

Effective 5/12/2020

Part 10
Energy Conservation and Efficiency

63A-5b-1001 Definitions.

As used in this part:

- (1) "Energy efficiency measure" means an action taken or initiated by an agency that:
 - (a) reduces the 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
 - (b) increases the agency's energy or fuel efficiency or resource consumption efficiency.
- (2) "Energy efficiency program" means a program established under Section 63A-5b-1002 for the purpose of improving energy efficiency measures and reducing the energy costs for state facilities.
- (3) "Fund" means the State Facility Energy Efficiency Fund created in Section 63A-5b-1003.
- (4) "Performance efficiency agreement" means an agreement entered into by an agency whereby the 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.
- (5)
 - (a) "State facility" means any building, structure, or other improvement that is constructed on property that the state, any of the state's departments, commissions, institutions, or agencies, or a state institution of higher education owns or leases as a tenant.
 - (b) "State facility" does not include:
 - (i) an unoccupied structure that is a component of the state highway system;
 - (ii) a privately owned structure that is located on property that the state, any of the state's departments, commissions, institutions, or agencies, or a state institution of higher education owns or leases as a tenant; or
 - (iii) a structure that is located on land administered by the trust lands administration under a lease, permit, or contract with the trust lands administration.

Amended by Chapter 421, 2022 General Session

63A-5b-1002 State Building Energy Efficiency Program.

- (1) The division shall:
 - (a) develop and administer the 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 agencies in the agencies' efforts to improve energy efficiency in state facilities;
 - (c) analyze energy consumption by agencies to identify opportunities for improved energy efficiency;
 - (d) establish an advisory group composed of representatives of agencies to provide information and assistance in the development and implementation of the 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 agencies and the energy savings achieved.
- (2) Each agency shall:
- (a) designate a staff member that is responsible for coordinating energy efficiency efforts within the agency with assistance from the division;
 - (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.
- (3)
- (a) An 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 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-5b-701;
 - (ii) obtain the prior approval of the governor or the governor's designee; and
 - (iii) provide the Office of the Legislative Fiscal Analyst with a copy of the proposed agreement before the agency enters into the agreement.
- (4) An agency may consult with the energy efficiency program manager within the division regarding:
- (a) the cost effectiveness of energy efficiency measures; and
 - (b) ways to measure energy savings that take into account fluctuations in energy costs and temperature.
- (5)
- (a) Except as provided under Subsection (5)(c) and subject to future budget constraints, the Legislature may not remove energy savings from an agency's appropriation.
 - (b) An agency shall use energy savings to:
 - (i) fund the cost of the energy efficiency measures; and
 - (ii) if funds are available after meeting the requirements of Subsection (5)(b)(i), fund and implement new energy efficiency measures.
 - (c) The Legislature may remove energy savings if:
 - (i) an agency has complied with Subsection (5)(b)(i); and
 - (ii) no new cost-effective energy efficiency measure is available for implementation.

Amended by Chapter 116, 2021 General Session

63A-5b-1004 State facility energy efficiency data.

- (1) On or before July 1, 2022, each state facility shall submit to the division, or verify that the division already collects, the utility information for the state facility's utilities for each month, beginning with May 2021 and ending with May 2022.
- (2) A state facility shall submit the utility information described in Subsection (1):
 - (a) in a format approved by the division;
 - (b) for each location that the state facility uses; and
 - (c) for each of the following utilities that the state facility uses:
 - (i) water;
 - (ii) electric; and

- (iii) natural gas.
- (3) The division shall use the information received in accordance with this section to identify opportunities for increased energy efficiency at each state facility.
- (4) Once the division has identified an energy efficiency project for a state facility, the staff of the state facility shall assist the division in completing the identified project.

Enacted by Chapter 116, 2021 General Session