

7069

I N S E N A T E

April 23, 2014

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public authorities law, in relation to directing state agencies and public authorities to reduce their energy use, and to prepare reports of their actions and achievements relating to energy efficiency and provide such reports to the New York power authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 1005 of the public authorities law is amended by
2 adding a new subdivision 24 to read as follows:
3 24. ENERGY EFFICIENCY IMPROVEMENTS OF STATE BUILDINGS SHALL BE THE
4 RESPONSIBILITY OF THE STATE AGENCIES AND AUTHORITIES. NOTWITHSTANDING
5 ANY LAW TO THE CONTRARY, ALL "AFFECTED STATE ENTITIES" ("ASES"), WHICH
6 INCLUDES ALL AGENCIES AND DEPARTMENTS OVER WHICH THE GOVERNOR HAS EXECU-
7 TIVE AUTHORITY, AND ALL PUBLIC-BENEFIT CORPORATIONS, PUBLIC AUTHORITIES
8 AND COMMISSIONS FOR WHICH THE GOVERNOR APPOINTS THE CHAIR, THE CHIEF
9 EXECUTIVE OR THE MAJORITY OF BOARD MEMBERS, EXCEPT FOR THE PORT AUTHORI-
10 TY OF NEW YORK AND NEW JERSEY, SHALL BE RESPONSIBLE FOR COLLECTIVELY
11 REDUCING THEIR ENERGY USE FOR ALL STATE-OWNED AND MANAGED BUILDINGS BY
12 AT LEAST TWENTY PERCENT FROM A BASELINE ESTABLISHED AS OF MARCH THIRTY-
13 FIRST, TWO THOUSAND ELEVEN FOR SUCH BUILDINGS BY APRIL FIRST, TWO THOU-
14 SAND TWENTY ("TARGET").
15 (A) THE AUTHORITY SHALL ESTABLISH A CENTRAL MANAGEMENT AND IMPLEMENTA-
16 TION TEAM ("CMIT") TO OVERSEE THE ASES AND ADMINISTER ANY PROGRAMS
17 NECESSARY TO ACHIEVE THE TARGET. THE CMIT IS HEREBY AUTHORIZED TO:
18 (I) TAKE ALL APPROPRIATE MEASURES TO ENSURE THAT THE TARGET IS MET;
19 (II) DIRECT ASES TO COMPLY WITH THE REQUIREMENTS OF THIS SUBDIVISION;
20 (III) CREATE GUIDELINES ("GUIDELINES") TO ASSIST ASES IN COMPLYING
21 WITH THE REQUIREMENTS OF THIS SUBDIVISION, AND THEREAFTER UPDATE SUCH
22 GUIDELINES AS NECESSARY;
23 (IV) PROVIDE STRATEGIC, TECHNICAL, AND OTHER ASSISTANCE TO EACH ASE TO
24 SUPPORT IMPLEMENTATION OF THE TARGET;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (V) DEVELOP ANNUAL MILESTONES FOR ACHIEVING THE TARGET OVER THE NEXT
2 SEVEN YEARS WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS SUBDIVI-
3 SION;

4 (VI) DEVELOP AND IMPLEMENT REPORTING REQUIREMENTS TO DOCUMENT EACH
5 ASE'S PROGRESS TOWARD MEETING THE TARGET;

6 (VII) DEVELOP A COMPREHENSIVE OPERATIONS AND MAINTENANCE PLAN FOR THE
7 STATE'S BUILDING PORTFOLIO TO HELP ACHIEVE NO COST AND LOW COST EFFI-
8 CIENCY IMPROVEMENTS AND ENSURE THAT EFFICIENCY SAVINGS ARE SUSTAINED;

9 (VIII) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR BY JANUARY FIFTEENTH OF
10 EACH YEAR DETAILING THE OVERALL PROGRESS ASEs ARE MAKING TOWARD MEETING
11 THE TARGET.

12 (B) IN ADDITION TO THE REQUIREMENTS ESTABLISHED IN THIS SUBDIVISION,
13 EACH ASE SHALL COMPLY WITH THE FOLLOWING:

14 (I) FOR EACH STATE FISCAL YEAR, EACH ASE SHALL MEASURE THE ENERGY USE
15 IN STATE-OWNED AND MANAGED BUILDINGS HAVING AN AREA GREATER THAN TWENTY
16 THOUSAND SQUARE FEET;

17 (II) BUILDINGS THAT RECEIVE LOW BENCHMARK SCORES, AS DEFINED BY THE
18 GUIDELINES, SHALL UNDERGO AN AMERICAN SOCIETY OF HEATING, REFRIGERATION,
19 AND AIR-CONDITIONING ENGINEERS ("ASHRAE") LEVEL II ENERGY AUDIT, OR ANY
20 OTHER COMPARABLE AUDIT THAT THE CMIT APPROVES. IN ADDITION TO ENERGY
21 EFFICIENCY MEASURES, THE AUDITS SHALL IDENTIFY OPPORTUNITIES FOR
22 COST-EFFECTIVE ON-SITE RENEWABLE GENERATION AND HIGH-EFFICIENCY COMBINED
23 HEAT AND POWER;

24 (III) ASEs SHALL IMPLEMENT A COST-EFFECTIVE PORTFOLIO OF MEASURES
25 IDENTIFIED AND RECOMMENDED IN THE AUDIT AND SHALL COMPLETE OR MAKE
26 SUBSTANTIAL PROGRESS TOWARD COMPLETION OF SUCH MEASURES WITHIN TWO YEARS
27 OF COMPLETION OF THE AUDIT. A PORTFOLIO MAY INCLUDE, BUT SHALL NOT BE
28 LIMITED TO, NO- AND LOW-COST OPERATIONAL IMPROVEMENTS, RETRO-COMMISSION-
29 ING, CAPITAL ENERGY EFFICIENCY RETROFITS, ON-SITE RENEWABLE AND HIGH-EF-
30 FICIENCY COMBINED HEAT AND POWER, AND OTHER MEASURES IDENTIFIED BY THE
31 CMIT;

32 (IV) ASEs SHALL WORK WITH THE CMIT TO PRIORITIZE SUB-METERING FOR ALL
33 RELEVANT ENERGY SOURCES OF BUILDINGS LARGER THAN ONE HUNDRED THOUSAND
34 SQUARE FEET ON A MASTER-METERED CAMPUS TO IDENTIFY WAYS TO FINANCE SUCH
35 SUB-METERING. ALL BUILDINGS HAVING AN AREA LARGER THAN ONE HUNDRED THOU-
36 SAND SQUARE FEET ON MASTER-METERED CAMPUSES SHALL BE SUB-METERED FOR ALL
37 FUELS AND OTHER ENERGY SOURCES BY DECEMBER THIRTY-FIRST, TWO THOUSAND
38 SIXTEEN, TO ENABLE INDIVIDUAL BUILDING BENCHMARKING, UNLESS THE ASE THAT
39 OWNS OR OPERATES THE BUILDING CAN DEMONSTRATE TO THE CMIT THAT IT IS NOT
40 COST-EFFECTIVE OR FEASIBLE TO DO SO;

41 (V) ASEs SHALL INCLUDE AN ENERGY EFFICIENCY ANALYSIS IN THE DESIGN
42 PHASE OF ALL CAPITAL PROJECT PLANS. THE CAPITAL PROJECT SHOULD INCLUDE
43 ENERGY EFFICIENT MEASURES OR TECHNOLOGIES DETERMINED TO BE THE MOST
44 COST-EFFECTIVE, AS DEFINED BY THE GUIDELINES;

45 (VI) ASEs MAY RECEIVE CREDIT TOWARDS THE TARGET FOR INCREASING ENERGY
46 EFFICIENCY IN LEASED SPACE. IN ADDITION, ASEs MAY RECEIVE CREDIT TOWARDS
47 MEETING THE TARGET FOR INSTALLING ON-SITE RENEWABLE GENERATION IF THE
48 HOST SITE FOR SUCH RENEWABLE GENERATION HAS DEPLOYED ALL COST-EFFECTIVE
49 ENERGY EFFICIENCY IMPROVEMENTS CONSISTENT WITH THE GOALS OF THIS SUBDI-
50 VISION. ASEs SHALL CONSULT WITH AND APPLY TO THE CMIT CONCERNING SUCH
51 CREDITS;

52 (VII) NO LATER THAN OCTOBER FIRST OF EACH CALENDAR YEAR, EACH ASE
53 SHALL SUBMIT ALL INFORMATION REQUESTED BY THE CMIT ON ALL STATE-OWNED
54 AND MANAGED BUILDINGS HAVING AN AREA OVER TWENTY THOUSAND SQUARE FEET,
55 AS WELL AS ANY OTHER INFORMATION RELATED TO ASSESSING COMPLIANCE WITH
56 THE REQUIREMENTS OF THIS SUBDIVISION. THE CMIT IS AUTHORIZED TO PROVIDE

1 EXEMPTIONS FOR GOOD CAUSE SHOWN PURSUANT TO CRITERIA AND PROCEDURES
2 ESTABLISHED IN THE GUIDELINES, INCLUDING EXEMPTIONS ASSOCIATED WITH
3 BUILDINGS THAT HAVE OBTAINED AND MAINTAINED ENERGY STAR OR SIMILAR
4 CERTIFICATION, OR HAVE BENCHMARK SCORES PLACING SUCH BUILDINGS IN THE
5 TOP QUARTILE OF COMPARABLE BUILDINGS FOR THE PARTICULAR YEAR AT ISSUE.
6 ALL ASES SHALL SUBMIT RESULTS FOR ANNUAL EXEMPTIONS TO THE CMIT IN THE
7 ANNUAL REPORT. ELECTRIC USAGE ATTRIBUTABLE TO VEHICLE CHARGING SHALL
8 NOT BE INCLUDED IN THE TARGET AND OTHER REQUIREMENTS OF THIS SUBDIVI-
9 SION.
10 S 2. This act shall take effect immediately.