



General Assembly

January Session, 2003

**Raised Bill No. 6485**

LCO No. 3475

Referred to Committee on Program Review and Investigations

Introduced by:  
(PRI)

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE  
CONCERNING ENERGY MANAGEMENT BY STATE GOVERNMENT  
BY UPDATING AND REPEALING OUTDATED PROVISIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16a-35m of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 [On or before January 1, 1994, and every four] On or before January  
4 1, 2004, and every two years thereafter, the Secretary of the Office of  
5 Policy and Management shall prepare a [comprehensive energy plan]  
6 report on the energy situation in this state. The secretary shall [hold  
7 regional public hearings on the proposed plan and shall give at least  
8 thirty days notice of each hearing by publication in the Connecticut  
9 Law Journal. Notice of such hearing may be published in one or more  
10 newspapers having general circulation in each municipality as deemed  
11 necessary by the secretary. The notice shall state the date, time and  
12 place of the hearing, the subject matter of the hearing, the statutory  
13 authority for the plan and the location where a copy of the plan may be  
14 examined. Any person may comment on the proposed plan. The

15 secretary shall provide a time period of not less than forty-five days  
16 from the date the notice is published in the Connecticut Law Journal  
17 for review and comment. The secretary shall consider fully, after all  
18 public hearings, all written and oral comments respecting the  
19 proposed plan and shall mail to each person who commented or  
20 requested notification, notice of availability of the following  
21 documents at a designated location: The text of the final plan, a  
22 summary of the differences between the proposed and final plan and  
23 the reasons therefor, and the principal considerations raised in  
24 opposition to the proposed plan and the reasons for rejecting any such  
25 considerations. The secretary shall sign the final plan and shall submit  
26 it] submit the report to the joint standing committee of the General  
27 Assembly having cognizance of matters relating to energy planning  
28 and activities in accordance with section 11-4a. [The committee may  
29 approve or disapprove or amend such plan at a meeting held not later  
30 than sixty days after receipt of the plan. If the committee takes no  
31 action with regard to the plan within the sixty days, the plan shall be  
32 deemed approved. Such plan shall reflect the legislative findings and  
33 policy stated in section 16a-35k and] The report shall include, but not  
34 be limited to (1) an assessment of current energy supplies, demand and  
35 costs; (2) identification and evaluation of the factors likely to affect  
36 future energy supplies, demand and costs; (3) a statement of progress  
37 made toward [long-term] goals set in the previous report; (4) an  
38 assessment of the unique energy issues facing state government as an  
39 energy consumer; (5) recommendations for decreasing dependency on  
40 fossil fuels by promoting energy conservation, solar and other  
41 alternative energy sources; and [(5)] (6) mechanisms for achieving  
42 these recommendations.

43 Sec. 2. Section 16a-37u of the general statutes is repealed and the  
44 following is substituted in lieu thereof (*Effective October 1, 2003*):

45 (a) The Secretary of the Office of Policy and Management shall be  
46 responsible for planning and managing energy use in state-owned and  
47 leased buildings and shall establish a program to maximize the

48 efficiency with which energy is utilized in such buildings. [He] The  
49 secretary shall exercise this authority by (1) preparing and  
50 implementing annual and long-range plans, with timetables,  
51 establishing goals for reducing state energy consumption and, based  
52 on energy audits, specific objectives for state agencies to meet the  
53 performance standards adopted under section 16a-38; (2) coordinating  
54 federal and state energy conservation resources and activities,  
55 including but not limited to, those required to be performed by other  
56 state agencies under this chapter; and (3) monitoring energy use and  
57 costs by budgeted state agencies on a monthly basis.

58 (b) Not later than January fifth, annually, the Secretary of the Office  
59 of Policy and Management shall submit a report to the Governor and  
60 the joint standing committee of the General Assembly having  
61 cognizance of matters relating to energy planning and activities. The  
62 report shall (1) indicate the total number of energy audits and technical  
63 assistance audits of state-owned and leased buildings, (2) summarize  
64 the status of the energy conservation measures recommended by such  
65 audits, (3) summarize all energy conservation measures implemented  
66 during the preceding twelve months in state-owned and leased  
67 buildings which have not had such audits, (4) analyze the availability  
68 and allocation of funds to implement the measures recommended  
69 under subdivision (2) of this subsection, (5) list each budgeted agency,  
70 as defined in section 4-69, which occupies a state-owned or leased  
71 building and has not cooperated with the Commissioner of Public  
72 Works and the Secretary of the Office of Policy and Management in  
73 conducting energy and technical assistance audits of such building and  
74 implementing operational and maintenance improvements  
75 recommended by such audits and any other energy conservation  
76 measures required for such building by the secretary, (6) summarize  
77 all life-cycle cost analyses prepared under section 16a-38 during the  
78 preceding twelve months, and (7) identify any state laws, regulations  
79 or procedures that impede innovative energy conservation and load  
80 management projects in state buildings.

81 [(c) The Secretary of the Office of Policy and Management, in  
82 conjunction with the Department of Public Works, shall as soon as  
83 practicable and where cost-effective connect all state-owned buildings  
84 to a district heating and cooling system, where such heating and  
85 cooling system currently exists or where one is proposed. The  
86 secretary, in conjunction with the Department of Public Works, shall  
87 prepare an annual report with the results of his progress in connecting  
88 state-owned buildings to such a heating and cooling system, the cost of  
89 such connection and any projected energy savings achieved through  
90 any such connection. The secretary shall submit his report to the joint  
91 standing committee of the General Assembly having cognizance of  
92 matters relating to energy on or before January 1, 1993, and January  
93 first annually thereafter.]

94 [(d)] (c) The Secretary of the Office of Policy and Management shall  
95 require each state agency to maximize its use of public service  
96 companies' energy conservation and load management programs and  
97 to provide sites in its facilities for demonstration projects of highly  
98 energy efficient equipment, provided such demonstration project does  
99 not impair the functioning of the facility.

100 Sec. 3. Section 16a-38a of the general statutes is repealed and the  
101 following is substituted in lieu thereof (*Effective October 1, 2003*):

102 (a) The Commissioner of Public Works shall conduct an energy  
103 audit of all buildings owned by the state to determine the energy  
104 conservation and energy consumption characteristics of such  
105 buildings. Such energy audits shall be conducted in cooperation with  
106 the state department, agency, board or commission occupying such  
107 building. Such energy audits shall be conducted in accordance with  
108 guidelines established under the "National Energy Conservation Policy  
109 Act", Public Law 95-619, 92 Stat. 3206 (1978), as amended from time to  
110 time. [, and with the following schedule: (1) Preliminary energy audits  
111 of all buildings owned or leased by the state shall be completed within  
112 one year after July 1, 1979. The results from such preliminary audits

113 shall be used to set priorities for subsequent audits. (2) Subsequent  
114 energy audits based on the priorities established in accordance with  
115 subdivision (1) of this subsection, shall be initiated at a rate of at least  
116 twenty per cent of total building floor space per year] Such energy  
117 audits shall be completed periodically, but at a minimum, before any  
118 major renovation of such building. Each audit procedure shall be  
119 completed within two years of its initiation.

120 (b) [(1)] The Commissioner of Public Works shall review and  
121 evaluate the energy audits completed in accordance with this section  
122 and shall, within six months, recommend to the Secretary of the Office  
123 of Policy and Management buildings for cost effective retrofit  
124 measures to enable such buildings to attain the energy performance  
125 standards established under subdivision (1) of subsection (b) of section  
126 16a-38. [(2) It shall be a goal that beginning not later than July 1, 1982,  
127 work to retrofit at least twenty per cent of the total floor area of  
128 existing state-owned buildings for energy conservation shall be  
129 commenced in each fiscal year. Where technically feasible, renewable  
130 sources of energy shall be used for space heating and cooling, domestic  
131 hot water and other applications. (3) It shall be a goal that not later  
132 than June 30, 1991, all state-owned buildings be the subject of such  
133 energy conservation and renewable energy retrofit measures as will  
134 enable them to meet the energy performance standards established in  
135 accordance with subdivision (1) of subsection (b) of section 16a-38.]

136 [(c) In selecting buildings to lease for state use, the Commissioner of  
137 Public Works shall give preference to buildings which meet energy  
138 performance standards established in accordance with subdivision (1)  
139 of subsection (b) of section 16a-38, including buildings which use solar  
140 heating and cooling equipment or other renewable energy sources and  
141 which otherwise minimize life-cycle costs.]

142 [(d)] [(c)] The Commissioner of Public Works and the Secretary of the  
143 Office of Policy and Management shall jointly develop and publish  
144 guidelines applicable to all state agencies for an energy efficiency

145 maintenance program for all state-owned buildings. The program shall  
146 include, but not be limited to, annually inspecting, testing and tuning  
147 fossil fuel burning equipment utilized for space heating or the  
148 production of steam or hot water for process uses. All agencies shall  
149 cooperate in implementing such maintenance program.

150 Sec. 4. Section 16a-38h of the general statutes is repealed and the  
151 following is substituted in lieu thereof (*Effective October 1, 2003*):

152 (a) On and after July 1, 1984, the Department of Public Works may  
153 not execute a new lease for use by the state of any building having ten  
154 thousand or more gross square feet and which is not occupied or  
155 possessed by the state at the time of execution of the lease unless (1)  
156 the owner or agent of the owner of the building (A) has had an energy  
157 audit conducted for the building, (B) has implemented the operational  
158 and maintenance improvements recommended by the energy audit  
159 and (C) agrees in the lease to maintain such improvements, (2) energy  
160 consumption data are obtained for the two years preceding execution  
161 of the lease or the life of the building, whichever is shorter, (3) the  
162 building has a certificate of occupancy and no uncorrected violations  
163 of the State Building Code adopted under section 29-252 and the  
164 applicable municipal housing code and (4) an efficiency test for the  
165 building's boiler has been conducted.

166 (b) In selecting buildings to lease for state use, the Commissioner of  
167 Public Works shall give preference to buildings which meet energy  
168 performance standards established in accordance with subdivision (1)  
169 of subsection (b) of section 16a-38 including buildings which use solar  
170 heating and cooling equipment or other renewable energy sources and  
171 which otherwise minimize life-cycle costs.

172 Sec. 5. Section 16a-38i of the general statutes is repealed and the  
173 following is substituted in lieu thereof (*Effective October 1, 2003*):

174 (a) The energy performance standards established by the  
175 Commissioner of Public Works and the Secretary of the Office of

176 Policy and Management pursuant to section 16a-38 shall require that  
177 the Commissioner of Public Works, in consultation with the secretary,  
178 [(1) calculate] establish a process for calculating annually, from  
179 currently available data, the average energy use per square foot in  
180 state buildings. [, (2)]

181 (b) In accordance with section 16a-37u, as amended by this act, the  
182 secretary shall (1) implement a system requiring all state agencies to  
183 use the process established by the Department of Public Works to  
184 annually calculate energy use, (2) establish one or more thresholds of  
185 acceptability for energy use in state buildings, and (3) (A) reduce  
186 energy use, on a cost-effective life-cycle basis and within available  
187 fiscal resources as determined by the secretary, in those buildings  
188 under the care and control of the Department of Public Works which  
189 do not meet such thresholds, and (B) assist other agencies in reducing  
190 energy use, on a cost-effective life-cycle basis and within available  
191 fiscal resources as determined by the secretary, in those buildings  
192 under their care and control which do not meet the applicable  
193 thresholds.

194 Sec. 6. Section 16a-39b of the general statutes is repealed and the  
195 following is substituted in lieu thereof (*Effective October 1, 2003*):

196 [(a) There is established a task force on the development of  
197 incentives for conserving energy in state buildings. The task force shall  
198 consist of the chairmen and ranking members of the joint standing  
199 committee of the General Assembly having cognizance of matters  
200 relating to energy planning and activities, or their designees; the  
201 Secretary of the Office of Policy and Management, or not more than  
202 three designees of the secretary having cognizance of budgetary,  
203 capital planning and energy matters; and the Commissioner of Public  
204 Works or his designee. The task force shall elect as cochairmen one of  
205 the cochairmen of said joint standing committee and one of the  
206 executive branch members of the task force. The cochairmen of the task  
207 force shall preside alternately at meetings of the task force.

208 (b) The task force shall review state statutes, regulations, standards,  
209 policies and practices, analyze alternatives and formulate  
210 recommendations with regard to:

211 (1) The operation and maintenance of energy systems in state  
212 buildings;

213 (2) The staffing levels of, and training for, personnel responsible for  
214 the operation of such energy systems;

215 (3) The development and assessment of the need for incentives,  
216 including but not limited to, shared energy costs savings, to encourage  
217 agencies and agency personnel to conserve energy;

218 (4) Options for conventional and innovative financing for energy  
219 conservation measures in state buildings;

220 (5) Identification of obstacles to the development of an energy  
221 conservation program for state buildings or to the implementation of  
222 the pilot program conducted under section 16a-39a, including but not  
223 limited to, any state procedures which affect the ability of an agency to  
224 engage in energy management or shared energy costs savings  
225 agreements; and

226 (6) The purchasing and leasing of energy-efficient buildings by the  
227 state.

228 (c) Within available appropriations, (1) the secretary may hire  
229 consultants to provide technical assistance to the task force and (2) the  
230 Department of Public Works shall, upon request of the secretary,  
231 provide technical assistance to the task force in analyzing capital  
232 projects.

233 (d) The task force shall, not later than January fifteenth, annually,  
234 submit to the General Assembly a report on its findings and  
235 recommendations and the progress achieved in implementing the pilot  
236 energy management program conducted under said section 16a-39a.

237 On and after October 1, 1996, the report shall be submitted to the joint  
238 standing committee of the General Assembly having cognizance of  
239 matters relating to energy and, upon request, to any member of the  
240 General Assembly. A summary of the report shall be submitted to each  
241 member of the General Assembly if the summary is two pages or less  
242 and a notification of the report shall be submitted to each member if  
243 the summary is more than two pages. Submission shall be by mailing  
244 the report, summary or notification to the legislative address of each  
245 member of the committee or the General Assembly, as applicable.]

246 The Secretary of the Office of Policy and Management shall convene  
247 periodic meetings, to be held at least once every twelve months, to  
248 discuss opportunities for energy savings by the state. Such meetings  
249 shall consist of the secretary, or the secretary's designee, and  
250 representatives from each state agency that the secretary determines to  
251 be among the ten agencies that consumed the greatest amount of  
252 energy during the previous twelve months.

253 Sec. 7. (Effective October 1, 2003) Sections 16a-36, 16a-36a, 16a-37d  
254 and 16a-37e of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>

***PRI***      *Joint Favorable*  
***ET***        *Joint Favorable*  
***GAE***       *Joint Favorable*  
***LM***        *Joint Favorable*