

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2833

By: Martin (Scott)

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8 COMMITTEE SUBSTITUTE

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

3 B. As used in this section:

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

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

12 3. "Program" means the Oklahoma State Facilities Energy
13 Conservation Program;

14 4. "Director" means the Director of the Office of State
15 Finance; and

16 5. "IPMVP" means the International Performance Measurement and
17 Verification Protocol.

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

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1 development and implementation of an organizational behavior-based
2 energy conservation program.

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

5 1. Promote a centralized effort to gather information
6 pertaining to energy use in state facilities and designate
7 knowledgeable personnel to prioritize projects and make
8 recommendations for conservation implementation;

9 2. Benchmark state facilities energy usage prior to
10 implementation of the Program and measure energy conservation
11 savings utilizing commercially available energy accounting software
12 that adheres to the IPMVP;

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

20 4. 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;

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1 5. Fully fund the Program within existing state agency budgets
2 through savings generated by reducing energy costs;

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

9 7. Include implementation of a formalized organizational
10 behavior-based energy conservation program;

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

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

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

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1 11. Provide for free ongoing support from the vendor beyond the
2 initial term of the Program, if the state substantially continues
3 implementation of the Program.

4 E. Upon implementation of the Program, all state agencies shall
5 input historical utility cost data into an IPMVP adherent energy
6 accounting software database on a monthly basis and shall deliver an
7 annual report on the progress and cost savings of the Program to the
8 Director within ninety (90) days after the end of each fiscal year.

9 F. The Director shall consider any organizational behavior-
10 based energy conservation programs under contract with a state
11 agency prior to the effective date of this act and determine if the
12 contract complies with the provisions of this section.

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

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

22 SECTION 3. This act shall become effective July 1, 2012.
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1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND UTILITY REGULATION,
7 dated 02/22/2012 - DO PASS, As Amended.
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