

1 **STATE FACILITY ENERGY EFFICIENCY AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen G. Handy**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill requires state facilities to provide utility information to the Division of
10 Facilities Construction and Management.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ describes the utility information required and the division's uses of that information;
- 14 ▶ sets a deadline for providing the utility information to the division; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **63A-5b-1002**, as renumbered and amended by Laws of Utah 2020, Chapter 152

23 ENACTS:

24 **63A-5b-1004**, Utah Code Annotated 1953

25

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

27 Section 1. Section **63A-5b-1002** is amended to read:



28 **63A-5b-1002. State Building Energy Efficiency Program.**

29 (1) The division shall:

30 (a) develop and administer the energy efficiency program, which shall include
31 guidelines and procedures to improve energy efficiency in the maintenance and management of
32 state facilities;

33 (b) provide information and assistance to agencies in [~~their~~] the agencies' efforts to
34 improve energy efficiency in state facilities;

35 (c) analyze energy consumption by agencies to identify opportunities for improved
36 energy efficiency;

37 (d) establish an advisory group composed of representatives of agencies to provide
38 information and assistance in the development and implementation of the energy efficiency
39 program; and

40 (e) submit to the governor and to the Infrastructure and General Government
41 Appropriations Subcommittee of the Legislature an annual report that:

42 (i) identifies strategies for long-term improvement in energy efficiency;

43 (ii) identifies goals for energy conservation for the upcoming year; and

44 (iii) details energy management programs and strategies that were undertaken in the
45 previous year to improve the energy efficiency of agencies and the energy savings achieved.

46 (2) Each agency shall:

47 (a) designate a staff member that is responsible for coordinating energy efficiency
48 efforts within the agency with assistance from the division;

49 (b) provide energy consumption and costs information to the division;

50 (c) develop strategies for improving energy efficiency and reducing energy costs; and

51 (d) provide the division with information regarding the agency's energy efficiency and
52 reduction strategies.

53 (3) (a) An agency may enter into a performance efficiency agreement for a term of up to
54 20 years.

55 (b) Before entering into a performance efficiency agreement, the agency shall:

56 (i) utilize the division to oversee the project unless the project is exempt from the
57 division's oversight or the oversight is delegated to the agency under the provisions of Section
58 [63A-5b-701](#);

59 (ii) obtain the prior approval of the governor or the governor's designee; and
60 (iii) provide the Office of the Legislative Fiscal Analyst with a copy of the proposed
61 agreement before the agency enters into the agreement.

62 (4) An agency may consult with the energy efficiency program manager within the
63 division regarding:

64 (a) the cost effectiveness of energy efficiency measures; and

65 (b) ways to measure energy savings that take into account fluctuations in energy costs
66 and temperature.

67 (5) (a) Except as provided under Subsection (5)(~~b~~)(c) and subject to future budget
68 constraints, the Legislature may not remove energy savings from an agency's appropriation.

69 (b) An agency shall use energy savings to:

70 (i) fund the cost of the energy efficiency measures; and

71 (ii) if funds are available after meeting the requirements of Subsection (5)(b)(i), fund
72 and implement new energy efficiency measures.

73 (c) The Legislature may remove energy savings if:

74 (i) an agency has complied with Subsection (5)(b)(i); and

75 (ii) no new cost-effective energy efficiency measure is available for implementation.

76 Section 2. Section **63A-5b-1004** is enacted to read:

77 **63A-5b-1004. State facility energy efficiency data.**

78 (1) On or before July 1, 2022, each state facility shall submit to the division, or verify
79 that the division already collects, the utility information for the state facility's utilities for each
80 month, beginning with May 2021 and ending with May 2022.

81 (2) A state facility shall submit the utility information described in Subsection (1):

82 (a) in a format approved by the division;

83 (b) for each location that the state facility uses; and

84 (c) for each of the following utilities that the state facility uses:

85 (i) water;

86 (ii) electric; and

87 (iii) natural gas.

88 (3) The division shall use the information received in accordance with this section to
89 identify opportunities for increased energy efficiency at each state facility.

90 (4) Once the division has identified an energy efficiency project for a state facility, the
91 staff of the state facility shall assist the division in completing the identified project.