

SENATE BILL NO. 368

INTRODUCED BY M. PHILLIPS

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATE PROPERTY ENERGY PERFORMANCE WEBSITE; REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADMINISTER THE WEBSITE; REQUIRING CERTAIN DATA TO BE INCLUDED ON THE WEBSITE; ALLOWING THE DEPARTMENT TO USE DATA ON THE WEBSITE TO ASSIST IN THE ADMINISTRATION OF THE STATE BUILDING ENERGY CONSERVATION PROGRAM; AMENDING SECTION 90-4-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, state government is a significant owner and operator of buildings in Montana and a major consumer of energy; and

WHEREAS, the energy-efficient operation of state facilities should be a highly visible model for citizens, businesses, industries, and local governments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 and 2], unless the context requires otherwise, the following definitions apply:

- (1) "Department" means the department of environmental quality provided for in 2-15-3501.
- (2) "Energy performance" means an assessment of use of electricity and natural gas based on property use and size. It may be assessed using metered accounts.
- (3) "State agency" means each executive, legislative, or judicial branch department, office, or agency.
- (4) "State property" means buildings or portions of buildings more than 5,000 square feet in area that are owned or leased by a state agency.

NEW SECTION. **Section 2. Disclosure of energy performance.** (1) There is a state property energy performance website administered by the department.

- (2) The website must:
  - (a) permit Montana citizens to view and track the energy performance of state properties by centralizing

- 1 and making accessible on the internet the use of electricity and natural gas;
- 2 (b) allow a person who has internet access to use the website without paying a fee;
- 3 (c) allow the public to search the energy performance data on the website using criteria established by
- 4 the department;
- 5 (d) have a unique and simplified website address;
- 6 (e) be directly accessible through a link from the main page of the department's website;
- 7 (f) provide a method to gather citizen feedback and comments regarding the website; and
- 8 (g) include other links, features, tutorials, or search functions that could assist the public in obtaining and
- 9 reviewing energy performance information.

10 (3) The energy performance information that must be included as it becomes available in a cost-effective

11 manner is:

- 12 (a) energy performance on an annual basis for each state property;
- 13 (b) a comparison of the relative energy performance of a state property as compared to similar buildings
- 14 located in similar climates;
- 15 (c) energy performance information for each state property collected by the department prior to [the
- 16 effective date of this act]; and
- 17 (d) the energy conservation program report required pursuant to 90-4-605(4).

18 (4) The department may evaluate the energy performance data and identify buildings to include in the

19 state building energy conservation program provided for in 90-4-605.

20 (5) By September 1, 2014, the website must be operational and must permit public access to energy

21 performance information.

22 (6) (a) Nothing prohibits the university system or a community college district from providing the

23 department with energy performance information and requesting that the information be included on the website.

24 (b) The department is not required to make available on the website the energy performance of state

25 property for which that information is not available.

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27 **Section 3.** Section 90-4-605, MCA, is amended to read:

28 **"90-4-605. Preparation of energy conservation program.** (1) The department shall identify buildings

29 that have a potential for energy savings, based on age, energy use, function, and condition of the building. The

30 department also may use information gathered in the administration of the state property energy performance

1 website provided for in [section 2] in identifying buildings that have a potential for energy savings. Upon request  
2 of the department, a state agency shall provide the department with information necessary to allow the  
3 department to comply with this requirement.

4 (2) Based on the criteria in subsection (1) and on the feasibility of leveraging other funds, such as federal  
5 and utility energy conservation program money, the department shall select certain facilities for indepth energy  
6 analyses to identify the technical and financial feasibility of making energy conservation improvements to the  
7 facilities.

8 (3) (a) Upon completion of the energy analyses, the department shall identify estimated costs and  
9 savings to the state based on these analyses.

10 (b) The department shall notify the department of administration of each project for which:

11 (i) for projects to be funded with bond proceeds, the estimated savings are determined to be greater than  
12 the bond payment costs; and

13 (ii) for projects to be funded from the general fund or the energy conservation capital projects account,  
14 the estimated savings are determined to be greater than the cost of the project plus annual interest payments  
15 of 3% of the unpaid balance of the cost of the project.

16 (c) Upon receipt of the notification, the department of administration shall implement a design and  
17 construction project using bond proceeds or funds from the general fund or the energy conservation capital  
18 projects account established in 90-4-617 for the costs of the project.

19 (4) The department shall compile a report that must include the following:

20 (a) a listing of contacts between the department and other state agencies;

21 (b) a summary of the department's review of agency requests and a selection of projects for indepth  
22 analysis;

23 (c) a summary of the energy analyses conducted by the department, including the estimated cost of each  
24 proposed project and the estimated energy cost savings of each proposed project; and

25 (d) a listing of additional projects under consideration, for which energy analyses have not been  
26 conducted.

27 (5) The department shall submit the report required by subsection (4) to the governor before September  
28 1 of each even-numbered year."

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30 NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified

1 as an integral part of Title 90, chapter 4, and the provisions of Title 90, chapter 4, apply to [sections 1 and 2].

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3 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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