

1 ENGROSSED SENATE
2 BILL NO. 1096

By: Bingman of the Senate

3 and

4 Martin (Scott) of the House

5
6 An Act relating to energy; creating the Oklahoma
7 State Facilities Energy Conservation Program;
8 defining terms; stating application of the Program;
9 requiring the Director of the Office of State Finance
10 to oversee the Program; providing for selection of a
11 vendor; stating objectives and scope of the Program;
12 directing state agencies to input historical utility
13 cost data and make certain reports; requiring the
14 Director to consider certain contracts; stating
15 impact of compliance with the Program on certain
16 contracts; authorizing the Director to develop a plan
17 for state-wide performance-based efficiency
18 contracts; repealing 27A O.S. 2011, Section 3-4-106,
19 which relates to energy efficiency and conservation
20 plans; providing for codification; providing an
21 effective date; and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 3-4-106.1 of Title 27A, unless
there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma State Facilities Energy
Conservation Program.

B. As used in this section:

1 1. "State agency" means any office, officer, bureau, board,
2 commission, counsel, unit, division, body, authority or institution
3 of the executive branch of state government, whether elected or
4 appointed and shall include institutions within The Oklahoma State
5 System of Higher Education and technology center school districts;

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

9 3. "Program" means the Oklahoma State Facilities Energy
10 Conservation Program;

11 4. "Director" means the Director of the Office of State
12 Finance; and

13 5. "IPMVP" means the International Performance Measurement and
14 Verification Protocol.

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

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

- 1 1. Promote a centralized effort to gather information
2 pertaining to energy use in state facilities and designate
3 knowledgeable personnel to prioritize projects and make
4 recommendations for conservation implementation;
- 5 2. Benchmark state facilities energy usage prior to
6 implementation of the Program and measure energy conservation
7 savings utilizing commercially available energy accounting software
8 that adheres to the IPMVP;
- 9 3. Target a cumulative energy savings of not less than twenty
10 percent (20%) by the year 2020 when compared to the 2012 fiscal year
11 utility expenditures. The express purpose of the targeted energy
12 savings shall be to capitalize on opportunities for organizational
13 behavior-based energy conservation efforts and existing equipment
14 and building optimization while maintaining or improving the
15 operational environment during times when facilities are occupied;
- 16 4. When reasonably feasible, consider working with local
17 utilities in implementing energy reduction efforts and to utilize
18 utility demand side management and energy efficiency programs to
19 further capture energy efficiency potential;
- 20 5. Provide an annual reconciliation of the costs versus the
21 savings resulting from the Program as determined by the Director
22 utilizing the selected energy accounting software;
- 23 6. Fully fund the Program within existing state agency budgets
24 through savings generated by reducing energy costs;

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 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 energy conservation programs under contract with a state
6 agency prior to the effective date of this act and determine if the
7 contract complies with the provisions of this section.

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

15 SECTION 2. REPEALER 27A O.S. 2011, Section 3-4-106, is
16 hereby repealed.

17 SECTION 3. This act shall become effective July 1, 2012.

18 SECTION 4. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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