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SENATE BILL NO. 963

Senate Amendments in [] - February 11, 2020

A BILL to amend the Code of Virginia by adding a section numbered 2.2-604.2 and by adding in Chapter 24 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2496 through 2.2-2499.2, relating to energy efficiency; Commonwealth Efficient and Resilient Buildings Board.

Patron Prior to Engrossment—Senator Surovell

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-604.2 and by adding in Chapter 24 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2496 through 2.2-2499.2, as follows:

§ 2.2-604.2. Designation of officials; energy manager.

A. The head of each state agency shall designate [~~an existing~~ a qualified senior] employee, known as an energy manager, who shall be responsible for implementing improvements to state buildings to reduce greenhouse gas emissions and improve energy efficiency and climate change resiliency.

B. The energy manager shall

1. Maintain a list of the facilities owned and leased by his agency, including buildings and interior spaces. Such list shall indicate energy usage and any prior energy audit or energy saving performance contract.

2. [~~Enter~~ In accordance with guidance to be issued by the Department of Mines, Minerals and Energy, ensure that, for his agency,] energy and water consumption and building-related information [are entered] into the ENERGY STAR Portfolio Manager account [or other designated energy management system] for any building or facility over 5,000 square feet, beginning with the largest facilities not yet accounted for, as follows:

a. By January 1, 2021, five percent of agency facilities;

b. By January 1, 2022, 20 percent of agency facilities;

c. By January 1, 2023, 45 percent of agency facilities;

d. By January 1, 2024, 70 percent of agency facilities; and

e. By January 1, 2025, [~~100 percent~~ 80 percent or greater] of agency facilities.

3. By January 1, 2021 or as each utility account is established, whichever is later, coordinate with the Department of Mines, Minerals and Energy (DMME) and the Commonwealth Efficient and Resilient Buildings Board (the Board) to link utility accounts to the state portfolio master account and to provide to DMME and the Board access to such ENERGY STAR Portfolio Manager account.

4. On an ongoing basis, identify priority buildings and spaces for energy audits or energy saving performance contracts. In determining priorities, the energy manager may consider how energy usage may be reduced and the feasibility of installing energy saving or on-site renewable energy systems.

5. Provide to DMME the priority building list on an annual basis.

Article 28.**Commonwealth Efficient and Resilient Buildings Board.****§ 2.2-2496. The Commonwealth Efficient and Resilient Buildings Board; purpose.**

The Commonwealth Efficient and Resilient Buildings Board (the Board) is established as an advisory board in the executive branch of state government.

The purpose of the Board is to advise the Governor, the Virginia Public Building Authority, and all state agencies, departments, authorities, institutions of higher learning, and political subdivisions on accelerating improvements to state buildings to reduce greenhouse gas emissions and improve energy efficiency and climate change resiliency, including energy and water efficiency retrofits, microgrids, district energy systems, renewable energy generation, energy storage projects, and other upgrades.

§ 2.2-2497. Membership; terms; quorum; meetings.

The Board shall have a total membership of [~~14~~ 14] members that shall consist of [~~three~~ six] nonlegislative citizen members and eight ex officio members. Nonlegislative citizen members shall be appointed by the Governor [; ~~upon consideration of the recommendation of the Virginia Public Building Authority, if any~~ with two members representing energy efficiency advocacy organizations, two members representing energy services companies, and two members representing high-performing building specialists] . The Directors of the Departments of General Services, Mines, Minerals and Energy, and Planning and Budget, or their designees; the Secretaries of Education, Finance, and Natural Resources, or their designees; the Special Assistant to the Governor for Coastal Adaptation and Protection; and the

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59 *Chairman of the Virginia Public Building Authority shall serve ex officio with voting privileges.*
60 *Nonlegislative citizen members of the Board shall be citizens of the Commonwealth.*

61 *Ex officio members of the Board shall serve terms coincident with their terms of office.*

62 *Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.*
63 *Vacancies shall be filled in the same manner as the original appointments. All members may be*
64 *reappointed.*

65 *The Board shall elect a chairman and vice-chairman from among its membership. A majority of the*
66 *members shall constitute a quorum. The meetings of the Board shall be held at the call of the chairman*
67 *or whenever the majority of the members so request.*

68 **§ 2.2-2498. Compensation; expenses.**

69 *Members shall receive such compensation for the performance of their duties as provided in*
70 *§ 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the*
71 *performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of*
72 *compensation and expenses of the members shall be provided by the Department of Mines, Minerals and*
73 *Energy.*

74 **§ 2.2-2499. Powers and duties of the Board.**

75 *The Board shall have the power and duty to:*

76 *1. Develop building portfolio goals for each agency. Such goals shall align with the most current*
77 *statewide clean energy and greenhouse gas emission targets as may be set by the Governor, established*
78 *in state plans, or by other legislative act. Such goals may include energy use intensity reduction, total*
79 *energy use reduction, total water use reduction, greenhouse gas emission reduction, renewable energy*
80 *production, and others. [Such goals may be revised from time to time.]*

81 *2. Adopt guidance for lifecycle cost analysis of existing buildings and their potential improvements,*
82 *including the cost of any carbon emissions.*

83 *3. Identify needs for technical guidance, standard contracts, or other resources needed for agencies*
84 *to implement improvement projects.*

85 *4. [Recommend training and additional staff, including budgetary needs, for agency energy*
86 *managers to support progress toward agency goals.*

87 *5.] Submit an annual report to the Governor and the General Assembly for publication as a report*
88 *document as provided in the procedures of the Division of Legislative Automated Systems for the*
89 *processing of legislative documents and reports. The chairman of the Board shall submit to the*
90 *Governor and the General Assembly an annual executive summary of the interim activity and work of*
91 *the Board no later than the first day of each regular session of the General Assembly. The executive*
92 *summary shall be submitted for publication as a report document as provided in the procedures of the*
93 *Division of Legislative Automated Systems for the processing of legislative documents and reports and*
94 *shall be posted on the General Assembly's website.*

95 *Beginning with the third annual progress report, each agency shall be given a scorecard to assess*
96 *progress on achieving efficiency and resiliency across the buildings they own, lease, or occupy.*

97 **§ 2.2-2499.1. Staffing.**

98 *The Department of Mines, Minerals and Energy shall provide staff support to the Board. All*
99 *agencies of the Commonwealth shall provide assistance to the Board, upon request.*

100 **§ 2.2-2499.2. Sunset.**

101 *This article shall expire on July 1, 2030.*