

SENATE No. 01652

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act promoting energy efficient state government.

PETITION OF:

NAME:

Cynthia S. Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 01652

By Ms. Creem, petition (accompanied by bill, Senate, No. 1652) of Creem for legislation to promote energy efficient state government [Joint Committee on Telecommunications, Utilities and Energy].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 1477 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act promoting energy efficient state government.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. It is hereby found and declared that:
- 2 (a) Massachusetts consumers continue to lose billions of dollars to wasteful energy use
- 3 annually;
- 4 (b) Massachusetts residents and businesses bear the burden of wasteful energy use;
- 5 (c) statewide energy efficiency programs have a proven record of saving consumers
- 6 money;
- 7 (d) energy efficiency provides a buffer against fuel price increases;

8 (e) comprehensive energy efficiency measures will enhance the reliability of our
9 electricity supplies by making Massachusetts less dependent on imported fossil fuels;

10 (f) statewide energy efficiency programs can boost the Massachusetts economy and
11 avoid pollution created by excessive and wasteful energy generation.

12 SECTION 2. Establishment of Energy Efficiency Goal and Priority Status

13 (a) Notwithstanding any general law to the contrary, energy efficiency is hereby
14 paramount to all other state energy policy options. Any decision regarding energy policy shall
15 be weighed against all cost-effective energy efficiency strategies.

16 (b) The goal of the Commonwealth is to achieve by 2020, through energy efficiency
17 measures, a twenty percent (20%) reduction from 2011 levels of energy consumption per unit of
18 output in the Commonwealth of Massachusetts.

19 SECTION 3. Definitions.

20 In this section, the following words shall have the following meanings:

21 “Agency,” state agency.

22 “Director,” the director of the division of energy resources.

23 “Department,” the department of telecommunications and energy.

24 “Facility,” all buildings, equipment, structures, and other stationary items which are
25 located on a single site or on contiguous or adjacent sites and which are owned or operated by
26 the same person, or by any person who controls, is controlled by, or is under common control
27 with, such person.

28 “Division,” the division of energy resources.

29 “Production unit,” a process, line, method, activity, or technique, or a combination or
30 series thereof, used to produce a product.

31 “State agency,” any agency or authority of the Commonwealth as defined in section 1
32 of chapter 30A of the General Laws.

33 “Energy efficiency measures,” any cost effective measure which, if taken, would
34 reduce the energy used per unit of production, including:

35 (1) Product reformulation, which refers to substituting for an existing end-product an
36 end-product which requires of the consumer less energy to use that end-product upon purchase;

37 (2) Production unit redesign or modification, which refers to developing and using
38 production units of a different design than those currently used;

39 (3) Production unit modernization, which refers to upgrading or replacing existing
40 production unit equipment and methods with other equipment and methods based on the same
41 production unit;

42 (4) Improved operation and maintenance of production unit equipment and methods
43 which refers to modifying or adding to existing equipment or methods including, but not limited
44 to, such techniques as improved housekeeping practices, system adjustments, product and
45 process inspections, or production unit control equipment or methods; or

46 (5) Recycling or reuse of energy by using equipment or methods which become an
47 integral part of the production unit of concern, including but not limited to combined-cycle
48 energy generation and other high efficiency heat and electricity production methods.

49 SECTION 4. State Energy Use Inventory

50 (a) Within six months of this legislation becoming law, the division of capital asset
51 management shall complete an energy audit and inventory for the purpose of determining the
52 most recent 3-year average of energy consumption by all state facilities.

53 (1) Said audit shall calculate a baseline of kilowatt hours or Btu equivalents
54 consumed by all state agencies.

55 (2) Said audit shall be broken down by facility and by responsible agencies
56 for the purposes of energy use reduction planning by those agencies.

57 (3) Said audit shall be referred to herein as the “2011 state energy audit”.

58 (b) The division shall be responsible for completing an energy audit and inventory on
59 an annual basis and shall post results on a web site, in coordination with the division of energy
60 resources.

61 (c) The division shall evaluate the potential for increasing the energy efficiency of
62 each building owned by a state agency or leased by such agency for at least a ten year period,
63 and will submit those assessments both to the division of energy resources, and to such agencies,
64 departments and divisions as have an energy efficiency planning interest in that facility.

65 SECTION 5. State Energy Use Reduction Requirements, State Energy Procurement
66 Cap Renewable Energy Source Requirement

67 (a) State agencies are required to reduce the annual energy consumption of their
68 facilities by the year 2020 to a level no less than twenty percent below the consumption levels of
69 those facilities as inventoried by the 2011 state energy audit following enactment of this section.

70 (b) Beginning January 1, 2013, state agencies that must exceed the consumption levels
71 of their respective facilities, as inventoried by the 2011 state energy audit, are required to procure
72 energy produced from renewable sources to meet that demand, and provide documentation to
73 that effect to the division of energy resources.

74 (c) The division of energy resources shall post on its website annually the progress
75 each state agency has made toward the ten-year energy reduction requirement, along with any
76 requests by agencies to exceed its 2011 state energy audit demand levels, along with the type and
77 amount of renewables that the state agency has procured to meet those needs.

78 (d) The division shall report to the legislature on March 1, 2020, an initial analysis of
79 the success of state agencies in meeting the twenty percent energy reduction requirements, and
80 shall submit an assessment of state energy goals for the next ten year period.

81 SECTION 6. State Energy Efficiency Planning.

82 (a) The division of energy resources shall, within 4 months of the effective date of this
83 law, promulgate energy efficiency planning guidelines, designed to assist state agencies in their
84 efforts to have facilities achieve energy use reduction requirements. Those guidelines shall
85 include:

86 (1) incremental energy efficiency gains that state agencies, divisions and
87 departments must meet or exceed for every year between implementation of those requirements
88 and 2020;

89 (2) guidelines for how state agencies, divisions and departments can meet
90 energy efficiency requirements through construction, installation, leasing and retrofitting.

91 (b) Within 10 months of the effective date of this law, each state agency, in
92 coordination with the division of capital asset management, must file with the division of energy
93 resources its plans to reduce energy consumption to reach both the incremental annual efficiency
94 requirements, and the ten-year energy use reduction requirements. Following the filing of the
95 initial plans, revised plans pertaining to the following fiscal year shall be submitted to the
96 division three months prior to the end of each fiscal year.

97 (c) Each state agency shall notify employees that the Commonwealth is undertaking
98 policies to reduce energy usage and improve energy efficiency; the Division of Energy
99 Resources shall create an electronic 'suggestion box' so that employees and the public may make
100 recommendations.

101 SECTION 7. State procurement of energy efficient buildings and equipment.

102 (a) The division of energy resources shall establish minimum contract specifications
103 for the purchase of solar-powered or “energy efficient” products that are in the upper 25 percent
104 of energy efficiency for all similar products, or products that are at least 10 percent more
105 efficient than the minimum level that meets federal standards as determined by the U.S.
106 Department of Energy and Section 161 of the Energy Policy Act of 1992.

107 (b) The division of energy resources shall establish minimum contract specifications
108 for the purchase of computer and other office equipment that complies with the U.S.
109 Environmental Protection Agency’s “Energy Star” designation and which contains equipment to
110 “power down” pursuant to Presidential Executive Order #12845, “Requiring Agencies to
111 Purchase Energy Efficient Computer Equipment”.

112 (c) The division of energy resources shall provide assistance to all state agency and
113 facility purchasing agents in identifying products that meet the energy efficiency and renewable
114 energy guidelines included in this section.

115 SECTION 8. Lifecycle costing for state.

116 (a) Any state agency initiating the construction of a new facility, or substantial
117 renovation of an existing facility that includes the replacement of systems, components and other
118 building elements that effect energy or water consumption, and that is either owned or operated
119 by Massachusetts, shall design and construct such facility to minimize the lifecycle cost of the
120 facility by utilizing energy efficiency, water conservation or wind or solar powered energy
121 technologies, pursuant to the following criteria:

122 (1) The term “economically feasible” means providing a payback period of
123 not more than 10 years as determined by a lifecycle cost analysis.

124 (2) The division of energy resources shall establish, within one year of the
125 enactment of this section, a methodology for use by agencies in assessing lifecycle costs.

126 (3) State agencies shall conduct a lifecycle cost analysis to evaluate the
127 economic and technical feasibility of using a wind powered or passive solar or active solar
128 energy system to provide lighting, space heating, water heating, or electricity. State agencies
129 shall use wind or solar powered systems when the lifecycle cost analysis has determined that
130 such systems are economically feasible.

131 (b) State agencies shall file a report with the division of energy resources for each
132 renovation or construction project demonstrating compliance with the requirements of this
133 section.

134 (c) The division shall publish for the public an annual report on its web site detailing
135 the compliance record of all state agencies with the construction and renovation provisions of
136 this section.

137 SECTION 9. Replacement of state vehicles with high efficiency vehicles.

138 (a) Motor vehicles owned and operated by the commonwealth shall only be replaced
139 with vehicles that have average fuel efficiency ratings not less than 20 percent better than new
140 vehicles in their size classes as determined pursuant to section two A of chapter sixty-four H. No
141 state agency may approve the purchase of four wheel drive vehicles in the light truck category,
142 including so-called Sport Utility Vehicles (SUV's), without first obtaining an authorization from
143 the division of energy resources acknowledging the necessity of the purchase for a specific use
144 that cannot be met by other more fuel-efficient vehicles. The division, within six months of the
145 effective date of this act, shall promulgate parameters for what set of circumstances may be
146 considered a necessity for the purposes of this section.

147 SECTION 10. Expanded support for building code revision, enforcement.

148 The division of energy resources is authorized and directed to develop and implement
149 programs that will support the continued revision and implementation of state-of-the-art
150 residential building codes, including programs to train municipal inspectors and building
151 contractors in new efficiency techniques and materials.