

HOUSE BILL NO. 538

INTRODUCED BY J. GURSKY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE HIGH-PERFORMANCE CERTIFICATION  
5 PROGRAM FOR EXISTING BUILDINGS; PROVIDING FOR HIGH-PERFORMANCE OPERATIONAL PLANS  
6 FOR EXISTING BUILDINGS; PROVIDING FOR CALCULATION OF UTILITY COST SAVINGS; PROVIDING  
7 FOR TRANSFER OF UTILITY FUNDS; AND PROVIDING FOR STATE SPECIAL REVENUE ACCOUNTS."

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

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11 NEW SECTION. **Section 1. High-performance certification program for existing buildings.** (1) The  
12 department of administration, in collaboration with the Montana university system and other state agencies, shall  
13 adopt high-performance building standards of operation and maintenance for existing buildings. In developing  
14 these standards, the department of administration shall consider:

- 15 (a) integrated design principles to optimize energy performance, enhance indoor environmental quality,  
16 and conserve natural resources;
- 17 (b) cost-effectiveness, including productivity, deferred maintenance, and operational considerations;
- 18 (c) environmental, economic, and social sustainability of materials and components; and
- 19 (d) building functionality, durability, and maintenance.

20 (2) When economically justified, state agencies may elect to improve the cost-effectiveness of existing  
21 buildings by attempting to have the buildings rated as high-performance buildings according to standards  
22 promulgated and certified by a third-party group chosen by the department of administration.

23 (3) For purposes of this section, an "existing building" means any state agency building that has not  
24 already achieved a certification of high performance during its construction.

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26 NEW SECTION. **Section 2. High-performance operational plan -- calculation of initial utility cost**  
27 **savings.** (1) Each state agency participating in the high-performance certification program for existing buildings  
28 in [section 1] shall create a high-performance operational plan for each existing building for which the agency is  
29 seeking high-performance certification. The participating agency shall use the operational plan to:

- 30 (a) define and document baseline utility consumption conditions in an existing building;

1 (b) develop a building-specific measurement and verification protocol that requires an annual review to  
2 ensure that any cost-saving measures implemented continue to perform as expected; and

3 (c) calculate utility cost savings once the building has achieved high-performance certification.

4 (2) The department of environmental quality shall certify each operational plan and the utility cost  
5 savings.

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7 **NEW SECTION. Section 3. Transfer of budgeted utility funds -- special revenue accounts.** (1) For  
8 each fiscal year, each agency participating in the high-performance certification program for existing buildings  
9 in [section 1] may transfer to a special revenue account any amount remaining in the budgeted utility fund of the  
10 agency.

11 (2) Each agency participating in the high-performance certification program for existing buildings shall  
12 establish a special revenue account to receive the transfers pursuant to subsection (1).

13 (3) For each fiscal year, the Montana university system may establish a subfund of the plant fund to  
14 receive the transfer pursuant to subsection (1).

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16 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified  
17 as an integral part of Title 17, chapter 7, part 2, and the provisions of Title 17, chapter 7, part 2, apply to [sections  
18 1 through 3].

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