

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 145

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE HIGH PERFORMANCE SCHOOL BUILDINGS ACT; PROVIDING A GRANT PROGRAM TO INSTALL HIGH PERFORMANCE TECHNOLOGIES IN PUBLIC SCHOOL FACILITIES; CREATING A FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. SHORT TITLE.--**This act may be cited as the "High Performance School Buildings Act".

**SECTION 2. FINDINGS AND PURPOSE.--**

A. The legislature finds that:

(1) the development of high performance technologies has advanced to the point that operating costs can be significantly reduced by installing those technologies in existing buildings;

(2) a program to expend state resources on the

1 acquisition and installation of high performance technologies  
2 in existing schools would create jobs throughout the state and  
3 have a tremendous impact on improving student performance and  
4 health, while decreasing operational costs and protecting the  
5 environment; and

6 (3) high performance schools would lower  
7 utility costs, reduce waste, conserve resources and preserve  
8 surrounding habitats, as well as showcase a community's  
9 commitment to its children and their future.

10 B. The purpose of the High Performance School  
11 Buildings Act is to provide a framework for the funding and  
12 installation of cost-effective high performance technologies in  
13 existing school facilities.

14 SECTION 3. DEFINITIONS.--As used in the High Performance  
15 School Buildings Act:

16 A. "authority" means the public school facilities  
17 authority;

18 B. "cost-effectiveness ratio" means the present  
19 value of the energy cost savings reasonably expected to be  
20 realized by the installation and use of high performance  
21 technology over its anticipated useful life divided by the  
22 present value of the costs of implementing, maintaining and  
23 operating the high performance technology over its anticipated  
24 useful life;

25 C. "council" means the public school capital outlay

1 council;

2 D. "department" means the energy, minerals and  
3 natural resources department;

4 E. "energy cost savings" means savings realized in  
5 the costs of energy or water and the costs associated with  
6 water, wastewater or solid waste systems;

7 F. "fund" means the green schools initiative grant  
8 fund;

9 G. "high performance technology" means a  
10 modification or improvement to a building or complex of  
11 buildings that is designed to reduce energy or water  
12 consumption or operating costs or that provides a renewable  
13 energy source and may include:

14 (1) insulation of the building structure or  
15 systems within the building;

16 (2) storm windows or doors, caulking or  
17 weatherstripping, multiglazed windows or doors, heat-absorbing  
18 or heat-reflective glazed and coated window or door systems,  
19 additional glazing, reductions in glass area or other window  
20 and door system modifications that reduce energy consumption;

21 (3) automated or computerized energy or water  
22 control systems;

23 (4) heating, ventilating or air conditioning  
24 system modifications or replacements;

25 (5) replacement or modification of lighting

.183577.2

underscored material = new  
~~[bracketed material] = delete~~

1 fixtures to increase the energy efficiency of the lighting  
2 system;

3 (6) energy or water recovery systems;

4 (7) on-site photovoltaics, solar heating and  
5 cooling systems or other renewable energy systems;

6 (8) cogeneration or combined heat and power  
7 systems that produce steam, chilled water or forms of energy  
8 such as heat, as well as electricity, for use primarily within  
9 a building or complex of buildings; or

10 (9) any other measure that would lead to a  
11 silver rating or higher according to the United States green  
12 building council's leadership in energy and environmental  
13 design green building rating system; and

14 H. "school district" may include a locally  
15 chartered or state-chartered charter school, the New Mexico  
16 school for the blind and visually impaired or the New Mexico  
17 school for the deaf.

18 SECTION 4. HIGH PERFORMANCE SCHOOLS INITIATIVE.--

19 A. The council shall establish a high performance  
20 schools initiative pursuant to the provisions of this section.

21 B. A school district desiring a grant for the  
22 purpose of acquiring and installing high performance technology  
23 in one or more of its existing facilities shall submit an  
24 application to the council. The application shall include:

25 (1) a description of its existing facilities

.183577.2

underscored material = new  
~~[bracketed material] = delete~~

1 and the amounts and costs of energy and water currently  
2 consumed;

3 (2) a description of the proposed high  
4 performance technology for which the school district desires  
5 the grant;

6 (3) a description of the amount and source of  
7 any additional funds that will be available to the school  
8 district for the acquisition and installation of the proposed  
9 high performance technology;

10 (4) the school district's estimates of the  
11 energy cost savings and the cost-effectiveness ratio that will  
12 result from the proposed high performance technology as well as  
13 a detailed explanation of the methodology used to calculate the  
14 estimates;

15 (5) a time line showing the school district's  
16 estimate of the time period between the award of the grant and  
17 the date that energy cost savings will begin to be realized;  
18 and

19 (6) such other information as is required by  
20 rule of the council.

21 C. The department shall verify the school  
22 district's estimates of energy cost savings and the cost-  
23 effectiveness ratio or, if it is unable to verify the estimates  
24 of the school district, shall calculate its own estimates and  
25 submit those to the authority and the council.

.183577.2

underscored material = new  
[bracketed material] = delete

1           D. The authority shall assess each application and  
2 rank it with similar applications pursuant to a methodology  
3 established by rule of the council pursuant to Subsection E of  
4 this section.

5           E. The council shall adopt a methodology for  
6 assessing and ranking applications; provided that the  
7 methodology shall:

8                   (1) include the consideration of the following  
9 components:

10                           (a) the estimated energy cost savings  
11 that will be realized by the implementation of high performance  
12 technology;

13                           (b) the estimated cost-effectiveness  
14 ratio of high performance technology; provided that no grant  
15 shall be given for the implementation of a high performance  
16 technology unless the estimated cost-effectiveness ratio is  
17 equal to or greater than one;

18                           (c) the amount of non-state funds that  
19 will be utilized in the implementation of the high performance  
20 technology; and

21                           (d) the time frame within which a high  
22 performance technology will be installed and operational;

23                   (2) ensure that small school districts will  
24 have the same opportunity to apply for and receive a grant as  
25 the larger school districts;

.183577.2

underscoring material = new  
~~[bracketed material] = delete~~

- 1 (3) ensure that grants will be awarded to
- 2 school districts in all geographic areas of the state; and
- 3 (4) ensure that grant awards will not conflict
- 4 with school districts' five-year facilities plans.

5 F. After a public hearing and to the extent that

6 money is available in the fund for such purposes, the council

7 shall make grants to school districts on the established

8 priority basis.

9 SECTION 5. HIGH PERFORMANCE SCHOOLS INITIATIVE GRANT

10 FUND.--

11 A. The "high performance schools initiative grant

12 fund" is created in the state treasury.

- 13 B. The fund shall consist of:
- 14 (1) money that is appropriated to the fund;
  - 15 (2) income from investment of the fund;
  - 16 (3) proceeds from the sale of severance tax
  - 17 bonds that are appropriated to the fund;
  - 18 (4) proceeds from the sale of general
  - 19 obligation bonds that are appropriated to the fund; and
  - 20 (5) gifts, bequests, federal grants and any
  - 21 other money accruing to the fund.

22 C. Except for severance tax bond proceeds required

23 to revert to the severance tax bonding fund and general

24 obligation bond proceeds required to revert to a bond

25 retirement fund, balances in the fund at the end of a fiscal

.183577.2

underscoring material = new  
~~[bracketed material] = delete~~

1 year shall not revert to any other fund.

2 D. The fund may consist of subaccounts as  
3 determined to be necessary by the council.

4 E. Expenditures from the fund shall be by warrants  
5 of the secretary of finance and administration upon vouchers  
6 signed by the director of the authority.

7 F. Except as provided in Subsection G of this  
8 section, money in the fund is appropriated to the council for  
9 the purpose of making grants to school districts to acquire and  
10 install high performance technologies pursuant to the High  
11 Performance School Buildings Act.

12 G. Balances in the fund may be annually  
13 appropriated to the authority and the department for  
14 expenditures necessary to administer the provisions of the High  
15 Performance School Buildings Act; provided that any unexpended  
16 or unencumbered balance remaining at the end of a fiscal year  
17 from the appropriations authorized in this subsection shall  
18 revert to the fund.

19 **SECTION 6. GRANT EXCLUDED FROM CAPITAL OUTLAY SETOFF**  
20 **AMOUNT.--**A grant received by a school district pursuant to the  
21 High Performance School Buildings Act shall not reduce the  
22 amount of a grant award pursuant to the Public School Capital  
23 Outlay Act and, therefore, shall be excluded when calculating a  
24 setoff amount pursuant to Subparagraph (a) of Paragraph (6) of  
25 Subsection B of Section 22-24-5 NMSA 1978.

.183577.2

