COMMITTEE REPORT

April 22, 2009

**S. 9**

Introduced by Senators McConnell, Leventis, Rose, Elliott, Massey, Peeler, Bright and Setzler

S. Printed 4/22/09--H.

Read the first time March 11, 2009.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 9) to amend Chapter 52, Title 48, Code of Laws of South Carolina, 1976, relating to energy efficiency, by adding Article 12, so as to establish energy efficiency, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking subsection (F) of Section 48‑52‑900 of the 1976 Code as contained in SECTION 1 and inserting:

/(F) For the purposes of this chapter, ‘state agency’ means any state government agency subject to the State Procurement Code. For state institutions of higher learning, this definition shall apply only to those facilities greater than ten thousand gross square feet and shall not include those facilities whose function is defined as athletics or research. /

Amend the bill further, as and if amended, by striking Section 48‑52‑910 of the 1976 Code, as contained in SECTION 1 and inserting:

/ Section 48‑52‑910. (A) For the procurement of energy for use within state‑owned buildings, each state agency must adopt the following goals for energy consumption sourced from renewable energy resources:

(1) two and a one‑half percent by 2015;

(2) five percent by 2020; and

(3) ten percent by 2025.

(B) The procurement goals specified in subsection (A) must be met by participation in green power purchasing programs offered by the agency’s incumbent electric utility or by the production of on site, state owned renewable energy generation.

(C) An agency occupying a state‑owned building shall annually report to the State Energy Office on forms provided by that office the agency’s efforts and progress under this section. The State Energy Office shall provide assistance and information to the agency to help the agency meet the goals set under this section for each state‑owned building and shall report annually on each state agency’s progress toward reaching the goals specified in subsection (A).

(D) For the purposes of this chapter, ‘renewable energy’ means energy as defined in the federal Energy Policy Act of 2005, 42 U.S.C. Section 15852(b)(2). /

Amend the bill further, as and if amended, by striking Section 48‑52‑940 of the 1976 Code, as contained in SECTION 1, and inserting:

/ Section 48‑52‑940. (A) Each agency must consider reductions of its energy, water, and wastewater use, and must implement recommended conservation measures to the degree the agency determines that the measures are cost effective. An audit may be performed by internal or external auditors, or by an energy services company in the manner provided in Section 48‑52‑670. Audit results and recommendations shall be included in the report to the State Energy Office pursuant to Section 48‑52‑900(B).

(B) Each agency must comply with this section by July 1, 2011./

Renumber sections to conform.

Amend title to conform.

JEFF D. DUNCAN for Committee.

**A** **BILL**

TO AMEND CHAPTER 52, TITLE 48, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENERGY EFFICIENCY, BY ADDING ARTICLE 12, SO AS TO ESTABLISH ENERGY EFFICIENCY AND RENEWABLE ENERGY GOALS FOR STATE GOVERNMENT, TO DIRECT STATE AGENCIES TO PROCURE ENERGY EFFICIENT PRODUCTS, AND TO DIRECT EVERY STATE AGENCY HEAD TO REQUIRE THE REPLACEMENT OF ALL INCANDESCENT LIGHT BULBS WITH COMPACT FLUORESCENT LIGHT BULBS IN EACH STATE AGENCY BY JULY 1, 2011.

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

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

“Article 12

State Government Energy Efficiency

and Renewable Energy Goals

Section 48‑52‑900. (A) Every state agency shall establish a goal to reduce energy consumption by at least one percent each year beginning July 1, 2009, with an ultimate goal of reducing energy consumption by twenty percent by the year 2020, relative to year 2000 levels. In pursuit of these goals, each state agency shall implement all cost‑effective, energy efficiency measures. The provisions of this section do not apply to a building designed, constructed, or rehabilitated, and maintained in compliance with the Energy Independence and Sustainable Construction Act of 2007.

(B) Every state agency annually shall report the agency’s efforts and progress under this section to the State Energy Office, on forms provided by that office. The State Energy Office must provide assistance and information to the agency to help it meet the goals set under this section.

(C) A state agency that does not attain the goals must include in the report justification that the agency has implemented all available cost‑effective, energy efficiency measures. An agency that submits a report indicating it has already implemented all available cost‑effective measures is exempt from the annual reporting requirement of subsection (B) if a subsequent report would indicate no change in status. A state agency must provide notice to the State Energy Office that it is exempt.

(D) The State Energy Office must report annually to the General Assembly on each agency’s progress toward the goals specified in this section.

(E) Energy consumption includes, but is not limited to, energy produced from electricity, natural gas, fuel oil, and propane. Energy consumption shall be measured using BTU’s per gross square foot.

(F) For the purposes of this chapter, ‘state agency’ means any state government agency subject to the State Procurement Code. For state institutions of higher learning, this definition shall apply only to those facilities greater than ten thousand gross square feet and shall not include those facilities whose function is defined as athletics, housing, or research.

Section 48‑52‑910. (A) For the procurement of energy for use within state‑owned buildings, each state agency must adopt the following goals for energy consumption sourced from renewable energy resources:

(1) one percent by 2010;

(2) two and a half percent by 2015;

(3) five percent by 2020;

(4) ten percent by 2025.

(B) The procurement goals specified in subsection (A) must be met by participation in green power purchasing programs offered by the agency’s incumbent electric utility or by the production of on‑site, state‑owned renewable energy generation.

(C) An agency occupying a state‑owned building shall annually report to the State Energy Office on forms provided by that office the agency’s efforts and progress under this section. The State Energy Office shall provide assistance and information to the agency to help the agency meet the goals set under this section for each state‑owned building and will report annually on each state agency’s progress toward reaching the goals specified in subsection (A).

(D) For the purposes of this chapter, ‘renewable energy’ means energy as defined in the federal Energy Policy Act of 2005, 42 U.S.C. Section 15852(b)(2).

Section 48‑52‑920. State agencies must purchase equipment and appliances for state use that meet or exceed the Energy Star standards designated by the United States Environmental Protection Agency and the United States Department of Energy. The State Energy Office may grant waivers to this requirement if it determines that equipment and Energy Star appliances are not available and cost effective.

Section 48‑52‑930. (A) Every state agency head must require the agency’s procurement officer, or other state employee authorized to purchase supplies for the agency, to replace an incandescent light bulb in the state agency with a compact fluorescent light bulb, or any other product of equal or better performance, when the incandescent bulb needs to be replaced, and if the agency determines use of a compact fluorescent bulb is more cost effective over a five‑year period than use of an incandescent bulb. A state agency may purchase incandescent bulbs for the agency if the agency verifies, in writing, that compelling circumstances require the use of incandescent bulbs.

(B) Each agency must comply with this section by July 1, 2011.

Section 48-52-940. Each agency must consider an audit of its energy, water, and wastewater use, and must implement recommended conservation measures to the degree the agency determines that the measures are cost effective. An audit may be performed by internal or external auditors, or by an energy services company in the manner provided in Section 48-52-670. Audit results and recommendations should be included in the report to the South Carolina Energy Office pursuant to Section 48‑52‑900(B).”

SECTION 2. This act takes effect upon approval by the Governor.

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