

**EDUCATION RESOURCES CONSERVATION
PROGRAM**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: Brent H. Goodfellow

LONG TITLE

General Description:

This bill modifies the State System of Public Education Code by creating a Resource Conservation Program for public education.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ establishes the Resource Conservation Advisory Committee, including its composition and responsibilities;
- ▶ specifies school district and charter school responsibilities relating to resource conservation, including the requirement to designate a resource conservation manager; and
- ▶ provides State Board of Education rulemaking authority.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53A-1-1001, Utah Code Annotated 1953



53A-1-1002, Utah Code Annotated 1953

53A-1-1003, Utah Code Annotated 1953

53A-1-1004, Utah Code Annotated 1953

53A-1-1005, Utah Code Annotated 1953

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

Section 1. Section **53A-1-1001** is enacted to read:

Part 10. Resource Conservation Programs

53A-1-1001. Definitions.

As used in this part:

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

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

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

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

Section 2. Section **53A-1-1002** is enacted to read:

53A-1-1002. Resource Conservation Advisory Committee created -- Composition -- Duties -- Terms of office -- Compensation.

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

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

(i) the State Board of Education;

(ii) school districts;

(iii) a representative of the executive branch with expertise in energy and resource

conservation issues;

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

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

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

(i) energy services companies; and

(ii) energy consultants.

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

(a) resource conservation management;

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

(c) implementation of resource conservation measures.

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

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

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

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

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

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

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

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

Section 3. Section **53A-1-1003** is enacted to read:

53A-1-1003. School districts and charter schools to implement resource conservation measures and management.

(1) School districts and charter schools shall:

(a) implement resource conservation measures and management; and
(b) seek technical assistance from the Resource Conservation Advisory Committee
created in Section 53A-1-1002.

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

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

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

Section 4. Section **53A-1-1004** is enacted to read:

53A-1-1004. Resource conservation manager -- Duties.

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

(2) A resource conservation manager shall:

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

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

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

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

Section 5. Section **53A-1-1005** is enacted to read:

53A-1-1005. State Board of Education -- Rulemaking authority.

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

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

Legislative Review Note

as of 1-19-06 2:30 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note**Education Resources Conservation Program***31-Jan-06***Bill Number HB0337***2:21 PM*

State Impact

Provisions of this bill may be implemented within existing resources. The bill provides a per diem and reimbursement of expenses incurred in the performance of committee duties for committee members that are not state employees. These associated costs are dependent on the number of committee meetings and travel distances for members of the committee that are not state employees.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst