

Effective 5/12/2015

Renumbered 5/12/2020

63A-5-701 State Building Energy Efficiency Program.

(1) For purposes of this section:

- (a) "Division" means the Division of Facilities Construction and Management established in Section 63A-5-201.
- (b) "Energy efficiency measure" means an action taken or initiated by a state agency that:
 - (i) reduces the state agency's energy or fuel use or resource energy consumption, water or other resource consumption, operation and maintenance costs, or cost of energy, fuel, water, or other resource; or
 - (ii) increases the state agency's energy or fuel efficiency or resource consumption efficiency.
- (c) "Performance efficiency agreement" means an agreement entered into by a state agency whereby the state agency implements one or more energy efficiency measures and finances the costs associated with implementation of performance efficiency measures using the stream of expected savings in costs resulting from implementation of the performance efficiency measures as a funding source for repayment.
- (d) "State agency" means each executive, legislative, and judicial branch department, agency, board, commission, or division, and includes a state institution of higher education as defined in Section 53B-3-102.
- (e) "State Building Energy Efficiency Program" means a program established under this section for the purpose of improving energy efficiency measures and reducing the energy costs for state facilities.
- (f)
 - (i) "State facility" means any building, structure, or other improvement that is constructed on property owned by the state, its departments, commissions, institutions, or agencies, or a state institution of higher education.
 - (ii) "State facility" does not mean:
 - (A) an unoccupied structure that is a component of the state highway system;
 - (B) a privately owned structure that is located on property owned by the state, its departments, commissions, institutions, or agencies, or a state institution of higher education; or
 - (C) a structure that is located on land administered by the School and Institutional Trust Lands Administration under a lease, permit, or contract with the School and Institutional Trust Lands Administration.

(2) The division shall:

- (a) develop and administer the state building energy efficiency program, which shall include guidelines and procedures to improve energy efficiency in the maintenance and management of state facilities;
- (b) provide information and assistance to state agencies in their efforts to improve energy efficiency;
- (c) analyze energy consumption by state agencies to identify opportunities for improved energy efficiency;
- (d) establish an advisory group composed of representatives of state agencies to provide information and assistance in the development and implementation of the state building energy efficiency program; and
- (e) submit to the governor and to the Infrastructure and General Government Appropriations Subcommittee of the Legislature an annual report that:
 - (i) identifies strategies for long-term improvement in energy efficiency;

- (ii) identifies goals for energy conservation for the upcoming year; and
 - (iii) details energy management programs and strategies that were undertaken in the previous year to improve the energy efficiency of state agencies and the energy savings achieved.
- (3) Each state agency shall:
- (a) designate a staff member that is responsible for coordinating energy efficiency efforts within the agency;
 - (b) provide energy consumption and costs information to the division;
 - (c) develop strategies for improving energy efficiency and reducing energy costs; and
 - (d) provide the division with information regarding the agency's energy efficiency and reduction strategies.
- (4)
- (a) A state agency may enter into a performance efficiency agreement for a term of up to 20 years.
 - (b) Before entering into a performance efficiency agreement, the state agency shall:
 - (i) utilize the division to oversee the project unless the project is exempt from the division's oversight or the oversight is delegated to the agency under the provisions of Section 63A-5-206;
 - (ii) obtain the prior approval of the governor or the governor's designee; and
 - (iii) provide the Office of Legislative Fiscal Analyst with a copy of the proposed agreement before the agency enters into the agreement.