INFRASTRUCTURE IMPROVEMENTS.

(b) THE DEPARTMENT SHALL PUBLISH THE CERTIFIED CONTRACTOR LIST ON ITS WEBSITE AND INCLUDE OR REFERENCE THE LIST IN ALL OF THE RELEVANT MARKETING MATERIAL FOR SCHOOL INFRASTRUCTURE IMPROVEMENT PROGRAMS TO ASSIST IN CONTRACTOR SELECTION AND ENSURE COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS.

(c) THE REQUIREMENT DESCRIBED IN SUBSECTION (9)(a) OF THIS SECTION DOES NOT APPLY TO MECHANICAL, PLUMBING, AND ELECTRICAL WORK THAT IS PERFORMED PURSUANT TO A PROJECT LABOR AGREEMENT, WHICH ALLOWS A CONTRACTOR AND ALL SUBCONTRACTORS TO COMPETE FOR CONTRACTS AND SUBCONTRACTS WITHOUT REGARD TO WHETHER THEY ARE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT.

(10) **Grants.** (a) TO ACQUIRE MONEY TO PAY FOR HVAC INFRASTRUCTURE IMPROVEMENT PROJECTS AS DESCRIBED IN THIS SECTION, A LOCAL EDUCATION PROVIDER MAY:

(I) SEEK AND ACQUIRE GRANT WRITING SUPPORT AND PROJECT PLANNING SUPPORT FROM THE OFFICE OF THE GOVERNOR, AS DESCRIBED IN SECTION 24-75-232;

(II) APPLY FOR GRANTS FROM FEDERAL AND STATE GOVERNMENT SOURCES;

(III) UTILIZE THE REGIONAL GRANT NAVIGATOR PROGRAM



ADMINISTERED THROUGH THE GOVERNOR'S OFFICE; AND

(IV) COORDINATE WITH THIRD PARTIES WITH EXPERTISE PERTAINING TO FEDERAL FUNDING APPLICATION TECHNICAL ASSISTANCE, INCLUDING ASSISTANCE CONCERNING:

(A) SCHOOL VENTILATION AND ENERGY EFFICIENCY VERIFICATION;

(B) SUSTAINABILITY PROJECT PLANNING;

(C) GRANT WRITING;

(D) TECHNICAL ASSISTANCE, SUCH AS ENGINEERING OR FEASIBILITY STUDIES, NEEDED TO IMPROVE OR MAKE THE CASE FOR A GRANT APPLICATION;

(E) COMPLIANCE WITH FEDERAL LABOR STANDARDS;

(F) INCENTIVES FOR TAX CREDITS;

(G) PROCUREMENT MATERIALS ASSOCIATED WITH THE FEDERAL "BUILD AMERICA, BUY AMERICA ACT", SECTION 70901 ET SEQ., OF THE FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT", PUB.L. 117-58;

(H) PROJECT FINANCING EXPERTISE, SUCH AS CREATING AN ON-BILL FINANCING AND REPAYMENT PROGRAM;

(I) COMPLIANCE WITH LABOR STANDARDS OUTLINED IN FEDERAL FUNDING GUIDANCE; AND

(J) COMMUNITY BENEFIT PLAN DEVELOPMENT AND COMMUNITY BENEFIT AGREEMENT NEGOTIATION AND IMPLEMENTATION, SUCH AS BEST PRACTICES OR CONSULTANT FUNDS FOR COMMUNITY MEMBERS.

(b) IN APPLYING FOR A GRANT AS DESCRIBED IN SUBSECTION (10)(a)(II) OF THIS SECTION, A LOCAL EDUCATION PROVIDER SHALL ENSURE THAT EACH GRANT APPLICATION INCLUDES A STATEMENT ACKNOWLEDGING THAT THE LOCAL EDUCATION PROVIDER MUST COMPLY WITH APPLICABLE LABOR STANDARDS REQUIRED IN ORDER FOR THE LOCAL EDUCATION PROVIDER TO REMAIN COMPETITIVE FOR FEDERAL FUNDING SOURCES,

SPECIFICALLY GRANT PROGRAMS UNDER THE FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT", PUB.L. 117-58, AND RECEIVE FULL PREFERENCE POINTS FOR PROGRAMS UNDER THE FEDERAL "INFLATION REDUCTION ACT," INCLUDED THEREIN, INCLUDING STANDARDS PERTAINING TO:

(I) THE FEDERAL "DAVIS-BACON ACT OF 1931", PUB.L. 71-798;

(II) REGISTERED APPRENTICESHIP PROGRAMS AND OTHER LABOR MANAGEMENT PARTNERSHIPS;

(III) PROJECT LABOR AGREEMENTS;

(IV) COMMUNITY WORKFORCE AGREEMENTS;

(V) COMMUNITY BENEFIT AGREEMENTS; AND

(VI) PREVENTION OF WORKER MISCLASSIFICATION.

(11) **Notices of receipt of federal grant funding.** A LOCAL EDUCATION PROVIDER THAT RECEIVES FEDERAL GRANT FUNDING FOR HVAC IMPROVEMENTS SHALL NOTIFY THE DEPARTMENT OF THE RECEIPT OF THE FUNDING. THE DEPARTMENT SHALL PUBLISH ON ITS PUBLIC WEBSITE NOTIFICATIONS OF ALL FEDERAL GRANT FUNDING THAT IS AWARDED TO LOCAL EDUCATION PROVIDERS FOR HVAC IMPROVEMENTS.

**SECTION 3.** In Colorado Revised Statutes, **add** 22-5-123 as follows:

**22-5-123. BOCES - ventilation and energy efficiency verification and repair.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A BOCES UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY MADE AVAILABLE BY A FEDERAL GOVERNMENT SOURCE OR BY A FEDERAL GOVERNMENT SOURCE IN COMBINATION WITH A STATE GOVERNMENT SOURCE SPECIFICALLY FOR SUCH PURPOSE, THE BOCES SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

**SECTION 4.** In Colorado Revised Statutes, **add** 22-30.5-121 as follows:

**22-30.5-121. Charter schools - ventilation and energy efficiency verification and repair.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY MADE AVAILABLE BY A FEDERAL GOVERNMENT SOURCE OR BY A FEDERAL GOVERNMENT SOURCE IN COMBINATION WITH A STATE GOVERNMENT SOURCE SPECIFICALLY FOR SUCH PURPOSE, THE CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

**SECTION 5.** In Colorado Revised Statutes, **add** 22-30.5-531 as follows:

**22-30.5-531. Institute charter schools - ventilation and energy efficiency verification and repair.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF AN INSTITUTE CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY MADE AVAILABLE BY A FEDERAL GOVERNMENT SOURCE OR BY A FEDERAL GOVERNMENT SOURCE IN COMBINATION WITH A STATE GOVERNMENT SOURCE SPECIFICALLY FOR SUCH PURPOSE, THE INSTITUTE CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

**SECTION 6.** In Colorado Revised Statutes, **add** 22-80-120 as follows:

**22-80-120. Ventilation and energy efficiency verification and repair.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE SCHOOL UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY MADE AVAILABLE BY A FEDERAL GOVERNMENT SOURCE OR BY A FEDERAL GOVERNMENT SOURCE IN COMBINATION WITH A STATE GOVERNMENT SOURCE SPECIFICALLY FOR SUCH PURPOSE, THE SCHOOL SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE HVAC INFRASTRUCTURE IMPROVEMENTS.

**SECTION 7.** In Colorado Revised Statutes, 24-75-232, **amend** (1)(d) and (2)(d); and **add** (1)(d.5) and (5)(e) as follows:

**24-75-232. "Infrastructure Investment and Jobs Act" cash fund - creation - allowable uses - report - legislative declaration - definitions**

- **repeal.** (1) The general assembly finds and declares that:

(d) In order for the state to be competitive for the highest range of funding available to it under the federal act, it is necessary for departments to have funds available as a nonfederal match, although due to still-evolving federal guidance the amounts needed and specific types of projects may not be known in time for this money to be appropriated in the annual general appropriation act; **and**

(d.5) WITH THE PASSAGE OF THE "INFLATION REDUCTION ACT OF 2022" AND THE "BIPARTISAN INFRASTRUCTURE LAW", BILLIONS OF DOLLARS IN FEDERAL MONEY ARE AVAILABLE TO HELP PUBLIC SCHOOLS IMPROVE AIR QUALITY IN SCHOOLS, STUDENT PERFORMANCE, AND STAFF RETENTION; AND

(2) As used in this section, unless the context otherwise requires:

(d) "Local government" means a county, a municipality, a city and county, A LOCAL EDUCATION PROVIDER, or a special district.

(5) (e) (I) THE OFFICE SHALL USE EXISTING RESOURCES FUNDED BY THE FUND TO PROVIDE GRANT WRITING SUPPORT, ADMINISTRATIVE SUPPORT, AND PROJECT PLANNING PURSUANT TO SUBSECTION (1)(e)(V) OF THIS SECTION TO SCHOOL DISTRICTS, BOCES, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS, INCLUDING SUCH ENTITIES THAT ARE UNDERTAKING HVAC INFRASTRUCTURE IMPROVEMENTS AS DESCRIBED IN SECTION 22-32-152.

(II) AS PART OF THE REPORT ISSUED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION, THE OFFICE SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE AND THE CAPITAL DEVELOPMENT COMMITTEE CONCERNING THE NUMBER OF APPLICANTS FOR MATCHING FUNDS FROM LOCAL EDUCATION PROVIDERS REVIEWED BY THE OFFICE BEFORE OCTOBER 2, 2025. THE REPORT MUST INCLUDE THE AMOUNT OF REQUESTED MATCHING FUNDS, THE RECOMMENDED AMOUNT OF MATCHING FUNDS, AND AN EXPLANATION FOR THE DIFFERENCE, IF ANY, BETWEEN THE REQUESTED AMOUNTS AND THE RECOMMENDED AMOUNTS.

(III) FOR THE PURPOSES OF THIS SUBSECTION (5)(e), THE OFFICE MAY USE EXISTING MONEY APPROPRIATED FROM THE FUND TO PROVIDE GRANT WRITING SUPPORT, ADMINISTRATIVE SUPPORT, AND PROJECT PLANNING

PURSUANT TO SUBSECTION (1)(e)(V) OF THIS SECTION TO REVIEW THE WORK OF APPLICANTS AND TO CONNECT APPLICANTS WITH THIRD PARTIES WITH EXPERTISE PERTAINING TO FEDERAL FUNDING APPLICATION TECHNICAL ASSISTANCE, INCLUDING ASSISTANCE CONCERNING:

(A) SCHOOL VENTILATION AND ENERGY EFFICIENCY VERIFICATION;

(B) SUSTAINABILITY PROJECT PLANNING;

(C) GRANT WRITING;

(D) TECHNICAL ASSISTANCE, SUCH AS ENGINEERING OR FEASIBILITY STUDIES, NEEDED TO IMPROVE OR MAKE THE CASE FOR A GRANT APPLICATION;

(E) COMPLIANCE WITH FEDERAL LABOR STANDARDS;

(F) INCENTIVES FOR TAX CREDITS;

(G) PROCUREMENT MATERIALS ASSOCIATED WITH THE FEDERAL "BUILD AMERICA, BUY AMERICA ACT", SECTION 70901 ET SEQ., OF THE FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT", PUB.L. 117-58;

(H) PROJECT FINANCING EXPERTISE, SUCH AS CREATING AN ON-BILL FINANCING AND REPAYMENT PROGRAM;

(I) COMPLIANCE WITH LABOR STANDARDS OUTLINED IN FEDERAL FUNDING GUIDANCE; AND

(J) COMMUNITY BENEFIT PLAN DEVELOPMENT AND COMMUNITY BENEFIT AGREEMENT NEGOTIATION AND IMPLEMENTATION, SUCH AS BEST PRACTICES OR CONSULTANT FUNDS FOR COMMUNITY MEMBERS.

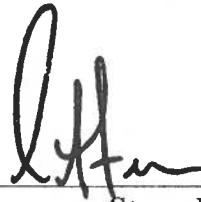
(IV) IF THERE ARE APPROVED APPLICATIONS FOR HVAC INFRASTRUCTURE IMPROVEMENT PROJECTS AT SCHOOL PROJECTS AS DESCRIBED IN SECTION 22-32-152, THE OFFICE MAY SEEK A SUPPLEMENTAL APPROPRIATION FROM THE FUND.

**SECTION 8. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

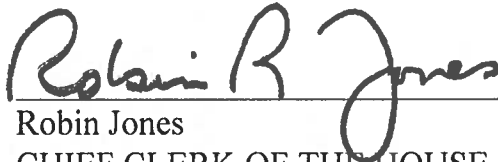


Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Steve Fenberg  
PRESIDENT OF  
THE SENATE

**VETO**

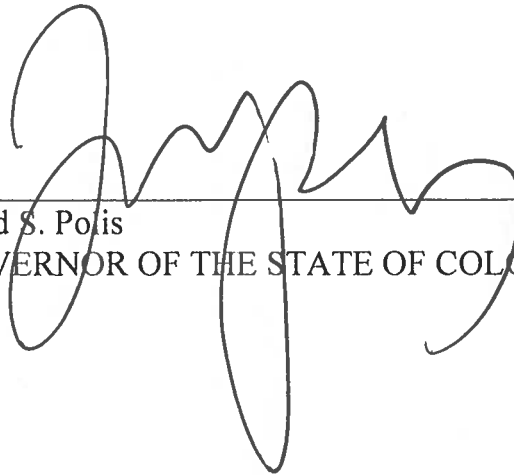


Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

DISAPPROVED AND VETOED on Friday May 17<sup>th</sup> 2024 at 4:21 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO