

HOUSE BILL NO. 538

INTRODUCED BY GURSKY, B. BENNETT, CURTIS, HARRIS, LIESER, MCNALLY, O'HARA

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

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

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

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

(2) When economically justified, state agencies may elect to improve the cost-effectiveness of existing buildings by ~~attempting to have the buildings rated as high-performance buildings according to standards promulgated and certified by a third-party group chosen by the department of administration~~ COMPLYING WITH HIGH-PERFORMANCE BUILDING OPERATIONS AND MAINTENANCE STANDARDS ADOPTED BY THE DEPARTMENT BY RULE.

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

~~_____ NEW SECTION. Section 2. High-performance operational plan -- calculation of initial utility cost savings.~~ (1) Each state agency participating in the high-performance certification program for existing buildings



1 in ~~[section 1]~~ shall create a high-performance operational plan for each existing building for which the agency is
 2 seeking high-performance certification. The participating agency shall use the operational plan to:
 3 ~~—— (a) define and document baseline utility consumption conditions in an existing building;~~
 4 ~~—— (b) develop a building-specific measurement and verification protocol that requires an annual review to~~
 5 ~~ensure that any cost-saving measures implemented continue to perform as expected; and~~
 6 ~~—— (c) calculate utility cost savings once the building has achieved high-performance certification.~~
 7 ~~—— (2) The department of environmental quality shall certify each operational plan and the utility cost~~
 8 ~~savings.~~

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 10 **NEW SECTION. Section 2. Transfer of budgeted utility funds -- special revenue accounts.** (1) For
 11 each fiscal year, each agency participating in the high-performance ~~certification~~ COMPLIANCE program for
 12 OPERATIONS AND MAINTENANCE OF existing buildings in [section 1] may transfer to a special revenue account any
 13 amount remaining in the budgeted utility fund of the agency.

14 (2) Each agency participating in the high-performance ~~certification~~ COMPLIANCE program for OPERATIONS
 15 AND MAINTENANCE OF existing buildings shall establish a special revenue account to receive the transfers pursuant
 16 to subsection (1).

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

19 **(4) THE SPECIFIED AGENCY SPECIAL REVENUE ACCOUNTS AND UNIVERSITY PLANT FUNDS AND AUTHORITY ARE**
 20 **DESIGNATED FOR THE PURPOSE OF FINANCING HIGH-PERFORMANCE OPERATIONS AND MAINTENANCE COMPLIANCE AND**
 21 **ACHIEVING UTILITY COST REDUCTIONS.**

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

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