

1 ENGROSSED SENATE
2 BILL NO. 95

By: Bingman and Fields of the
Senate

3 and

4 Martin of the House
5

6
7 An Act relating to energy conservation; amending
8 Section 1, Chapter 212, O.S.L. 2012 (27A O.S. Supp.
9 2014, Section 3-4-106.1), which relates to the
10 Oklahoma State Facilities Energy Conservation
11 Program; modifying certain definition; and declaring
12 an emergency.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 1, Chapter 212, O.S.L.
15 2012 (27A O.S. Supp. 2014, Section 3-4-106.1), is amended to read as
16 follows:

17 Section 3-4-106.1. A. There is hereby created the Oklahoma
18 State Facilities Energy Conservation Program.

19 B. As used in this section:

20 1. "State agency" means any office, officer, bureau, board,
21 commission, counsel, unit, division, body, authority or institution
22 of the executive branch of state government, whether elected or
23 appointed and shall include institutions within The Oklahoma State
24 System of Higher Education ~~and technology center school districts.~~
Technology Center School Districts shall not be subject to the

1 provisions of this act but are encouraged to implement local
2 district energy conservation efforts as approved by the local
3 technology center board;

4 2. "State facilities" or "facilities" means buildings or assets
5 owned or operated by a state agency which has a heating,
6 ventilation, or air conditioning system or utility services;

7 3. "Program" means the Oklahoma State Facilities Energy
8 Conservation Program;

9 4. "Director" means the Director of the Office of State
10 Finance; and

11 5. "IPMVP" means the International Performance Measurement and
12 Verification Protocol.

13 C. All state facilities shall be subject to the provisions of
14 the Oklahoma State Facilities Energy Conservation Program. The
15 Director of the Office of State Finance, or a designee selected by
16 the Director, shall oversee the development and implementation of
17 the Program, including the selection of the most qualified vendor or
18 vendors by utilizing a request for proposal to contract for the
19 development and implementation of an organizational behavior-based
20 or performance-based energy conservation program.

21 D. The objectives and scope of the Program and the request for
22 proposal shall be to:

23 1. Promote a centralized effort to gather information
24 pertaining to energy use in state facilities and designate

1 knowledgeable personnel to prioritize projects and make
2 recommendations for conservation implementation;

3 2. Benchmark state facilities energy usage prior to
4 implementation of the Program and measure energy conservation
5 savings utilizing commercially available energy accounting software
6 that adheres to the IPMVP;

7 3. Target a cumulative energy savings of not less than twenty
8 percent (20%) by the year 2020 when compared to the 2012 fiscal year
9 utility expenditures. The express purpose of the targeted energy
10 savings shall be to capitalize on opportunities for organizational
11 behavior-based or performance-based energy conservation efforts and
12 existing equipment and building optimization while maintaining or
13 improving the operational environment during times when facilities
14 are occupied;

15 4. When reasonably feasible, consider working with local
16 utilities in implementing energy reduction efforts and to utilize
17 utility demand side management and energy efficiency programs to
18 further capture energy efficiency potential;

19 5. Provide an annual reconciliation of the costs versus the
20 savings resulting from the Program as determined by the Director
21 utilizing the selected energy accounting software;

22 6. Fully fund the Program within existing state agency budgets
23 through savings generated by reducing energy costs;

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1 7. Endeavor to utilize, when reasonably possible, existing
2 personnel to implement the Program at state facilities, provided
3 that compensation costs for additional personnel or additional
4 compensation costs for existing personnel dedicated exclusively to
5 implementation of the Program shall be funded from the savings
6 generated by the Program;

7 8. Include implementation of a formalized organizational
8 behavior-based or performance-based energy conservation program;

9 9. Evaluate existing facility energy accounting systems and
10 determine if the existing systems or a commercially available energy
11 accounting software program will be utilized to measure savings from
12 the Program in a way that adheres to the IPMVP;

13 10. Seek to obtain ENERGY STAR recognition for facilities that
14 comply with the necessary requirements as established by the United
15 States Environmental Protection Agency;

16 11. Provide for an initial fee-free period of not less than
17 twelve (12) months during which foundational elements of the Program
18 are established and energy savings are generated before any fee
19 payments are due to a selected vendor; and

20 12. Provide for free ongoing support from the vendor beyond the
21 initial term of the Program, if the state substantially continues
22 implementation of the Program.

23 E. Upon implementation of the Program, all state agencies shall
24 input historical utility cost data into an IPMVP adherent energy

1 accounting software database on a monthly basis and shall deliver an
2 annual report on the progress and cost savings of the Program to the
3 Director within ninety (90) days after the end of each fiscal year.

4 F. The Director shall consider any organizational behavior-
5 based or performance-based energy conservation programs under
6 contract with a state agency prior to ~~the effective date of this act~~
7 August 24, 2012, and determine if the contract complies with the
8 provisions of this section.

9 G. Compliance with the Program shall not prohibit any state
10 agency from entering into a performance-based efficiency contract
11 for ~~capitol~~ capital improvements pursuant to Section 318 of Title 62
12 of the Oklahoma Statutes. The Director is authorized to work with
13 state agencies to develop a separate state-wide plan for capital
14 improvements for performance-based efficiency contracts pursuant to
15 the provisions of Section 318 of Title 62 of the Oklahoma Statutes.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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