

March 8, 2007

S 668. ENERGY CONSERVATION IN STATE BUILDINGS. Filed 3/8/07. *TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS.*

High Performance Buildings. Enacts new Article 8C of GS Chapter 143 requiring new state, university, and community college buildings to be constructed and renovated using high performance construction standards, which include meeting the US Green Building Council Leadership in Energy and Environmental Design (LEED) green building rating standard for energy consumption and eliminating the use of potable water for irrigation or reducing water consumption in the building by 20% from the preceding year. Effective July 1, 2007, prohibits state agencies from purchasing buildings that did not meet the same energy efficiency standards of other buildings that were constructed or renovated at the same time. Directs public agencies to monitor the resulting operating savings and report the savings to the Department of Administration (DOA) annually; DOA must present these reports to several legislative committees by November 1 of each year beginning in 2008. Directs DOA to consult with affected agencies and develop guidelines for the program; also provides for a buildings advisory committee, providing training and for the adoption of rules. Directs DOA to (1) monitor the development of energy efficiency standards to determine whether the standards should be changed and to report the findings to several legislative committees by January 1, 2009, and again on January 1, 2010; and (2) conduct a performance review of the high-performance buildings and report to several legislative committees with a preliminary report by December 1, 2010, and a final report on July 1, 2011. Makes conforming changes.

Retrofits. Effective July 1, 2007, requires DOA to retrofit each building owned by the state, the University of North Carolina, or the Community College System to increase conservation measures for lighting systems, water systems, heating, ventilation, and air-conditioning systems, and minor equipment no later than July 1, 2009. Requires DOA to develop specific standards for meeting the energy conservation needs in each building by October 1, 2007, and report to the Joint Legislative Commission on Governmental Operations and the Environmental Review Commission by September 1, 2007. Appropriates \$3 million for 2007-08 from the General Fund to the Office of State Budget and Management (OSBM) to be placed in reserve; no later than September 1, 2007, OSBM must develop a plan to allocate the funds to state agencies, the Board of Governors of the University of North Carolina, and the State Board of Community Colleges for the costs of implementing the energy conservation measures.

Audits. Amends GS 143-64.12 to require DOA to develop a program to manage energy, water, and other utilities for state government, to be updated annually, and requires state agencies and institutions of higher learning to implement plans consistent with the program. Also requires DOA to conduct an energy audit for each state agency and state institution of higher learning's facilities every three years. Brings state institutions of higher learning under the purview of the life-cycle cost analysis (was, only state agencies). Effective July 1, 2007, appropriates \$265,787 for 2007-08 and \$252,287 for 2008-09 from the General Fund to DOA to fund engineer positions for energy audits. Appropriates \$5 million for 2007-08 from the General Fund to OSBM to be placed in reserve; no later than September 1, 2007, OSBM must develop a plan to allocate the funds to state agencies, the Board of Governors of the University of North Carolina, and the State Board of Community Colleges for the costs of commissioning existing buildings. Makes conforming changes to GS 143-64.10, GS 143-64.11 and GS 143-64.16.

Life cycle cost analyses. Amends GS 143-64.15 to require life-cycle cost analysis to begin at the schematic design phase of a construction or renovation project and to be updated or amended later as needed. Effective July 1, 2007, requires life-cycle cost analysis to be certified at the schematic design phase and again when it is updated or amended. Makes conforming changes to GS 143-64.15A. Appropriates \$100,000 for 2007-08 and \$95,050 for 2008-09 from the General Fund to DOA for an engineer position for conducting life-cycle cost analyses.

Intro. By Cowell.

GS 115D, 143, 146, APPROP

July 18, 2007

S 668. ENERGY CONSERVATION IN STATE BUILDINGS. Filed 3/8/07. Senate committee substitute makes the following changes to 1st edition.

Modifies proposed new GS 143-135.36 to delete the definitions of *high-performance public buildings* and *LEED silver standard*. Changes the definition of *major facility* to mean a construction project larger than 20,000 (was, 5,000) gross square feet of occupied or conditioned space. Defines *sustainable, energy efficient public buildings*. Modifies proposed new GS 143-135.37 to require public agency major facility projects to be designed, constructed, and certified to at least 30% greater energy efficiency than the listed standard and for major renovations to be 20% more energy efficient (was, certified to at least the LEED silver standard). Also requires water systems for new construction to be designed and constructed to use at least 20% less potable water than the indoor water use baseline (was, to eliminate the use of potable water for irrigation) and deletes the requirements for major renovations involving water systems. Requires the use of building and system commissioning practices to verify the performance of building components and systems. Modifies proposed new GS 143-135.38 to require the Department of Administration (DOA) to develop policies and technical guidelines. Provides that the advisory committee may make recommendations to DOA about water and energy efficiency requirements. Deletes proposed new GS 143-135.39, liability for failure to meet standard.

Changes the due date of DOA's final report on its performance review from July 1, 2011, to December 1, 2011. Changes the date by which DOA must administer and oversee the implementation of a program under which listed energy conservation measures are implemented from July 1, 2009, to December 31, 2009, and modifies the measures that must be implemented. Changes the date by which the development or revision of architectural and engineering standards must be completed from October 1, 2007, to February 1, 2008. Changes the date by which DOA must report to the Joint Legislative Commission on Governmental Operations and the Environmental Review Commission from September 1, 2007, to February 1, 2008. Changes the date by which the Office of State Budget and Management must develop a plan for allocating funds from September 1, 2007, to February 1, 2008.

Modifies proposed amendments to GS 143-64.12 to require DOA to develop a program through the State Energy Office (SEO) for managing utilities in state agencies and UNC's constituent institutions. Sets reductions in energy consumption that must be met for all state buildings. Removes community colleges from the requirements and instead requires each community college to submit to the SEO an annual report on utility consumption and costs. Requires DOA to conduct an energy audit every five years (was, three years). Deletes the proposed changes to GS 143-64.11(7) and GS 143-64.16. Modifies proposed amendments to GS 143-64.15A to retain the requirement that each state agency and institution of higher learning submit the life-cycle cost analysis to DOA before selecting a design option or advertising for bids for construction.

Replaces the term *high-performance public buildings* with *energy and water efficient public buildings* throughout the bill. Changes the effective date to provide that the appropriations provisions are effective July 1, 2007. The remainder of the act is effective December 1, 2007 (was, when the act becomes law). Makes technical and conforming changes. Makes a conforming title change.

July 24, 2007

S 668. ENERGY CONSERVATION IN STATE BUILDINGS. Filed 3/8/07. Senate amendment makes the following changes to 2nd edition. Deletes all appropriations and all Part headings from the bill. Provides that the act becomes effective December 1, 2007, only if funds for implementation are appropriated during the 2007 General Assembly.

July 27, 2007

S 668. ENERGY CONSERVATION IN STATE BUILDINGS. Filed 3/8/07. House committee substitute makes the following changes to 3rd edition. Changes the effective date from December 1, 2007, to July 1, 2008.

August 2, 2007

S 668. ENERGY CONSERVATION IN STATE BUILDINGS. Filed 3/8/07. Conference report recommends the following changes to 4th edition to reconcile matters in controversy. Changes proposed new Article 8C of GS Chapter 143 to an uncodified two-year pilot program effective October 1, 2008, until October 1, 2010. Establishes the Sustainable Energy Efficient Buildings Program within the Department of Administration. Deletes the proposed amendment to GS 115D-20. Removes the provision limiting the required conservation measures for vending machines and office equipment to the retrofit of existing buildings that require no significant expenditure of funds. Provides that the act must not be construed to require the General Assembly to appropriate funds to implement the act and allows every public agency to which the act applies to implement the act from funds otherwise appropriated or available to that agency. Changes the effective date of the amendment to GS 143-64.15A from July 1, 2008, to December 1, 2007. Makes technical and conforming changes throughout the bill.

September 4, 2007

SL 2007-546 (S 668). ENERGY CONSERVATION IN STATE BUILDINGS. AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS. Summarized in *Daily Bulletin* 3/8/07, 7/18/07, 7/24/07, 7/27/07, and 8/2/07. Enacted August 31, 2007. Section 1 is effective October 1, 2008. Section 4.1 applies to life-cycle cost analyses commenced, and to contracts entered into for life-cycle cost analyses, on or after December 1, 2007. The remainder is effective August 31, 2007.