

Representative Ralph Becker proposes the following substitute bill:

**EDUCATION RESOURCE CONSERVATION
PROGRAMS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Ralph Becker

This act modifies the State System of Public Education Code by creating a Resource Conservation Program for public education. This act provides definitions. This act establishes the Resource Conservation Advisory Committee, including its composition and responsibilities. This act specifies school district and charter school responsibilities relating to resource conservation, including the requirement to designate a resource conservation manager. This act provides the State Board of Education rulemaking authority to provide standards and guidelines for resource conservation and resource conservation measures within the public education system.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

53A-1-901, Utah Code Annotated 1953

53A-1-902, Utah Code Annotated 1953

53A-1-903, Utah Code Annotated 1953

53A-1-904, Utah Code Annotated 1953

53A-1-905, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-1-901** is enacted to read:

Part 9. Resource Conservation Programs

53A-1-901. Definitions.

As used in this part:



26 (1) "Resource conservation" means the reduced consumption of electricity, natural gas,
27 water, or other resources.

28 (2) "Resource conservation management" means a study, audit, operational
29 improvement, or training which is designed to provide resource conservation and operational
30 cost savings.

31 (3) "Resource conservation measure" means an improvement or equipment designed to
32 provide resource conservation and operational cost savings at least equivalent to the amount
33 expended for the improvement or equipment over a period of not more than 20 years from the
34 date the improvement or equipment is installed or becomes operational.

35 (4) "Resource savings performance contract" means an agreement whereby a private or
36 nonprofit organization implements and funds resource conservation measures and management
37 for a school district or charter school, and the school district or charter school pays for the
38 measures and management from long-term resource cost savings.

39 Section 2. Section **53A-1-902** is enacted to read:

40 **53A-1-902. Resource Conservation Advisory Committee created -- Composition --**
41 **Duties -- Terms of office -- Compensation.**

42 (1) There is created the Resource Conservation Advisory Committee composed of:

43 (a) five voting members representing each of the following:

44 (i) the State Office of Education;

45 (ii) school districts;

46 (iii) the Utah Energy Office;

47 (iv) the Division of Facilities Construction and Management; and

48 (v) the Division of Purchasing and General Services; and

49 (b) two nonvoting members representing each of the following:

50 (i) energy services companies; and

51 (ii) energy consultants.

52 (2) The Resource Conservation Advisory Committee shall advise and provide expertise
53 to the State Board of Education, school districts, and charter schools regarding:

54 (a) resource conservation management;

55 (b) design standards that minimize buildings' use of resources; and

56 (c) implementation of resource conservation measures.

57 (3) (a) Except as required by Subsection (3)(b), members shall be appointed by the
58 State Board of Education to four-year terms of office.

59 (b) The State Board of Education shall adjust the length of terms of the initial members
60 appointed to the committee to ensure that the terms are staggered so that approximately half of
61 the committee members are appointed every two years.

62 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
63 appointed for the unexpired term.

64 (4) The committee shall elect one member to serve as chair for a term of one year.

65 (5) (a) The committee shall meet at the discretion of the chair.

66 (b) Attendance of a majority of the members at a duly called meeting constitutes a
67 quorum for the transaction of official business.

68 (6) (a) Members who are not state government employees shall receive no
69 compensation or benefits for their service on the committee, but may receive per diem and
70 expenses incurred in the performance of the member's official duties at the rates established by
71 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

72 (b) Members may decline to receive per diem and expenses for their service.

73 Section 3. Section **53A-1-903** is enacted to read:

74 **53A-9-903. School districts and charter schools to implement resource**
75 **conservation measures and management.**

76 (1) School districts and charter schools shall:

77 (a) implement resource conservation measures and management; and

78 (b) seek technical assistance from the Resource Conservation Advisory Committee
79 created in Section 53A-9-902.

80 (2) School districts and charter schools may enter into resource savings performance
81 contracts.

82 (3) Small school districts and charters schools may cooperate or enter into joint
83 agreements to provide resource conservation and operational cost savings.

84 (4) School districts shall include students in developing and implementing resource
85 conservation measures.

86 Section 4. Section **53A-1-904** is enacted to read:

87 **53A-9-904. Resource conservation manager -- Duties.**

88 (1) Each school district and charter school shall designate a resource conservation
89 manager.

90 (2) A resource conservation manager shall:

91 (a) track the resource costs and resource conservation measures, if any, of the school
92 district or charter school;

93 (b) make resource conservation reports as requested by the State Board of Education;

94 (c) be involved in the management of the school district's or charter school's resources
95 and advise the school district or charter school about the management of its resources; and

96 (d) be involved in the development of plans for the construction or remodeling of the
97 school district's or charter school's facilities.

98 Section 5. Section **53A-1-905** is enacted to read:

99 **53A-9-905. State Board of Education -- Rulemaking authority.**

100 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
101 State Board of Education may make rules which provide standards and guidelines for resource
102 conservation and resource conservation measures within the public education system.

103 (2) The rules under Subsection (1) may incorporate State Building Board or federal
104 standards.