

HOUSE BILL NO. 227

INTRODUCED BY A. CURTIS

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

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

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

15 WHEREAS, immediate and ongoing actions by state departments and agencies will allow state agencies  
16 to meet any applicable federal requirements but can significantly reduce energy consumption and utility  
17 expenditures.

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

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

- 23 (1) "Department" means the department of environmental quality provided for in 2-15-3501.
- 24 (2) "Energy performance" means an assessment of use of electricity and natural gas based on property  
25 use and size. It may be assessed using metered accounts.
- 26 (3) "State agency" means:
  - 27 (a) each executive, legislative, or judicial branch department, office, or agency;
  - 28 (b) the university system; and
  - 29 (c) a community college district.
- 30 (4) "State property" means buildings or portions of buildings owned or leased by a state agency.

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

4           (2) The website must:

5           (a) permit Montana citizens to view and track the energy performance of state properties by centralizing  
6 and making accessible on the internet the use of electricity and natural gas;

7           (b) allow a person who has internet access to use the website without paying a fee;

8           (c) allow the public to search the energy performance data on the website using criteria established by  
9 the department;

10          (d) have a unique and simplified website address;

11          (e) be directly accessible through a link from the main page of the department's website;

12          (f) provide a method to gather citizen feedback and comments regarding the website; and

13          (g) include other links, features, tutorials, or search functions that could assist the public in obtaining and  
14 reviewing energy performance information.

15          (3) The energy performance information that must be included as it becomes available in a cost-effective  
16 manner is:

17          (a) energy performance on an annual basis for each state property;

18          (b) a comparison of the relative energy performance of a state property as compared to similar buildings  
19 located in similar climates;

20          (c) energy performance information for each state property collected by the department prior to [the  
21 effective date of this act]; and

22          (d) the energy conservation program report required pursuant to 90-4-605(4).

23          (4) The department may evaluate the energy performance data and identify buildings to include in the  
24 state building energy conservation program provided for in 90-4-605.

25          (5) By January 1, 2014, the website must be operational and must permit public access to energy  
26 performance information.

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

29           **"90-4-605. Preparation of energy conservation program.** (1) The department shall identify buildings  
30 that have a potential for energy savings, based on age, energy use, function, and condition of the building. The

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

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

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

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

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

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

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

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

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

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

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

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

28 (5) The department shall submit the report required by subsection (4) to the governor before September  
29 1 of each even-numbered year."

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1            NEW SECTION. **Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified  
2 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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4            NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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