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## SENATE BILL NO. 1127

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend and reenact § 2.2-4346 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1111.1 and by adding in Chapter 11 of Title 2.2 an article numbered 8, consisting of sections numbered 2.2-1182 through 2.2-1185, relating to state energy efficiency programs.

Patron—Petersen

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:**

1. That § 2.2-4346 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-1111.1 and by adding in Chapter 11 of Title 2.2 an article numbered 8, consisting of sections numbered 2.2-1182 through 2.2-1185, as follows:

§ 2.2-1111.1. Purchases of sustainable energy.

A. As used in this section:

"Biomass" means power obtained by the conversion of any of the following into electricity: (i) nontoxic plant matter consisting of agricultural crops or their byproducts, urban wood waste, mill residue, slash, or brush; (ii) animal wastes and products of animal wastes; and (iii) methane produced at landfills or as a by-product of the treatment of wastewater residuals.

"Geothermal power" means power obtained by the conversion of heat from geothermal reserves in the earth's crust into electricity.

"Solar power" means power obtained by the conversion of solar radiation into electricity by heat engine or photovoltaic means.

"Sustainable energy" means electricity generated or derived from solar power, wind power, geothermal power, or biomass.

"Wind power" means power obtained by the conversion of wind energy into electricity through the use of wind turbines that are located and designed to minimize damage to Virginia's natural, cultural, and scenic resources.

B. The Division shall ensure that purchases of electricity by or for the departments, agencies, or institutions of the Commonwealth shall consist of not less than the percentage of sustainable energy prescribed for the specified calendar year, as follows:

1. For years 2010 through 2013, five percent;
2. For years 2014 through 2016, 10 percent;
3. For years 2017 through 2019, 15 percent; and
4. For year 2020 and subsequent years, 20 percent.

C. In calculating the percentage of electricity purchased by or for the departments, agencies, or institutions of the Commonwealth that is sustainable energy, there shall be excluded any purchases of non-sustainable electricity made pursuant to binding commitments to purchase such energy under contracts that were executed prior to April 1, 2009.

D. The Division shall establish procedures for verifying that purchases of electricity by or for the departments, agencies, or institutions of the Commonwealth comply with the requirements of this section.

E. The Division shall report annually to the Governor and the General Assembly. The report shall include at a minimum:

1. The extent to which electricity purchases by or for the departments, agencies, or institutions of the Commonwealth consist of sustainable energy;
2. The difference, if any, in the cost of purchasing sustainable energy compared to the costs that would have been incurred had such electricity been purchased from conventional sources based on purchasing practices that antedated the requirements of this section; and
3. Recommendations for program improvements.

Article 8.

Green Buildings Act.

§ 2.2-1182. Definitions.

As used in this article:

"Green Building design standards" means the energy performance standards of the U.S. Green Building Council's Leadership in Energy and Environmental Design building rating system or equivalent energy performance standards that provide for the use of Virginia forest products.

INTRODUCED

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59 *"Major facility project" means (i) a state-owned facility over 5,000 gross square feet in size or (ii) a*  
60 *renovation of a state-owned facility over 5,000 gross square feet in size if the value of the renovation*  
61 *exceeds 50 percent of the assessed building value.*

62 *§ 2.2-1183. Building standards; exemption.*

63 *A. Any state agency authorized by the General Assembly to undertake a major facility project located*  
64 *on state-owned land, shall build to Green Building design standards, unless granted an exemption by*  
65 *the Director of the Department of General Services. Such projects shall not be required to obtain*  
66 *official Green Building design certification.*

67 *B. The provisions of this article shall not apply to any construction project of a public school*  
68 *district.*

69 *§ 2.2-1184. Administration; monitoring.*

70 *A. The Department of General Services shall adopt such regulations as are necessary to enforce this*  
71 *article. Such regulations shall include criteria for determining when a project qualifies for an exemption*  
72 *from the Green Building design standard and the building standards that may be imposed on projects*  
73 *that are granted exemptions.*

74 *B. The Department shall monitor and document ongoing operating savings that result from major*  
75 *facility projects designed and constructed consistent with Green Building design standards.*

76 *C. The Director shall evaluate requests for exemptions in consultation with the Secretary of Natural*  
77 *Resources.*

78 *§ 2.2-1185. Report.*

79 *On or before December 1 of each year, the Department shall provide to the Governor and the*  
80 *General Assembly (i) a description of projects granted exemptions from Green Building design*  
81 *standards, (ii) the reasons for exemptions, and (iii) recommendations for changes in policy.*

82 *§ 2.2-4346. Other exemptions for certain transactions.*

83 *The following public bodies may enter into contracts as provided in this section.*

84 *A. Contracts for certain essential election materials and services are exempted from the requirements*  
85 *of Articles 1 (§ 2.2-4300 et seq.), 2 (§ 2.2-4303 et seq.), and 5 (§ 2.2-4357 et seq.) of this chapter*  
86 *pursuant to § 24.2-602.*

87 *B. Any local school board may authorize any of its public schools or its school division to enter into*  
88 *contracts providing that caps and gowns, photographs, class rings, yearbooks and graduation*  
89 *announcements will be available for purchase or rental by students, parents, faculty or other persons*  
90 *using nonpublic money through the use of competitive negotiation as provided in this chapter;*  
91 *competitive sealed bidding is not necessarily required for such contracts. The Superintendent of Public*  
92 *Instruction may provide assistance to public school systems regarding this chapter and other related*  
93 *laws.*

94 *C. The Virginia Racing Commission may designate an entity to administer and promote the Virginia*  
95 *Breeders Fund created pursuant to § 59.1-372 without competitive procurement.*

96 *D. The Governor or his designee may authorize any state agency to enter into a contract through the*  
97 *use of competitive negotiation as provided in this chapter where he finds that the contract will improve*  
98 *the efficiency of the state agency's use of electricity or natural gas or will result in net savings in the*  
99 *state agency's expenditures on electricity or natural gas.*