**South Carolina General Assembly**

120th Session, 2013-2014

**A150, R159, H3592**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Sandifer and Loftis

Document Path: l:\council\bills\nbd\11094vr13.docx

Introduced in the House on February 21, 2013

Introduced in the Senate on May 28, 2013

Last Amended on March 19, 2014

Passed by the General Assembly on April 2, 2014

Governor's Action: April 7, 2014, Signed

Summary: Energy Independence and Sustainable Construction Act of 2007

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/21/2013 House Introduced and read first time ([House Journal‑page 9](file:///H:\HJ%20Archive\2013\02-21-13.docx))

2/21/2013 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 9](file:///H:\HJ%20Archive\2013\02-21-13.docx))

4/11/2013 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 32](file:///H:\HJ%20Archive\2013\04-11-13.docx))

4/15/2013 Scrivener's error corrected

4/17/2013 House Requests for debate‑Rep(s). JE Smith, Cobb‑Hunter, Sandifer, Funderburk, Lowe, Neal, Bernstein, Jefferson, Ott, Govan, Munnerlyn, Parks, Gambrell, Sabb, Long, Powers Norrell, Ridgeway, Weeks, RL Brown, Brannon, Allison, Williams, Whipper, Hosey, Gilliard, Mack, Forrester, Goldfinch, HA Crawford, Hardwick, Bedingfield, Nanney, Loftis, GR Smith, Robinson‑Simpson, Bowers, Pope ([House Journal‑page 59](file:///H:\HJ%20Archive\2013\04-17-13.docx))

5/15/2013 House Debate adjourned until Thur., 5‑16‑13 ([House Journal‑page 23](file:///H:\HJ%20Archive\2013\05-15-13.docx))

5/23/2013 House Amended ([House Journal‑page 43](file:///H:\HJ%20Archive\2013\05-23-13.docx))

5/23/2013 House Read second time ([House Journal‑page 43](file:///H:\HJ%20Archive\2013\05-23-13.docx))

5/23/2013 House Roll call Yeas‑70 Nays‑40 ([House Journal‑page 45](file:///H:\HJ%20Archive\2013\05-23-13.docx))

5/23/2013 House Unanimous consent for third reading on next legislative day ([House Journal‑page 46](file:///H:\HJ%20Archive\2013\05-23-13.docx))

5/24/2013 House Read third time and returned to Senate with amendments ([House Journal‑page 4](file:///H:\HJ%20Archive\2013\05-24-13.docx))

5/24/2013 Scrivener's error corrected

5/28/2013 Senate Introduced and read first time ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2013\05-28-13.docx))

5/28/2013 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2013\05-28-13.docx))

3/13/2014 Senate Committee report: Favorable with amendment **Agriculture and Natural Resources** ([Senate Journal‑page 8](file:///H:\SJ%20Archive\2014\03-13-14.docx))

3/14/2014 Scrivener's error corrected

3/19/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 31](file:///H:\SJ%20Archive\2014\03-19-14.docx))

3/20/2014 Scrivener's error corrected

3/26/2014 Senate Read second time ([Senate Journal‑page 53](file:///H:\SJ%20Archive\2014\03-26-14.docx))

3/26/2014 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 53](file:///H:\SJ%20Archive\2014\03-26-14.docx))

3/27/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 21](file:///H:\SJ%20Archive\2014\03-27-14.docx))

4/2/2014 House Concurred in Senate amendment and enrolled ([House Journal‑page 102](file:///H:\HJ%20Archive\2014\04-02-14.docx))

4/2/2014 House Roll call Yeas‑96 Nays‑0 ([House Journal‑page 103](file:///H:\HJ%20Archive\2014\04-02-14.docx))

4/3/2014 Ratified R 159

4/7/2014 Signed By Governor

4/9/2014 Effective date See Act for Effective Date

4/14/2014 Act No. 150

**VERSIONS OF THIS BILL**

[2/21/2013](file:///p:\pprever\2013-14\3592_20130221.docx)

[4/11/2013](file:///p:\pprever\2013-14\3592_20130411.docx)

[4/15/2013](file:///p:\pprever\2013-14\3592_20130415.docx)

[5/1/2013](file:///p:\pprever\2013-14\3592_20130501.docx)

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[3/20/2014](file:///p:\pprever\2013-14\3592_20140320.docx)

(A150, R159, H3592)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 48‑52‑825, 48‑52‑827, AND 48‑52‑865 SO AS TO REQUIRE THE STATE TO ADOPT CURRENT ENERGY EFFICIENCY AND ENVIRONMENTAL RATING SYSTEMS FOR CERTAIN STATE‑FUNDED BUILDING PROJECTS AND PROMULGATE REGULATIONS, TO LIMIT THE USE OF RATING CREDITS OR POINTS, AND TO CREATE THE ENERGY INDEPENDENCE AND SUSTAINABLE CONSTRUCTION ADVISORY COMMITTEE AND PROVIDE FOR ITS MEMBERSHIP AND DUTIES; TO AMEND SECTION 48‑52‑810, RELATING TO DEFINITIONS, SO AS TO CHANGE THE DEFINITION OF “BOARD”; AND TO AMEND SECTION 48‑52‑830, RELATING TO CERTIFICATION STANDARDS FOR CERTAIN STATE‑FUNDED BUILDING PROJECTS, SO AS TO CHANGE CERTIFICATION CRITERIA.**

Be it enacted by the General Assembly of the State of South Carolina:

**Adoption of current facility energy efficiency rating systems**

SECTION 1. Article 8, Chapter 52, Title 48 of the 1976 Code is amended by adding:

“Section 48‑52‑825. (A)(1)(a) The board shall automatically adopt by reference the most current editions of the rating systems developed by Green Building Initiative and U.S. Green Building Council’s Leadership in Energy and Environmental Design used for certification pursuant to this article. Upon adoption, the most current edition of the rating system shall be used for certification purposes under this article. Provided, however, that the most current edition of the rating system shall be subject to regulations concerning that edition of the rating system when promulgated pursuant to item (2).

(b) In the event that two rating systems from the same organization have been adopted by reference and are effective concurrently for certification purposes, then either rating system may be utilized to certify projects as required pursuant to this article. The latter of the two rating systems to be adopted by reference pursuant to subitem (a) shall be deemed to be the most current edition of the rating system for purposes of review and regulation pursuant to subsection (B).

(2) The board shall refer new or updated rating systems to the Energy Independence and Sustainable Construction Advisory Committee for consideration pursuant to Section 48‑52‑865(B) immediately upon the release of the new or updated rating system and prior to the rating system’s effective date. After receiving the advisory committee’s recommendations, the board shall promulgate regulations to amend the rating system under consideration to remove specific provisions, provided that the recommended amendments would not so alter the rating system as to render certification under the rating system impossible. If the advisory committee does not make a recommendation within the time period prescribed in Section 48‑52‑865(B)(2) the board, upon consultation with the State Engineer, shall proceed with promulgating regulations as provided in this item.

(B) The regulations promulgated pursuant to subsection (A) must provide that the rating systems provide certification credits for, preference for, and promotes building materials or furnishings, including, but not limited to, wood grown in this State, and masonry, plastics, concrete, steel, textiles, and wood that are manufactured or produced within the State. The regulations promulgated may not place at a disadvantage building materials or furnishings that are manufactured or produced within the State.

Section 48‑52‑827. A major facility project, as defined in Section 48‑52‑810(10), requesting third‑party certification shall not be allowed to seek a rating credit or point for building product disclosure and optimization credit that requires material ingredient reporting; and, the language would apply to any subsequent editions of rating systems developed by the Green Building Initiative, the U.S. Green Building Council’s Leadership in Energy and Environmental Design, or third‑party certification initiatives.”

**Energy Independence and Sustainable Construction Advisory Committee, creation, membership, duties**

SECTION 2. Article 8, Chapter 52, Title 48 of the 1976 Code is amended by adding:

“Section 48‑52‑865. (A)(1) There is established the Energy Independence and Sustainable Construction Advisory Committee. The committee shall consist of thirteen members, ten of which shall be appointed by the Governor for terms of four years until their successors are appointed and qualified. The committee shall be composed of the following:

(a) the State Engineer, or his designee, who shall serve as chairman;

(b) the Director of the State Energy Office, or his designee;

(c) the Director of the Department of Health and Environmental Control, or his designee;

(d) one member recommended by the Association of General Contractors;

(e) two members recommended by the Commission on Higher Education, one of which shall be appointed from either a research university or a comprehensive teaching institution and one of which shall be appointed from either a regional two‑year campus of the University of South Carolina or a technical college;

(f) one member recommended by the South Carolina Manufacturer’s Alliance;

(g) one member recommended by the American Chemistry Council;

(h) one member recommended by the South Carolina Chapter of the American Institute of Architects;

(i) one member recommended by the South Carolina Forestry Association;

(j) one member recommended by the South Carolina Council of Engineering and Surveying Societies;

(k) one member recommended by the South Carolina Chapter of the American Society of Heating, Refrigerating and Air Conditioning Engineers; and

(l) one member recommended by the conservation community.

(2) When making appointments to the committee, the Governor shall appoint members that have subject area expertise related to the design, engineering, construction, operation, maintenance, management, energy management, or growing or manufacturing products used in major facility projects certified under this article.

(B)(1) The committee shall:

(a) review and analyze all rating systems referred to it by the board pursuant to Section 48‑52‑825;

(b) closely monitor the development of new rating systems, or updates to existing rating systems, to expedite review and analysis of the new or updated rating systems pursuant to subitem (a);

(c) review and analyze rating systems in use concerning the rating systems’ effectiveness in meeting the goals set forth in Section 48‑52‑820;

(d) make recommendations to the State Engineer concerning the promulgation of regulations concerning rating systems referred to it by the board pursuant to Section 48‑52‑825;

(e) report to the board concerning the effectiveness of current rating systems in meeting the goals set forth in Section 48‑52‑820; and

(f) develop and implement a methodology by which the cost‑benefit ratio of the rating systems may be measured so that the State may consider the return on its investment for projects subject to this chapter.

(2) The committee shall make recommendations to the board concerning the promulgation of regulations relating to rating systems referred to it by the board pursuant to Section 48‑52‑825 no later than thirty days after the referral. The thirty day review time shall commence on the day of referral.

(C)(1) The committee shall meet as soon as practicable after being referred new rating systems pursuant to Section 48‑52‑820.

(2) Except as provided in item (1), the committee shall meet quarterly, or more frequently as necessary upon the call of the chair or a majority of the membership.

(3) Seven members constitutes a quorum to transact committee business.

(D) Vacancies on the committee shall be filled in the manner of the original appointment.

(E) Members of the committee shall not receive per diem, mileage, and subsistence as provided by law for members of boards, commissions, and committees.”

**Definition, revised**

SECTION 3. Section 48‑52‑810(1) of the 1976 Code, as added by Act 88 of 2007, is amended to read:

“(1) ‘Board’ means the State Fiscal Accountability Authority’s governing board.”

**Certification standards for a major facility project**

SECTION 4. Section 48‑52‑830(A)(2) of the 1976 Code, as added by Act 88 of 2007, is amended to read:

“(2) In obtaining certification as receiving two globes using the Green Globes Rating System, a major facility project must earn at least twenty percent of the available points for energy performance under ‘C.1.1 Energy Consumption’. In obtaining certification as meeting the LEED Silver standard, a major facility project must earn at least forty percent of the available points for energy performance under ‘EA Credit: Optimize Energy Performance’. The Office of State Engineer may waive the requirements of this item for a proposed major facility project should it determine that the costs of meeting this item are not economically feasible. The Office of State Engineer shall notify the board of the reason for the issuance of a waiver.”

**Time effective**

SECTION 5. SECTION 3 of this act takes effect July 1, 2015. All other provisions contained in this act take effect upon approval by the Governor.

Ratified the 3rd day of April, 2014.

Approved the 7th day of April, 2014.

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