

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 6, 2025  
Date

Committee on Business Affairs & Labor.

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

HB25-1245 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

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

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

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

8           (b) Indoor air quality is one of several toxic threats to students in  
9 schools;

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

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

17           (2) The general assembly further finds that:

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

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

23           (c) The department of education's own "Facility Insight"  
24 dashboard reports the average age of school infrastructure to be 40 years;  
25 and

26           (d) State school buildings receive a poor score on the "Facility  
27 Condition Index".

1 (3) The general assembly further finds that:

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

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

12 (c) The current funding sources for schools do not equitably  
13 distribute funding, leaving many schools in rural and disproportionately  
14 impacted communities unable to pay for necessary retrofits and updates;

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

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

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

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

31 (a) Will save schools money by ensuring that facility improvement  
32 projects are completed by a highly skilled workforce and result in  
33 measurable energy efficiency improvements and health improvements for  
34 students and staff; and

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

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

41 **22-32-152. School ventilation and energy efficiency**  
42 **verification and repair - applicability of section - ventilation**  
43 **verification assessment - filtration - HVAC assessment report -**

1 **mechanical engineer review - adjustments, repairs, upgrades, and**  
2 **replacements - HVAC verification report - certified contractors -**  
3 **grants - definitions. (1) Definitions.** AS USED IN THIS SECTION, UNLESS  
4 THE CONTEXT OTHERWISE REQUIRES:  
5 (a) "ACCA" MEANS THE AIR CONDITIONING CONTRACTORS OF  
6 AMERICA.  
7 (b) "ASHRAE" MEANS THE AMERICAN SOCIETY OF HEATING,  
8 REFRIGERATING AND AIR-CONDITIONING ENGINEERS.  
9 (c) "CERTIFIED CONTRACTOR" MEANS A CONTRACTOR ON THE  
10 CERTIFIED CONTRACTOR LIST.  
11 (d) "CERTIFIED CONTRACTOR LIST" MEANS THE CERTIFIED  
12 CONTRACTOR LIST CREATED BY THE DEPARTMENT OF LABOR AND  
13 EMPLOYMENT PURSUANT TO SECTION 40-3.2-105.6 (3)(a).  
14 (e) "CERTIFIED TAB TECHNICIAN" MEANS A TECHNICIAN  
15 CERTIFIED TO PERFORM TESTING, ADJUSTING, AND BALANCING OF HVAC  
16 SYSTEMS BY:  
17 (I) THE ASSOCIATED AIR BALANCE COUNCIL;  
18 (II) THE NATIONAL ENVIRONMENTAL BALANCING BUREAU;  
19 (III) THE TESTING, ADJUSTING AND BALANCING BUREAU; OR  
20 (IV) A SUCCESSOR ORGANIZATION OF AN ORGANIZATION NAMED  
21 IN SUBSECTION (1)(e)(I), (1)(e)(II), OR (1)(e)(III) OF THIS SECTION.  
22 (f) "CO2" MEANS CARBON DIOXIDE.  
23 (g) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
24 CREATED IN SECTION 24-1-115.  
25 (h) "HVAC" MEANS HEATING, VENTILATION, AND AIR  
26 CONDITIONING.  
27 (i) "HVAC ASSESSMENT REPORT" MEANS AN HVAC ASSESSMENT  
28 REPORT DESCRIBED IN SUBSECTION (4) OF THIS SECTION.  
29 (j) "INTERNATIONAL MECHANICAL CODE" MEANS THE 2021  
30 INTERNATIONAL MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL  
31 CODE COUNCIL OR THE MOST RECENT VERSION ADOPTED BY THE OFFICE  
32 OF THE STATE ARCHITECT CREATED IN SECTION 24-30-1302.5.  
33 (k) "ISO/IEC 17024 PERSONNEL CERTIFICATION STANDARD"  
34 MEANS THE ISO/IEC 17024 PERSONNEL CERTIFICATION ACCREDITATION  
35 STANDARD DEVELOPED BY THE INTERNATIONAL ORGANIZATION FOR  
36 STANDARDIZATION AND THE INTERNATIONAL ELECTROTECHNICAL  
37 COMMISSION FOR THE PURPOSE OF CERTIFYING PERSONNEL.  
38 (l) "LOCAL EDUCATION PROVIDER" MEANS:  
39 (I) A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION  
40 22-16-103 (4); AND  
41 (II) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND  
42 DESCRIBED IN SECTION 22-80-102.  
43 (m) "MECHANICAL ENGINEER" MEANS A PROFESSIONAL ENGINEER

1 WHO IS LICENSED PURSUANT TO PART 2 OF ARTICLE 120 OF TITLE 12 AND  
2 HAS PROFESSIONAL EXPERIENCE WITH HVAC SYSTEMS.

3 (n) "MERV" MEANS MINIMUM EFFICIENCY REPORTING VALUE, AS  
4 ESTABLISHED BY:

5 (I) ANSI/ASHRAE STANDARD 52.2-2017, "METHOD OF TESTING  
6 GENERAL VENTILATION AIR-CLEANING DEVICES FOR REMOVAL  
7 EFFICIENCY BY PARTICLE SIZE";

8 (II) ANSI/ASHRAE STANDARD 62.1-2022, "VENTILATION AND  
9 ACCEPTABLE INDOOR AIR QUALITY";

10 (III) ANSI/ASHRAE/ACCA STANDARD 180-2018, "STANDARD  
11 PRACTICE FOR INSPECTION AND MAINTENANCE OF COMMERCIAL  
12 BUILDING HVAC SYSTEMS"; AND

13 (IV) ASHRAE STANDARD 241-2023, "CONTROL OF INFECTIOUS  
14 AEROSOLS".

15 (o) "NOX" HAS THE MEANING SET FORTH IN SECTION 25-7-1502  
16 (8).

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

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

22 (r) "QUALIFIED ADJUSTING PERSONNEL" MEANS:

23 (I) A CERTIFIED TAB TECHNICIAN; OR

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

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

30 (t) "QUALIFIED TESTING PERSONNEL" MEANS:

31 (I) A CERTIFIED TAB TECHNICIAN; OR

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

37 (u) "SCHOOL" MEANS AN EDUCATIONAL FACILITY OPERATED BY A  
38 LOCAL EDUCATION PROVIDER.

39 (v) "TAB" MEANS TESTING, ADJUSTING, AND BALANCING OF AN  
40 HVAC SYSTEM.

41 (2) **Applicability of section.** ON AND AFTER THE EFFECTIVE DATE  
42 OF THIS SECTION, IF A LOCAL EDUCATION PROVIDER UNDERTAKES HVAC  
43 INFRASTRUCTURE IMPROVEMENTS AT A SCHOOL USING MONEY FROM THE

1 "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN  
2 SECTION 24-75-232 (3), THE LOCAL EDUCATION PROVIDER SHALL COMPLY  
3 WITH THE PROCEDURES SET FORTH IN THIS SECTION IN IMPLEMENTING THE  
4 HVAC INFRASTRUCTURE IMPROVEMENTS.

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

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

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

13 (II) REPLACE OR UPGRADE FILTERS WHERE NEEDED AND VERIFY  
14 THAT FILTERS ARE INSTALLED CORRECTLY.

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

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

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

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

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

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

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

43 (c) **Economizers.** FOR HVAC SYSTEMS WITH ECONOMIZERS,

1 QUALIFIED PERSONNEL SHALL TEST SYSTEM ECONOMIZER DAMPERS AND  
2 CONTROLS FOR PROPER OPERATION. ECONOMIZER DAMPERS AND  
3 CONTROLS THAT ARE NOT PROPERLY FUNCTIONING SHALL BE REPAIRED BY  
4 A CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED  
5 PERSONNEL. QUALIFIED PERSONNEL SHALL RECORD RECOMMENDATIONS  
6 FOR ADDITIONAL MAINTENANCE, REPLACEMENTS, OR UPGRADES IN THE  
7 HVAC ASSESSMENT REPORT.

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

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

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

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

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

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

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

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

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

38 (B) THE SCHOOL BUILDING IS NOT OVER PRESSURIZED.

39 (f) **General maintenance.** QUALIFIED PERSONNEL SHALL VERIFY  
40 COIL CONDITION, CONDENSATE DRAINAGE, COOLING COIL AIR  
41 TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING DRY BULB), HEAT  
42 EXCHANGER AIR TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING  
43 DRY BULB), AND DRIVE ASSEMBLY CONDITION.

- 1           (g) **Operational controls.** QUALIFIED PERSONNEL SHALL REVIEW  
2 CONTROL SEQUENCES TO VERIFY THAT SYSTEMS WILL MAINTAIN INTENDED  
3 VENTILATION, TEMPERATURE, AND HUMIDITY CONDITIONS DURING SCHOOL  
4 OPERATION.
- 5           (4) **HVAC assessment report.** QUALIFIED PERSONNEL SHALL  
6 PREPARE AN HVAC ASSESSMENT REPORT FOR REVIEW BY A MECHANICAL  
7 ENGINEER. THE HVAC ASSESSMENT REPORT MUST INCLUDE ALL OF THE  
8 FOLLOWING INFORMATION:
- 9           (a) THE NAME AND ADDRESS OF THE SCHOOL AND THE CERTIFIED  
10 CONTRACTOR COMPLETING THE WORK, INCLUDING THE NAME OF THE  
11 QUALIFIED PERSONNEL PREPARING THE ASSESSMENT REPORT AND THE  
12 NAME OF THE MECHANICAL ENGINEER CERTIFYING THE ASSESSMENT  
13 REPORT;
- 14           (b) A DESCRIPTION OF ASSESSMENT, MAINTENANCE, ADJUSTMENT,  
15 AND REPAIR ACTIVITIES AND OUTCOMES;
- 16           (c) DOCUMENTATION OF HVAC EQUIPMENT MODEL NUMBERS,  
17 SERIAL NUMBERS, THE GENERAL CONDITION OF UNITS, AND ANY  
18 ADDITIONAL INFORMATION THAT COULD BE USED TO ASSESS  
19 REPLACEMENT AND REPAIR OPTIONS GIVEN THE POTENTIAL FOR INCREASED  
20 ENERGY EFFICIENCY BENEFITS;
- 21           (d) VERIFICATION THAT EITHER:
- 22           (I) MERV 13 FILTERS HAVE BEEN INSTALLED; OR
- 23           (II) THE MAXIMUM MERV-RATED FILTER THAT THE SYSTEM IS  
24 ABLE TO EFFECTIVELY HANDLE HAS BEEN INSTALLED, INCLUDING AN  
25 INDICATION OF THE MERV RATING OF THAT FILTER;
- 26           (e) VERIFICATION THAT ALL REQUIREMENTS DESCRIBED IN THIS  
27 SUBSECTION (4) HAVE BEEN SATISFIED;
- 28           (f) THE VERIFIED VENTILATION RATES FOR OCCUPIED AREAS AND  
29 WHETHER THOSE RATES MEET THE ESTIMATED REQUIREMENTS SET FORTH  
30 IN THE INTERNATIONAL MECHANICAL CODE;
- 31           (g) THE VERIFIED EXHAUST RATES FOR OCCUPIED AREAS AND  
32 WHETHER THOSE RATES MEET THE REQUIREMENTS OF THE SYSTEM'S  
33 DESIGN; AND
- 34           (h) DOCUMENTATION OF SYSTEM DEFICIENCIES AND  
35 RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPLACEMENT, OR  
36 UPGRADES TO IMPROVE ENERGY EFFICIENCY, SAFETY, OR PERFORMANCE  
37 OR TO REDUCE NOX EMISSIONS OR GREENHOUSE GAS EMISSIONS, IF ANY.
- 38           (5) **Mechanical engineer review.** A MECHANICAL ENGINEER  
39 SHALL:
- 40           (a) REVIEW THE HVAC ASSESSMENT REPORT;
- 41           (b) VERIFY OR ADJUST THE ESTIMATED MINIMUM OUTSIDE AIR  
42 VENTILATION RATES;
- 43           (c) DETERMINE WHAT, IF ANY, ADDITIONAL ADJUSTMENTS,

1 REPAIRS, UPGRADES, OR REPLACEMENTS ARE NECESSARY TO MEET THE  
2 MINIMUM VENTILATION AND FILTRATION REQUIREMENTS OF THE  
3 INTERNATIONAL MECHANICAL CODE;

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

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

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

12 (7) **HVAC verification report.** (a) A CERTIFIED CONTRACTOR OR  
13 A MEMBER OF THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL SHALL  
14 PREPARE AN HVAC VERIFICATION REPORT WITHIN TEN BUSINESS DAYS  
15 AFTER COMPLETION OF ALL WORK DESCRIBED IN SUBSECTIONS (3) TO (6)  
16 OF THIS SECTION.

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

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

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

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

26 (IV) VERIFICATION THAT EITHER:

27 (A) MERV 13 FILTERS HAVE BEEN INSTALLED; OR

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

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

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

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

42 (A) THE HVAC ASSESSMENT REPORT; AND

43 (B) THE MECHANICAL ENGINEER'S RECOMMENDATIONS MADE



1 PURSUANT TO SUBSECTION (5) OF THIS SECTION;  
2 (VIII) DOCUMENTATION OF RECOMMENDATIONS FOR ADDITIONAL  
3 MAINTENANCE, REPAIRS, REPLACEMENTS, OR UPGRADES TO IMPROVE  
4 ENERGY EFFICIENCY, SAFETY, OR PERFORMANCE OR TO REDUCE NOX  
5 EMISSIONS OR GREENHOUSE GAS EMISSIONS;  
6 (IX) DOCUMENTATION OF THE MECHANICAL ENGINEER'S  
7 RECOMMENDED PATHWAY FOR REDUCING NOX EMISSIONS AND  
8 GREENHOUSE GAS EMISSIONS;  
9 (X) DOCUMENTATION OF INITIAL OPERATING VERIFICATIONS,  
10 ADJUSTMENTS, AND FINAL OPERATING VERIFICATIONS AND  
11 DOCUMENTATION OF ANY ADJUSTMENTS OR REPAIRS PERFORMED; AND  
12 (XI) VERIFICATION THAT ALL WORK HAS BEEN PERFORMED BY A  
13 CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED  
14 PERSONNEL, INCLUDING THE CONTRACTOR'S NAME, THE NAMES OF THE  
15 QUALIFIED PERSONNEL, THE CERTIFICATION NUMBERS OF ANY QUALIFIED  
16 PERSONNEL, AND VERIFICATION THAT ALL CONSTRUCTION WORK HAS BEEN  
17 PERFORMED BY A CERTIFIED CONTRACTOR OR THE CERTIFIED  
18 CONTRACTOR'S QUALIFIED PERSONNEL.  
19 (c) A LOCAL EDUCATION PROVIDER SHALL MAINTAIN A COPY OF  
20 THE HVAC VERIFICATION REPORT FOR AT LEAST FIVE YEARS AND MAKE  
21 IT AVAILABLE TO THE PUBLIC UPON REQUEST.  
22 (8) **Certified contractors.** (a) IF A LOCAL EDUCATION PROVIDER  
23 UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS AS DESCRIBED IN  
24 THIS SECTION USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT  
25 AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE  
26 LOCAL EDUCATION PROVIDER SHALL:  
27 (I) OBTAIN AND MAKE USE OF THE CERTIFIED CONTRACTOR LIST TO  
28 ASSIST IN CONTRACTOR SELECTION AND ENSURE COMPLIANCE WITH  
29 FEDERAL FUNDING REQUIREMENTS; AND  
30 (II) EMPLOY ONLY CERTIFIED CONTRACTORS OR CONTRACTORS  
31 THAT USE PREVAILING WAGES AND APPRENTICES REGISTERED WITH THE  
32 FEDERAL DEPARTMENT OF LABOR OR THE STATE APPRENTICESHIP AGENCY  
33 CREATED IN SECTION 8-15.7-102 FOR THE PERFORMANCE OF THE HVAC  
34 INFRASTRUCTURE IMPROVEMENTS.  
35 (b) THE DEPARTMENT SHALL PUBLISH THE CERTIFIED CONTRACTOR  
36 LIST ON ITS WEBSITE AND INCLUDE OR REFERENCE THE LIST IN ALL OF THE  
37 RELEVANT MARKETING MATERIAL FOR SCHOOL INFRASTRUCTURE  
38 IMPROVEMENT PROGRAMS TO ASSIST IN CONTRACTOR SELECTION AND  
39 ENSURE COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS.  
40 (c) THE REQUIREMENT DESCRIBED IN SUBSECTION (8)(a) OF THIS  
41 SECTION DOES NOT APPLY TO MECHANICAL, PLUMBING, AND ELECTRICAL  
42 WORK THAT IS PERFORMED PURSUANT TO A PROJECT LABOR AGREEMENT  
43 THAT ALLOWS A CONTRACTOR AND ALL SUBCONTRACTORS TO COMPETE

1 FOR CONTRACTS AND SUBCONTRACTS WITHOUT REGARD TO WHETHER  
2 THEY ARE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT.

3 (d) (I) UPON EVALUATION OF BIDS SUBMITTED FOR AN HVAC  
4 INFRASTRUCTURE IMPROVEMENT CONTRACT, THE LOCAL EDUCATION  
5 PROVIDER MAY WAIVE THE REQUIREMENTS OF THIS SUBSECTION (8) IF THE  
6 LOCAL EDUCATION PROVIDER DETERMINES THAT THERE IS SUBSTANTIAL  
7 EVIDENCE THAT THERE WERE NO RESPONSIVE, ELIGIBLE SUBCONTRACTORS  
8 AVAILABLE TO FULFILL THE MECHANICAL, ELECTRICAL, OR PLUMBING  
9 PORTIONS OF THE CONTRACT.

10 (II) A LOCAL EDUCATION PROVIDER THAT UNDERTAKES HVAC  
11 INFRASTRUCTURE IMPROVEMENTS SUBJECT TO THE REQUIREMENTS OF THIS  
12 SUBSECTION (8) SHALL MAKE PUBLIC ALL WAIVERS AND THE SPECIFIC  
13 RATIONALE FOR GRANTING A WAIVER. THE LOCAL EDUCATION PROVIDER  
14 SHALL POST NOTICE OF A WAIVER AND A JUSTIFICATION FOR THE WAIVER  
15 ON ITS WEBSITE.

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

18 **22-5-123. BOCES - HVAC infrastructure improvements.** ON  
19 AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A BOCES  
20 UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY  
21 FROM THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND  
22 CREATED IN SECTION 24-75-232 (3), THE BOCES SHALL COMPLY WITH THE  
23 REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE  
24 HVAC INFRASTRUCTURE IMPROVEMENTS.

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

27 **22-30.5-121. Charter schools - HVAC infrastructure**  
28 **improvements.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF  
29 A CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE  
30 IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT  
31 AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE  
32 CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN  
33 SECTION 22-32-152 IN IMPLEMENTING THE HVAC INFRASTRUCTURE  
34 IMPROVEMENTS.

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

37 **22-30.5-531. Institute charter schools - HVAC infrastructure**  
38 **improvements.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF  
39 AN INSTITUTE CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE  
40 IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT  
41 AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE  
42 INSTITUTE CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS  
43 DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE HVAC

1 INFRASTRUCTURE IMPROVEMENTS.

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

3 follows:

4 **22-80-120. HVAC infrastructure improvements.** ON AND

5 AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE SCHOOL UNDERTAKES

6 HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY FROM THE

7 "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN

8 SECTION 24-75-232 (3), THE SCHOOL SHALL COMPLY WITH THE

9 REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE

10 HVAC INFRASTRUCTURE IMPROVEMENTS.

11 **SECTION 7.** In Colorado Revised Statutes, 24-94-102, **add** (4.3)

12 and (4.7) as follows:

13 **24-94-102. Definitions.** As used in this article 94, unless the

14 context otherwise requires:

15 (4.3) "HVAC" MEANS HEATING, VENTILATION, AND AIR

16 CONDITIONING.

17 (4.7) "LOCAL EDUCATION PROVIDER" MEANS:

18 (a) A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION

19 22-16-103 (4); AND

20 (b) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND

21 DESCRIBED IN SECTION 22-80-102.

22 **SECTION 8.** In Colorado Revised Statutes, 24-75-232, **amend**

23 (1)(d), (2)(d), and (5)(a) introductory portion; and **add** (1)(d.5) as

24 follows:

25 **24-75-232. "Infrastructure Investment and Jobs Act" cash**

26 **fund - creation - allowable uses - report - legislative declaration -**

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

28 (d) In order for the state to be competitive for the highest range of

29 funding available to it under the federal act, it is necessary for

30 departments to have ~~funds~~ FUNDING available as a nonfederal match,

31 although due to still-evolving federal guidance the amounts needed and

32 specific types of projects may not be known in time for this money to be

33 appropriated in the annual general appropriation act; ~~and~~

34 (d.5) WITH THE PASSAGE OF THE "INFLATION REDUCTION ACT OF

35 2022" AND THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT", BILLIONS

36 OF DOLLARS IN FEDERAL MONEY IS AVAILABLE TO HELP PUBLIC SCHOOLS

37 IMPROVE AIR QUALITY IN SCHOOLS, STUDENT PERFORMANCE, AND STAFF

38 RETENTION; AND

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

40 (d) "Local government" means a county, a municipality, a city and

41 county, A LOCAL EDUCATION PROVIDER, or a special district.

42 (5) (a) Subject to approval by the governor, a department may

43 expend money in the fund as the matching nonfederal ~~funds~~ FUNDING for

1 infrastructure projects pursuant to requirements of the "Infrastructure  
2 Investment and Jobs Act" OR SUBSEQUENT FEDERAL INFRASTRUCTURE  
3 LEGISLATION for the following categories:

4       **SECTION 9. Act subject to petition - effective date.** This act  
5 takes effect at 12:01 a.m. on the day following the expiration of the  
6 ninety-day period after final adjournment of the general assembly; except  
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
8 of the state constitution against this act or an item, section, or part of this  
9 act within such period, then the act, item, section, or part will not take  
10 effect unless approved by the people at the general election to be held in  
11 November 2026 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor."

\*\* \*\*\* \*\* \*\*\* \*\*