

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".

28 (3) The general assembly further finds that:

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

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

39 (c) The current funding sources for schools do not equitably
40 distribute funding, leaving many schools in rural and disproportionately

1 impacted communities unable to pay for necessary retrofits and updates;
2 (d) The passage of the federal "Inflation Reduction Act of 2022"
3 and "Bipartisan Infrastructure Law", which was enacted as the federal
4 "Infrastructure Investment and Jobs Act", have made billions of dollars
5 in federal money available to combine with current and planned state or
6 local funding that can help public schools improve air quality, improve
7 student performance and staff retention, and realize significant energy
8 savings for school districts;
9 (e) Accessing this federal money would not only improve air
10 quality in schools but also bring billions of dollars in economic
11 investments in air quality projects to Colorado communities and workers;
12 and
13 (f) Unfortunately, many of the schools with the most pressing
14 infrastructure improvement needs lack the staff capacity to track, apply
15 for, and manage grant funding available at the state and federal level.
16 (4) Therefore, the general assembly declares that, in order to help
17 schools address health concerns and energy efficiency needs, this act:
18 (a) Will save schools money by ensuring that facility improvement
19 projects are completed by a highly skilled workforce and result in
20 measurable energy efficiency improvements and health improvements for
21 students and staff; and
22 (b) Allows Colorado's school districts to choose to undergo an
23 HVAC assessment and find a pathway to fund any improvements
24 identified without mandating that any school must undergo an assessment
25 or HVAC improvements.
26 **SECTION 2.** In Colorado Revised Statutes, add 22-32-152 as
27 follows:
28 **22-32-152. School ventilation and energy efficiency**
29 **verification and repair - applicability of section - ventilation**
30 **verification assessment - filtration - HVAC assessment report -**
31 **mechanical engineer review - adjustments, repairs, upgrades, and**
32 **replacements - HVAC verification report - certified contractors -**
33 **grants - definitions. (1) Definitions.** AS USED IN THIS SECTION, UNLESS
34 THE CONTEXT OTHERWISE REQUIRES:
35 (a) "ACCA" MEANS THE AIR CONDITIONING CONTRACTORS OF
36 AMERICA.
37 (b) "ASHRAE" MEANS THE AMERICAN SOCIETY OF HEATING,
38 REFRIGERATING AND AIR-CONDITIONING ENGINEERS.
39 (c) "CERTIFIED CONTRACTOR" MEANS A CONTRACTOR ON THE
40 CERTIFIED CONTRACTOR LIST.
41 (d) "CERTIFIED CONTRACTOR LIST" MEANS THE CERTIFIED
42 CONTRACTOR LIST CREATED BY THE DEPARTMENT OF LABOR AND
43 EMPLOYMENT PURSUANT TO SECTION 40-3.2-105.6 (3)(a).

1 (e) "CERTIFIED TAB TECHNICIAN" MEANS A TECHNICIAN
2 CERTIFIED TO PERFORM TESTING, ADJUSTING, AND BALANCING OF HVAC
3 SYSTEMS BY:
4 (I) THE ASSOCIATED AIR BALANCE COUNCIL;
5 (II) THE NATIONAL ENVIRONMENTAL BALANCING BUREAU;
6 (III) THE TESTING, ADJUSTING AND BALANCING BUREAU; OR
7 (IV) A SUCCESSOR ORGANIZATION OF AN ORGANIZATION NAMED
8 IN SUBSECTION (1)(e)(I), (1)(e)(II), OR (1)(e)(III) OF THIS SECTION.
9 (f) "CO2" MEANS CARBON DIOXIDE.
10 (g) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
11 CREATED IN SECTION 24-1-115.
12 (h) "HVAC" MEANS HEATING, VENTILATION, AND AIR
13 CONDITIONING.
14 (i) "HVAC ASSESSMENT REPORT" MEANS AN HVAC ASSESSMENT
15 REPORT DESCRIBED IN SUBSECTION (4) OF THIS SECTION.
16 (j) "INTERNATIONAL MECHANICAL CODE" MEANS THE 2021
17 INTERNATIONAL MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL
18 CODE COUNCIL OR THE MOST RECENT VERSION ADOPTED BY THE OFFICE
19 OF THE STATE ARCHITECT CREATED IN SECTION 24-30-1302.5.
20 (k) "ISO/IEC 17024 PERSONNEL CERTIFICATION STANDARD"
21 MEANS THE ISO/IEC 17024 PERSONNEL CERTIFICATION ACCREDITATION
22 STANDARD DEVELOPED BY THE INTERNATIONAL ORGANIZATION FOR
23 STANDARDIZATION AND THE INTERNATIONAL ELECTROTECHNICAL
24 COMMISSION FOR THE PURPOSE OF CERTIFYING PERSONNEL.
25 (l) "LOCAL EDUCATION PROVIDER" MEANS:
26 (I) A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION
27 22-16-103 (4); AND
28 (II) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND
29 DESCRIBED IN SECTION 22-80-102.
30 (m) "MECHANICAL ENGINEER" MEANS A PROFESSIONAL ENGINEER
31 WHO IS LICENSED PURSUANT TO PART 2 OF ARTICLE 120 OF TITLE 12 AND
32 HAS PROFESSIONAL EXPERIENCE WITH HVAC SYSTEMS.
33 (n) "MERV" MEANS MINIMUM EFFICIENCY REPORTING VALUE, AS
34 ESTABLISHED BY:
35 (I) ANSI/ASHRAE STANDARD 52.2-2017, "METHOD OF TESTING
36 GENERAL VENTILATION AIR-CLEANING DEVICES FOR REMOVAL
37 EFFICIENCY BY PARTICLE SIZE";
38 (II) ANSI/ASHRAE STANDARD 62.1-2022, "VENTILATION AND
39 ACCEPTABLE INDOOR AIR QUALITY";
40 (III) ANSI/ASHRAE/ACCA STANDARD 180-2018, "STANDARD
41 PRACTICE FOR INSPECTION AND MAINTENANCE OF COMMERCIAL
42 BUILDING HVAC SYSTEMS"; AND
43 (IV) ASHRAE STANDARD 241-2023, "CONTROL OF INFECTIOUS

1 AEROSOLS".

2 (o) "NOx" HAS THE MEANING SET FORTH IN SECTION 25-7-1502

3 (8).

4 (p) "OCCUPIED AREAS" MEANS THE CLASSROOMS, AUDITORIUMS,

5 GYMNASIUMS, CAFETERIAS, NURSES' OFFICES, RESTROOMS, AND OFFICES

6 OF A SCHOOL.

7 (q) "PROJECT LABOR AGREEMENT" HAS THE MEANING SET FORTH

8 IN 48 CFR 52.222-34.

9 (r) "QUALIFIED ADJUSTING PERSONNEL" MEANS:

10 (I) A CERTIFIED TAB TECHNICIAN; OR

11 (II) A WORKER WHO IS UNDER THE DIRECT SUPERVISION OF A

12 CERTIFIED TAB TECHNICIAN.

13 (s) "QUALIFIED PERSONNEL" MEANS QUALIFIED TESTING

14 PERSONNEL, QUALIFIED ADJUSTING PERSONNEL, OR OTHER WORKFORCE

15 THAT IS HIRED BY AND UNDER THE DIRECT SUPERVISION OF A CERTIFIED

16 CONTRACTOR FOR THE PURPOSE OF PERFORMING HVAC WORK.

17 (t) "QUALIFIED TESTING PERSONNEL" MEANS:

18 (I) A CERTIFIED TAB TECHNICIAN; OR

19 (II) AN INDIVIDUAL CERTIFIED TO PERFORM VENTILATION

20 ASSESSMENTS OF HVAC SYSTEMS BY THE INTERNATIONAL CERTIFICATION

21 BOARD OR THROUGH AN EQUIVALENT CERTIFICATION PROGRAM OR BODY

22 ACCREDITED UNDER THE ISO/IEC 17024 PERSONNEL CERTIFICATION

23 STANDARD.

24 (u) "SCHOOL" MEANS AN EDUCATIONAL FACILITY OPERATED BY A

25 LOCAL EDUCATION PROVIDER.

26 (v) "TAB" MEANS TESTING, ADJUSTING, AND BALANCING OF AN

27 HVAC SYSTEM.

28 (2) **Applicability of section.** ON AND AFTER THE EFFECTIVE DATE

29 OF THIS SECTION, IF A LOCAL EDUCATION PROVIDER UNDERTAKES HVAC

30 INFRASTRUCTURE IMPROVEMENTS AT A SCHOOL USING MONEY FROM THE

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

32 SECTION 24-75-232(3), THE LOCAL EDUCATION PROVIDER SHALL COMPLY

33 WITH THE PROCEDURES SET FORTH IN THIS SECTION IN IMPLEMENTING THE

34 HVAC INFRASTRUCTURE IMPROVEMENTS.

35 (3) **Ventilation verification assessment.** QUALIFIED PERSONNEL

36 SHALL PERFORM ALL OF THE FOLLOWING:

37 (a) **Filtration.** MERV 13 OR BETTER FILTRATION MUST BE

38 INSTALLED IN A SCHOOL'S HVAC SYSTEM WHERE FEASIBLE. QUALIFIED

39 PERSONNEL SHALL:

40 (I) REVIEW SYSTEM CAPACITY AND AIRFLOW TO DETERMINE THE

41 HIGHEST MERV FILTRATION THAT CAN BE INSTALLED WITHOUT

42 ADVERSELY IMPACTING EQUIPMENT; AND

43 (II) REPLACE OR UPGRADE FILTERS WHERE NEEDED AND VERIFY

1 THAT FILTERS ARE INSTALLED CORRECTLY.

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

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

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

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

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

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

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

30 (c) **Economizers.** FOR HVAC SYSTEMS WITH ECONOMIZERS,
31 QUALIFIED PERSONNEL SHALL TEST SYSTEM ECONOMIZER DAMPERS AND
32 CONTROLS FOR PROPER OPERATION. ECONOMIZER DAMPERS AND
33 CONTROLS THAT ARE NOT PROPERLY FUNCTIONING SHALL BE REPAIRED BY
34 A CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED
35 PERSONNEL. QUALIFIED PERSONNEL SHALL RECORD RECOMMENDATIONS
36 FOR ADDITIONAL MAINTENANCE, REPLACEMENTS, OR UPGRADES IN THE
37 HVAC ASSESSMENT REPORT.

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

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

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

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

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

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

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

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

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

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

26 (f) **General maintenance.** QUALIFIED PERSONNEL SHALL VERIFY
27 COIL CONDITION, CONDENSATE DRAINAGE, COOLING COIL AIR
28 TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING DRY BULB), HEAT
29 EXCHANGER AIR TEMPERATURE DIFFERENTIAL (ENTERING AND LEAVING
30 DRY BULB), AND DRIVE ASSEMBLY CONDITION.

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

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

39 (a) THE NAME AND ADDRESS OF THE SCHOOL AND THE CERTIFIED
40 CONTRACTOR COMPLETING THE WORK, INCLUDING THE NAME OF THE
41 QUALIFIED PERSONNEL PREPARING THE ASSESSMENT REPORT AND THE
42 NAME OF THE MECHANICAL ENGINEER CERTIFYING THE ASSESSMENT
43 REPORT;

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

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

8 (d) VERIFICATION THAT EITHER:
9 (I) MERV 13 FILTERS HAVE BEEN INSTALLED; OR
10 (II) THE MAXIMUM MERV-RATED FILTER THAT THE SYSTEM IS
11 ABLE TO EFFECTIVELY HANDLE HAS BEEN INSTALLED, INCLUDING AN
12 INDICATION OF THE MERV RATING OF THAT FILTER;

13 (e) VERIFICATION THAT ALL REQUIREMENTS DESCRIBED IN THIS
14 SUBSECTION (4) HAVE BEEN SATISFIED;

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

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

21 (h) DOCUMENTATION OF SYSTEM DEFICIENCIES AND
22 RECOMMENDATIONS FOR ADDITIONAL MAINTENANCE, REPLACEMENT, OR
23 UPGRADES TO IMPROVE ENERGY EFFICIENCY, SAFETY, OR PERFORMANCE
24 OR TO REDUCE NOX EMISSIONS OR GREENHOUSE GAS EMISSIONS, IF ANY.

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

27 (a) REVIEW THE HVAC ASSESSMENT REPORT;

28 (b) VERIFY OR ADJUST THE ESTIMATED MINIMUM OUTSIDE AIR
29 VENTILATION RATES;

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

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

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

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

42 (7) **HVAC verification report.** (a) A CERTIFIED CONTRACTOR OR
43 A MEMBER OF THE CERTIFIED CONTRACTOR'S QUALIFIED PERSONNEL SHALL

1 PREPARE AN HVAC VERIFICATION REPORT WITHIN TEN BUSINESS DAYS
2 AFTER COMPLETION OF ALL WORK DESCRIBED IN SUBSECTIONS (3) TO (6)
3 OF THIS SECTION.

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

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

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

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

13 (IV) VERIFICATION THAT EITHER:

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

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

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

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

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

29 (A) THE HVAC ASSESSMENT REPORT; AND

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

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

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

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

42 (XI) VERIFICATION THAT ALL WORK HAS BEEN PERFORMED BY A
43 CERTIFIED CONTRACTOR OR THE CERTIFIED CONTRACTOR'S QUALIFIED

1 PERSONNEL, INCLUDING THE CONTRACTOR'S NAME, THE NAMES OF THE
2 QUALIFIED PERSONNEL, THE CERTIFICATION NUMBERS OF ANY QUALIFIED
3 PERSONNEL, AND VERIFICATION THAT ALL CONSTRUCTION WORK HAS BEEN
4 PERFORMED BY A CERTIFIED CONTRACTOR OR THE CERTIFIED
5 CONTRACTOR'S QUALIFIED PERSONNEL.

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

9 (8) **Certified contractors.** (a) If a LOCAL EDUCATION PROVIDER
10 UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS AS DESCRIBED IN
11 THIS SECTION USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT
12 AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE
13 LOCAL EDUCATION PROVIDER SHALL:

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

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

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

27 (c) THE REQUIREMENT DESCRIBED IN SUBSECTION (8)(a) OF THIS
28 SECTION DOES NOT APPLY TO MECHANICAL, PLUMBING, AND ELECTRICAL
29 WORK THAT IS PERFORMED PURSUANT TO A PROJECT LABOR AGREEMENT
30 THAT ALLOWS A CONTRACTOR AND ALL SUBCONTRACTORS TO COMPETE
31 FOR CONTRACTS AND SUBCONTRACTS WITHOUT REGARD TO WHETHER
32 THEY ARE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT.

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

35 **22-5-123. BOCES - HVAC infrastructure improvements.** ON
36 AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A BOCES
37 UNDERTAKES HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY
38 FROM THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND
39 CREATED IN SECTION 24-75-232 (3), THE BOCES SHALL COMPLY WITH THE
40 REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE
41 HVAC INFRASTRUCTURE IMPROVEMENTS.

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

1 **22-30.5-121. Charter schools - HVAC infrastructure**
2 **improvements.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF
3 A CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE
4 IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT
5 AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE
6 CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS DESCRIBED IN
7 SECTION 22-32-152 IN IMPLEMENTING THE HVAC INFRASTRUCTURE
8 IMPROVEMENTS.

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

11 **22-30.5-531. Institute charter schools - HVAC infrastructure**
12 **improvements.** ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IF
13 AN INSTITUTE CHARTER SCHOOL UNDERTAKES HVAC INFRASTRUCTURE
14 IMPROVEMENTS USING MONEY FROM THE "INFRASTRUCTURE INVESTMENT
15 AND JOBS ACT" CASH FUND CREATED IN SECTION 24-75-232 (3), THE
16 INSTITUTE CHARTER SCHOOL SHALL COMPLY WITH THE REQUIREMENTS
17 DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE HVAC
18 INFRASTRUCTURE IMPROVEMENTS.

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

21 **22-80-120. HVAC infrastructure improvements.** ON AND
22 AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE SCHOOL UNDERTAKES
23 HVAC INFRASTRUCTURE IMPROVEMENTS USING MONEY FROM THE
24 "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND CREATED IN
25 SECTION 24-75-232 (3), THE SCHOOL SHALL COMPLY WITH THE
26 REQUIREMENTS DESCRIBED IN SECTION 22-32-152 IN IMPLEMENTING THE
27 HVAC INFRASTRUCTURE IMPROVEMENTS.

28 **SECTION 7.** In Colorado Revised Statutes, 24-94-102, **add** (4.3)
29 and (4.7) as follows:

30 **24-94-102. Definitions.** As used in this article 94, unless the
31 context otherwise requires:

32 (4.3) "HVAC" MEANS HEATING, VENTILATION, AND AIR
33 CONDITIONING.

34 (4.7) "LOCAL EDUCATION PROVIDER" MEANS:

35 (a) A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION
36 22-16-103 (4); AND

37 (b) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND
38 DESCRIBED IN SECTION 22-80-102.

39 **SECTION 8.** In Colorado Revised Statutes, 24-75-232, **amend**
40 (1)(d), (2)(d), and (5)(a) introductory portion; and **add** (1)(d.5) as
41 follows:

42 **24-75-232. "Infrastructure Investment and Jobs Act" cash**
43 **fund - creation - allowable uses - report - legislative declaration -**

1 **definitions - repeal.** (1) The general assembly finds and declares that:
2 (d) In order for the state to be competitive for the highest range of
3 funding available to it under the federal act, it is necessary for
4 departments to have ~~funds~~ FUNDING available as a nonfederal match,
5 although due to still-evolving federal guidance the amounts needed and
6 specific types of projects may not be known in time for this money to be
7 appropriated in the annual general appropriation act; ~~and~~
8 (d.5) WITH THE PASSAGE OF THE "INFLATION REDUCTION ACT OF
9 2022" AND THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT", BILLIONS
10 OF DOLLARS IN FEDERAL MONEY IS AVAILABLE TO HELP PUBLIC SCHOOLS
11 IMPROVE AIR QUALITY IN SCHOOLS, STUDENT PERFORMANCE, AND STAFF
12 RETENTION; AND
13 (2) As used in this section, unless the context otherwise requires:
14 (d) "Local government" means a county, a municipality, a city and
15 county, A LOCAL EDUCATION PROVIDER, or a special district.
16 (5) (a) Subject to approval by the governor, a department may
17 expend money in the fund as the matching nonfederal ~~funds~~ FUNDING for
18 infrastructure projects pursuant to requirements of the "Infrastructure
19 Investment and Jobs Act" OR SUBSEQUENT FEDERAL INFRASTRUCTURE
20 LEGISLATION for the following categories:
21 **SECTION 9. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in
28 November 2026 and, in such case, will take effect on the date of the
29 official declaration of the vote thereon by the governor."

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