SENATE DOCKET, NO. 1295 FILED ON: 1/20/2011

SENATE . . . . . No. 1652

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:

An Act promoting energy efficient state government.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	
	☐ *[District]*
	☐

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 1652) of Cynthia S. Creem for legislation to promote energy efficient state government. Telecommunications, Utilities and Energy.

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

The Commonwealth of Massachusetts

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:

SECTION 1. It is hereby found and declared that:

(a) Massachusetts consumers continue to lose billions of dollars to wasteful energy use annually;

(b) Massachusetts residents and businesses bear the burden of wasteful energy use;

(c) statewide energy efficiency programs have a proven record of saving consumers money;

(d) energy efficiency provides a buffer against fuel price increases;

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

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

SECTION 2. Establishment of Energy Efficiency Goal and Priority Status

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

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

20 SECTION 3. Definitions.

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

22 "Agency," state agency.

23 "Director," the director of the division of energy resources.

24 "Department," the department of telecommunications and energy.

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

29 "Division," the division of energy resources.

30 "Production unit," a process, line, method, activity, or technique, or a
31 combination or series thereof, used to produce a product.

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

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

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

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

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

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

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

SECTION 4. State Energy Use Inventory

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

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

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

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

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

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

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

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

(b) Beginning January 1, 2013, state agencies that must exceed the consumption levels of their respective facilities, as inventoried by the 2011 state energy audit,

77 are required to procure energy produced from renewable sources to meet that demand, and
78 provide documentation to that effect to the division of energy resources.

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

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

86 SECTION 6. State Energy Efficiency Planning.

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

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

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

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

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

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

107 (a) The division of energy resources shall establish minimum contract
108 specifications for the purchase of solar-powered or “energy efficient” products that are in the
109 upper 25 percent of energy efficiency for all similar products, or products that are at least 10

110 percent more efficient than the minimum level that meets federal standards as determined by the
111 U.S. Department of Energy and Section 161 of the Energy Policy Act of 1992.

112 (b) The division of energy resources shall establish minimum contract
113 specifications for the purchase of computer and other office equipment that complies with the
114 U.S. Environmental Protection Agency's "Energy Star" designation and which contains
115 equipment to "power down" pursuant to Presidential Executive Order #12845, "Requiring
116 Agencies to Purchase Energy Efficient Computer Equipment".

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

120 SECTION 8. Lifecycle costing for state.

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

127 (1) The term "economically feasible" means providing a payback
128 period of not more than 10 years as determined by a lifecycle cost analysis.

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

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

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

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

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

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

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

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