

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 5-13-03

(Filing No. S-145)

UTILITIES AND ENERGY

Reported by: Majority

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 92, L.D. 233, Bill, "An Act To Promote Energy Conservation"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 5 MRSA §1764-A is enacted to read:

§1764-A. Improvement of energy efficiency in state-funded construction

1. Definition. For purposes of this section, "substantially renovated" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation.

2. Rules. The Bureau of General Services, in consultation with the Energy Resources Council and the Public Utilities Commission, shall by rule require that all planning and design for the construction of new or substantially renovated state-owned or state-leased buildings and buildings built with state funds, including buildings funded through state bonds or the Maine Municipal Bond Bank:

A. Involve consideration of architectural designs and energy systems that show the greatest net benefit over the life of the building by minimizing long-term energy and operating costs;

B. Include an energy-use target that exceeds by at least 20% the energy efficiency standards in effect for commercial

COMMITTEE AMENDMENT

2 and institutional buildings pursuant to Title 10, section
3 1415-D; and

4 C. Include a life-cycle cost analysis that explicitly
5 considers cost and benefits over a minimum of 30 years and
6 that explicitly includes the public health and environmental
7 benefits associated with energy-efficient building design
8 and construction, to the extent they can be reasonably
9 quantified.

10 Rules adopted pursuant to this section apply to all new or
11 substantially renovated state-owned or state-leased buildings and
12 buildings built with state funds, including buildings funded
13 through state bonds or the Maine Municipal Bond Bank, regardless
14 of whether the planning and design for construction is subject to
15 approval by the department.

16 Rules adopted pursuant to this section may provide for
17 exemptions, waivers or other appropriate consideration for
18 buildings with little or no energy usage, such as unheated sheds
19 or warehouses.

20 The Bureau of General Services shall adopt rules pursuant to this
21 section by July 1, 2004. Rules adopted pursuant to this section
22 are routine technical rules as defined in Title 5, chapter 375,
23 subchapter 2-A.

24 3. Approval. A state agency responsible for approving the
25 construction of a new or substantially renovated state-owned or
26 state-leased building and buildings built with state funds,
27 including buildings funded through state bonds or the Maine
28 Municipal Bond Bank, may not grant such approval unless the
29 agency or other entity or organization proposing the construction
30 can show that it has duly considered the most energy-efficient
31 and environmentally efficient designs suitable in accordance with
32 rules adopted pursuant to this section.

33 **Sec. 2. 20-A MRSA §15908-A is enacted to read:**

34 **§15908-A. School energy efficiency standards rules**

35 1. Definition. For purposes of this section,
36 "substantially renovated" means any renovation for which the cost
37 exceeds 50% of the building's current value prior to renovation.

38 2. Rules. The state board, in consultation with the
39 Department of Administrative and Financial Services and the
40 Public Utilities Commission, shall by rule require as a condition
41 for state funding for construction that all planning and design
42 for new or substantially renovated schools or school buildings
43 subject to state board approval:

2 A. Involve consideration of architectural designs and
4 energy systems that show the greatest net benefit over the
 life of the building by minimizing long-term energy and
 operating costs;

6 B. Include an energy-use target that exceeds by at least
8 20% the energy efficiency standards in effect for
10 commercial and institutional buildings pursuant to Title 10,
 section 1415-D; and

12 C. Include a life-cycle cost analysis that explicitly
14 considers cost and benefits over a minimum of 30 years and
16 that explicitly includes the public health and environmental
 benefits associated with energy-efficient building design
 and construction, to the extent they can be reasonably
 quantified.

18 The state board shall adopt rules pursuant to this section by
20 July 1, 2004. Rules adopted pursuant to this section are routine
22 technical rules as defined in Title 5, chapter 375, subchapter
 2-A.

24 3. Requirements for approval. The state board shall
26 withhold approval of a state-funded new or substantially
 renovated school or school building if the local school authority
28 proposing the project can not show that it has duly considered
30 the most energy-efficient and environmentally efficient designs
 suitable in accordance with rules adopted pursuant to this
 section.

32 **Sec. 3. State Board of Education rules; transition.** Prior to the
34 effective date of rules adopted pursuant to the Maine Revised
36 Statutes, Title 20-A, section 15908-A, the State Board of
38 Education shall disseminate to appropriate local authorities
 proposing to construct or substantially renovate any school or
 school building information concerning the development of the
 rules and shall encourage planning and design that is consistent
 with the purposes of Title 20-A, section 15908-A.

40 **Sec. 4. Work group; review of building energy-efficiency standards.**
42 The Public Utilities Commission, in consultation with the Energy
44 Resources Council, shall form a working group to review current
46 state building energy standards and their enforcement. The
 working group shall also review various advanced building
48 guidelines, including, but not limited to, the Leadership in
 Energy and Environmental Design system, the United States
 Environmental Protection Agency's Energy Star buildings system,
50 the State of California's Collaborative for High Performance
 Schools guidelines, and the New Buildings Institute's

Advanced Building Guidelines. The Public Utilities Commission shall submit a report that includes its findings and recommendations, including any recommended new rules or changes to existing rules or recommended legislation, to the Joint Standing Committee on Energy and Utilities not later than February 1, 2004. The Joint Standing Committee on Utilities and Energy may report out legislation to the Second Regular Session of the 121st Legislature concerning energy policy, including energy efficiency.

Sec. 5. Application. The Maine Revised Statutes, Title 5, section 1764-A does not apply to any new or substantially renovated state-owned or state-leased buildings or buildings built with state funds, including buildings funded through state bonds or the Maine Municipal Bond Bank, that have received design approval prior to the effective date of rules adopted pursuant to that section. Title 20-A, section 15908-A does not apply to any school construction project that receives voter approval at a public referendum pursuant to Title 20-A, section 15904 prior to the effective date of rules adopted pursuant to Title 20-A, section 15908-A.'

SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Utilities and Energy, replaces the bill. This amendment:

1. Requires the State Board of Education, by July 1, 2004, to adopt rules regarding state-funded school construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;

2. Requires that approval by the State Board of Education of state-funded school construction be withheld unless the local school authority shows that it has duly considered the most energy-efficient and environmentally efficient designs suitable;

3. Requires the Department of Administrative and Financial Services, Bureau of General Services, by July 1, 2004, to adopt rules regarding state-funded construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;

COMMITTEE AMENDMENT "A" to S.P. 92, L.D. 233

2 4. Requires any agency responsible for approving
state-funded construction to withhold such approval unless the
4 agency or other entity proposing the construction can show that
it has duly considered the most energy-efficient and
6 environmentally efficient designs suitable; and

8 5. Directs the Public Utilities Commission, in consultation
with the Energy Resources Council, to form a working group to
review current state building energy standards and their
10 enforcement and submit a report to the Joint Standing Committee
on Energy and Utilities not later than February 1, 2004 and
12 authorizes the committee to report out legislation.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

121st Maine Legislature
Office of Fiscal and Program Review



LD 233

An Act To Promote Energy Conservation

LR 0850(02)

Fiscal Note for Bill as Amended by the Committee Amendment *AS-145*

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Undetermined current biennium cost increase - General Fund

Fiscal Detail and Notes

The additional costs associated with adopting rules to improve energy efficiency in state funded construction can be absorbed by the Department of Administrative and Financial Services, the Energy Resources Council and the Public Utilities Commission utilizing existing budgeted resources. This bill is not a mandate since it applies to buildings built with state funds, including buildings funded through state bonds or the Municipal Bond Bank. This bill is not expected to have any significant fiscal impact on the current budget and future budgets since any future increased construction costs resulting from adhering to the proposed energy standards will be offset by the energy efficiencies savings achieved over the life of the bond. Also, the additional costs resulting from the formation of a working group to review current state building standards and report to the Legislature can be absorbed by the Public Utilities Commission and the Energy Resources Council utilizing existing budgeted resources.

This legislation may increase the construction and planning costs of a State Board of Education funded Major Capital Improvement project such as the construction of a new school or renovations to an existing school. The potential increase in cost for each project can not be determined at this time. However, because debt service costs associated with funding school construction projects can not exceed the annual levels established in 20-A MRSA §15905, a decrease in the total number of projects may be required to stay within the spending limits. If all planned projects are to be undertaken the debt service limit may need to be raised.