

HOUSE BILL NO. HB0159

State-owned building energy efficiency program.

Sponsored by: Representative(s) Warren, Craft, Gentile,
Gingery, Jorgensen, Martin, Throne and
Zwonitzer, Dn. and Senator(s) Burns,
Decaria, Hastert, Massie, Meier and Mockler

A BILL

for

1 AN ACT relating to administration of the government;
2 creating the state-owned building energy efficiency
3 program; providing for the use of energy efficient measures
4 in state buildings; providing reporting requirements;
5 providing for repayment of funds; providing an incentive
6 for energy efficiency; providing an appropriation and for
7 continuous appropriations; and providing for an effective
8 date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 9-5-401 through 9-5-409 are created
13 to read:

14

15

ARTICLE 4

1 ENERGY EFFICIENCY PROGRAM

2

3 **9-5-401. Short title.**

4

5 This act may be cited as the "State-Owned Building Energy
6 Efficiency Program".

7

8 **9-5-402. Definitions.**

9

10 (a) As used in this act:

11

12 (i) "Commission" means the state building
13 commission created pursuant to W.S. 9-5-101;

14

15 (ii) "Cost" means the expenses related to
16 planning, design, construction and installation of energy
17 efficiency measures and any administrative expenses of the
18 division incurred in the performance of its duties under
19 the state-owned building energy efficiency program;

20

21 (iii) "Division" means the general services
22 division of the department of administration and
23 information;

24

1 (iv) "Energy efficiency measures" means actions
2 taken or initiated by a state agency that reduce the state
3 agency's energy use, increase the state agency's energy
4 efficiency, reduce source energy consumption, reduce water
5 consumption, or lower the costs of energy or water to the
6 state agency;

7

8 (v) "Energy savings agreement" means an
9 agreement entered into by a state agency whereby the state
10 agency implements energy efficiency measures and finances
11 the costs associated with implementation of energy
12 efficiency measures using the stream of expected savings in
13 utility costs resulting from implementation of the energy
14 efficiency measures as the funding source for repayment;

15

16 (vi) "State agency" means each executive,
17 legislative or judicial branch division, office or agency
18 including the University of Wyoming, community college
19 districts or school districts;

20

21 (vii) "State-owned building" means any building,
22 structure, or other improvement that is constructed on
23 property owned by the state, its divisions, commissions,

1 institutions or agencies. "State-owned building" does not
2 include:

3

4 (A) An unoccupied structure that is a
5 component of the state highway system; or

6

7 (B) A privately owned structure that is
8 located on property owned by the state, its divisions,
9 commissions, institutions or agencies.

10

11 (viii) "State-owned building energy efficiency
12 program" means a program for the financing, acquisition,
13 construction and installation of energy saving equipment,
14 systems and improvements in state-owned buildings,
15 structures and facilities;

16

17 (ix) "This act" means W.S. 9-5-401 through
18 9-5-409.

19

20 **9-5-403. State-owned building energy efficiency**
21 **program.**

22

23 (a) Each state agency shall:

24

1 (i) Submit to the division, on forms provided by
2 the division, a list of facilities owned by the state and
3 operated by that agency that have a potential for energy
4 savings, based on age, energy use, function and condition
5 of the building;

6
7 (ii) Designate a staff member that is
8 responsible for coordinating energy efficiency efforts
9 within the agency;

10
11 (iii) Provide energy consumption and costs
12 information to the division;

13
14 (iv) Develop strategies for improving energy
15 efficiency and reducing energy costs by utilizing renewable
16 energy resources when practicable and procuring and using
17 energy efficient products when practicable; and

18
19 (v) Provide the division with information
20 regarding the agency's energy efficiency and reduction
21 strategies as well as the net effect of the strategies on
22 energy consumption and costs.

23

1 (b) Based on the information submitted to the
2 division pursuant to paragraph (a)(i) of this section, the
3 division shall select certain facilities for in-depth
4 energy analysis to identify the technical and financial
5 feasibility of making energy conservation improvements to
6 the facilities. All in-depth energy analysis shall be
7 performed by licensed professional engineers.

8
9 (c) Upon completion of the in-depth energy analysis
10 the division shall, after consulting with the agency
11 advisory board created by W.S. 9-5-405, submit its findings
12 to the state building commission, along with a prioritized
13 list of projects recommended for funding under the state-
14 owned building energy efficiency program. The division
15 shall rank projects in terms of cost effectiveness to the
16 state. The report of the division to the commission shall
17 include:

18
19 (i) A listing of all requests submitted by state
20 agencies;

21
22 (ii) A summary of review of agency requests; and
23

1 (iii) A summary of the in-depth energy analysis
2 conducted by the division, including the estimated cost of
3 each proposed project and the estimated energy cost savings
4 of each proposed project.

5

6 (d) The commission shall receive the report of the
7 division, shall determine which projects are to be funded
8 and shall provide the list of approved projects to the
9 division by August 1 of each year.

10

11 (e) The division shall include the approved projects
12 in each biennial budget request and supplemental budget
13 request.

14

15 (f) All funds appropriated by the legislature
16 pursuant to this act shall be appropriated to the division.
17 The appropriation shall indicate which energy saving
18 projects are funded and the amount of funding. For each
19 project funded by the legislature the division shall enter
20 into an energy savings agreement as outlined in W.S.
21 9-5-406 with the respective agency to loan the funds
22 necessary to implement the energy efficiency measures.

23

24 **9-5-404. Reporting requirements.**

1

2 (a) The division, through its energy efficiency
3 coordinator and as outlined in W.S. 9-5-408 shall report:

4

5 (i) To the state building commission on or
6 before June 30 of each year;

7

8 (ii) To the joint appropriations interim
9 committee of the legislature on or before October 15 of
10 each year; and

11

12 (iii) To the governor on or before October 15 of
13 each year.

14

15 (b) Each facility manager of a state building,
16 university building, community college building or school
17 building shall report to the division on or before June 15
18 of each year and provide proof of the efforts made to
19 conserve energy at the building as evidenced by:

20

21 (i) Participation in the Wyoming Business
22 Council's Wyoming Energy Improvement Program;

23

1 (ii) Education programs and incentives for staff
2 participation;

3

4 (iii) Energy usage records showing reductions
5 and related weather information;

6

7 (iv) Records of recycled product use or
8 replacement of equipment with higher efficiency ratings;

9

10 (v) Landscaping modifications for energy use
11 reduction; or

12

13 (vi) Comparable measurable efforts.

14

15 **9-5-405. Agency advisory board.**

16

17 An agency advisory board shall meet annually with the
18 division to assist the division in prioritizing energy
19 efficiency projects for submission to the commission. The
20 agency advisory board shall consist of five (5) to seven
21 (7) members. The members shall be comprised of individuals
22 who are the designated staff members from their respective
23 agencies who are responsible for coordinating their
24 agency's efforts regarding energy efficiency. The members

1 of the advisory board shall be appointed by the governor
2 and shall receive no additional compensation for serving as
3 a member of the advisory board.

4
5 **9-5-406. Energy savings agreement.**

6
7 (a) For each energy savings project approved by the
8 legislature the division shall enter into an energy savings
9 agreement which shall outline the duties of the agency and
10 the division. The agreement shall include:

11
12 (i) The amount appropriated for implementation
13 of the energy efficiency measures;

14
15 (ii) The timeline for implementation of the
16 energy efficiency measures;

17
18 (iii) The terms of repayment of the costs of
19 implementing the energy efficiency measures subject to the
20 terms and conditions outlined in W.S. 9-5-409.

21
22 (b) All funds that are repaid to the division
23 pursuant to the energy savings agreement shall revert back
24 into the original appropriation.

1

2 **9-5-407. Funding for initial expenses.**

3

4 Any funds appropriated for initial expenses under this act
5 shall be used by the division to implement the program.
6 The funds shall be apportioned as costs by the division
7 throughout the various projects that are approved by the
8 commission and shall revert to the original appropriation
9 as provided by W.S. 9-5-406.

10

11 **9-5-408. Duties of the general services division of**
12 **the department of administration and information.**

13

14 (a) The division may:

15

16 (i) Analyze state utility data to identify high
17 potential energy efficiency projects;

18

19 (ii) Perform comprehensive energy analysis on
20 state-owned buildings, structures and facilities,
21 contracting with private engineers when necessary;

22

23 (iii) Train facility maintenance staff in energy
24 saving techniques and maintenance of energy improvements,

1 and monitor energy conservation projects to ensure that
2 cost savings are realized and are adequate to cover
3 repayment of the loan outlined in W.S. 9-5-406 to fund the
4 improvements.

5

6 (b) The division shall employ an energy efficiency
7 coordinator to coordinate the duties of the division under
8 this act.

9

10 (c) The department of administration and information
11 shall have authority to promulgate any rules and
12 regulations necessary to implement and administer this act.

13

14 **9-5-409. Agency incentive.**

15

16 As an incentive to each agency for full participation in
17 this program the agency shall be entitled to retain fifty
18 percent (50%) of all documentable energy savings to be used
19 for other maintenance projects. All other funds or savings
20 generated by implementation of energy efficiency measures
21 shall be used for repayment of all costs incurred by the
22 division as outlined in the energy saving agreement. Once
23 all funds loaned to the agency pursuant to W.S. 9-5-406
24 have been repaid the agency shall be entitled to retain all

1 monies saved as a result of implementing the energy
2 efficiency measures. All funds retained by an agency
3 pursuant to this section shall be deposited to a separate
4 account. Funds within any account established pursuant to
5 this section are continuously appropriated funds to be used
6 for other maintenance projects by the appropriate agency.

7
8 **Section 2.** W.S. 9-2-1016(b)(intro) and by creating a
9 new paragraph (xxiii) is amended to read:

10
11 **9-2-1016. General services division.**

12
13 (b) For the purpose of this subsection, except for
14 paragraph (xxiii), the term "agencies" does ~~not~~ include the
15 University of Wyoming, community college districts, or
16 school districts. It does not include the department of
17 transportation except as to paragraphs (xi), (xii) and
18 (xiii) of this subsection. The department through the
19 general services division shall:

20
21 (xxiii) Administer the state-owned building
22 energy efficiency program pursuant to the duties outlined
23 in W.S. 9-5-408. For purposes of this paragraph the term

1 "agencies" shall include the University of Wyoming,
2 community college districts and school districts.

3
4 **Section 3.**

5
6 (a) One million dollars (\$1,000,000.00) is
7 appropriated from the general fund to the department of
8 administration and information for the purpose of the
9 state-owned building energy efficiency program established
10 pursuant to this act for the fiscal biennium ending June
11 30, 2008.

12
13 (b) One (1) additional full-time position is
14 authorized for the division of administration and
15 information to implement and coordinate the state-owned
16 building energy efficiency program.

17
18 **Section 4.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

22
23 (END)