

STATE OF NEW YORK

5813

2019-2020 Regular Sessions

IN ASSEMBLY

February 19, 2019

Introduced by M. of A. ENGLEBRIGHT, L. ROSENTHAL, QUART -- read once and referred to the Committee on Corporations, Authorities and Commissions

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 26 to read as follows:

3 26. 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 twelve for such buildings by April first, two thou-
14 sand twenty-five ("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;

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

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1 (iv) provide strategic, technical, and other assistance to each ASE to
2 support implementation of the target;

3 (v) develop annual milestones for achieving the target over the next
4 seven years within twelve months of the effective date of this subdivi-
5 sion;

6 (vi) develop and implement reporting requirements to document each
7 ASE's progress toward meeting the target;

8 (vii) develop a comprehensive operations and maintenance plan for the
9 state's building portfolio to help achieve no cost and low cost effi-
10 ciency improvements and ensure that efficiency savings are sustained;

11 (viii) submit an annual report to the governor by January fifteenth of
12 each year detailing the overall progress ASEs are making toward meeting
13 the target.

14 (b) In addition to the requirements established in this subdivision,
15 each ASE shall comply with the following:

16 (i) For each state fiscal year, each ASE shall measure the energy use
17 in state-owned and managed buildings having an area greater than twenty
18 thousand square feet;

19 (ii) Buildings that receive low benchmark scores, as defined by the
20 guidelines, shall undergo an American Society of Heating, Refrigeration,
21 and Air-Conditioning Engineers ("ASHRAE") Level II energy audit, or any
22 other comparable audit that the CMIT approves. In addition to energy
23 efficiency measures, the audits shall identify opportunities for cost-
24 effective on-site renewable generation and high-efficiency combined heat
25 and power;

26 (iii) ASEs shall implement a cost-effective portfolio of measures
27 identified and recommended in the audit and shall complete or make
28 substantial progress toward completion of such measures within two years
29 of completion of the audit. A portfolio may include, but shall not be
30 limited to, no- and low-cost operational improvements, retro-commission-
31 ing, capital energy efficiency retrofits, on-site renewable and high-ef-
32 iciency combined heat and power, and other measures identified by the
33 CMIT;

34 (iv) ASEs shall work with the CMIT to prioritize sub-metering for all
35 relevant energy sources of buildings larger than one hundred thousand
36 square feet on a master-metered campus to identify ways to finance such
37 sub-metering. All buildings having an area larger than one hundred thou-
38 sand square feet on master-metered campuses shall be sub-metered for all
39 fuels and other energy sources by December thirty-first, two thousand
40 twenty-one, to enable individual building benchmarking, unless the ASE
41 that owns or operates the building can demonstrate to the CMIT that it
42 is not cost-effective or feasible to do so;

43 (v) ASEs shall include an energy efficiency analysis in the design
44 phase of all capital project plans. The capital project should include
45 energy efficient measures or technologies determined to be the most
46 cost-effective, as defined by the guidelines;

47 (vi) ASEs may receive credit towards the target for increasing energy
48 efficiency in leased space. In addition, ASEs may receive credit towards
49 meeting the target for installing on-site renewable generation if the
50 host site for such renewable generation has deployed all cost-effective
51 energy efficiency improvements consistent with the goals of this subdivi-
52 sion. ASEs shall consult with and apply to the CMIT concerning such
53 credits;

54 (vii) No later than October first of each calendar year, each ASE
55 shall submit all information requested by the CMIT on all state-owned
56 and managed buildings having an area over twenty thousand square feet,

1 as well as any other information related to assessing compliance with
2 the requirements of this subdivision. The CMIT is authorized to provide
3 exemptions for good cause shown pursuant to criteria and procedures
4 established in the guidelines, including exemptions associated with
5 buildings that have obtained and maintained Energy Star or similar
6 certification, or have benchmark scores placing such buildings in the
7 top quartile of comparable buildings for the particular year at issue.
8 All ASES shall submit results for annual exemptions to the CMIT in the
9 annual report. Electric usage attributable to vehicle charging shall
10 not be included in the target and other requirements of this subdivi-
11 sion.

12 § 2. This act shall take effect immediately.