

**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 Board, 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:

(1) "Resource conservation" means the efficient management of electricity, natural gas, water, solid waste, and other resources.



28 (2) "Resource conservation measure" means a study, audit, improvement, or equipment
29 which is designed to provide resource conservation and operational cost savings at least
30 equivalent to the amount expended for the study, audit, improvement, or equipment over a
31 period of not more than 20 years from the date the improvement or equipment is installed or
32 becomes operational.

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

34 **53A-1-902. Resource Conservation Advisory Board created -- Composition --**
35 **Responsibility -- Terms of office -- Compensation.**

36 (1) There is created the Resource Conservation Advisory Board composed of seven
37 members representing each of the following:

- 38 (a) the State Office of Education;
39 (b) school districts;
40 (c) the Utah Energy Office;
41 (d) the Division of Facilities Construction and Management;
42 (e) the Division of Purchasing and General Services;
43 (f) energy services companies; and
44 (g) energy consultants.

45 (2) The Resource Conservation Advisory Board shall advise and provide expertise to
46 the State Board of Education, school districts, and charter schools regarding resource
47 conservation and resource conservation measure issues.

48 (3) (a) Except as required by Subsection (3)(c), members are appointed by the State
49 Board of Education to four-year terms of office.

50 (b) Members shall be appointed to the Resource Conservation Advisory Board by the
51 State Board of Education.

52 (c) Notwithstanding the requirements of Subsection (3)(a), the State Board of
53 Education shall, at the time of appointment or reappointment, adjust the length of terms to
54 ensure that the terms of board members are staggered so that approximately half of the board is
55 appointed every two years.

56 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
57 appointed for the unexpired term.

58 (4) The board shall elect one member to serve as chair of the Resource Conservation

59 Advisory Board for a term of one year.

60 (5) (a) The board shall meet at least four times per year, but may meet more often at the
61 discretion of the chair.

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

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

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

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

70 **53A-1-903. School districts -- Resource conservation -- Education.**

71 (1) School districts and charter schools shall:

72 (a) use resource conservation measures; and

73 (b) seek technical assistance from the Resource Conservation Advisory Board created
74 in Section 53A-1-902.

75 (2) School districts and charter schools may enter into a resource conservation savings
76 performance contract as a resource conservation measure.

77 (3) Small school districts and charter schools may cooperate or entering joint
78 agreements to provide resource conservation and operational cost savings.

79 (4) (a) School districts are encouraged to offer energy education for students.

80 (b) The education described under Subsection (4)(a) may be funded from the cost
81 savings obtained through resource conservation measures.

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

83 **53A-1-904. Resource conservation manager -- Duties.**

84 (1) Each school district or charter school shall designate a resource conservation
85 manager.

86 (2) A resource conservation manager shall:

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

89 (b) make resource conservation reports as requested by the State Board of Education.

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

91 **53A-1-905. State Board of Education -- Rulemaking authority.**

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

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

Legislative Review Note
as of 1-29-03 5:15 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Provisions of this bill establish a Resource Conservation Advisory Board. The seven appointed board members may receive per diem and reimbursement for expenses incurred in the performance of board duties. Associated costs, estimated at \$2,200, may be handled within existing resources.

The bill also creates a Resource Conservation Program for school districts. Costs associated with the implementation of this program may be handled within existing resources.

Individual and Business Impact

No fiscal impact.
