H. 4766

Introduced by Reps. Lowe, Merrill, Crawford, Ballentine, Cobb-Hunter, Hagood, Harrell, Limehouse, E.H. Pitts, Scarborough, Spires, Young, Brady, R. Brown and Mulvaney

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Read the first time April 30, 2008.
A BILL

TO AMEND SECTION 48-52-620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENERGY CONSERVATION PLANS FOR STATE AGENCIES, SO AS TO PROVIDE SPECIFIC ENERGY CONSUMPTION REDUCTION GOALS AND REPORTING REQUIREMENTS, TO PROVIDE AN EXEMPTION FROM ANNUAL REPORTING REQUIREMENTS FOR AN AGENCY IMPLEMENTING ALL AVAILABLE, COST-EFFECTIVE ENERGY CONSERVATION MEASURES, AND TO DEFINE THE TERM “ENERGY CONSUMPTION”; TO AMEND SECTION 48-52-640, RELATING TO PURCHASE OF ENERGY CONSERVATION PRODUCTS BY A STATE AGENCY, SO AS TO PROVIDE THAT THE STATE ENERGY OFFICE MAY CERTIFY FOR PROCUREMENT ONLY A PRODUCT THAT MEETS OR EXCEEDS FEDERAL ENERGY STAR STANDARDS, AND TO REQUIRE REPLACEMENT OF AN INCANDESCENT LIGHT BULB USED BY A STATE AGENCY WITH A COMPACT FLUORESCENT BULB WHEN THE INCANDESCENT BULB NEEDS REPLACING, AMONG OTHER THINGS.

Amend Title To Conform

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

SECTION 1. Section 48-52-620 of the 1976 Code is amended to read:

“Section 48-52-620. (A)(1) Each state agency and public school district shall submit for approval to the State Energy Office an energy conservation plan and energy conservation goals, including energy consumption goals for buildings in use on July 1, 2008, with a goal to reduce energy consumption by at least one..."
percent annually for five consecutive years beginning July 1, 2008. The plan also must have a goal of ultimately reducing energy consumption for buildings in use on July 1, 2008, by twenty percent by July 1, 2020, relative to year 2000 levels. An agency shall implement all available cost-effective energy-saving measures to pursue these goals. In determining whether an energy-saving method is cost effective, an agency should primarily consider the measure’s cost effectiveness over a five-year period rather than within one fiscal year. The State Energy Office shall provide agency assistance and information needed to help meet these goals.

(2) 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) In order to monitor energy consumption, the State Energy Office must determine those state buildings which require individual metering. Metering must be installed by the agency, the cost of which must be borne by the agency responsible for the utility bill for the building.

(C)(1) Each state agency and public school district annually shall submit periodic energy conservation reports in the manner and at such the times as required by the State Energy Office.

(2) An agency that does not attain the annual reduction goals required by this section shall include in its report a detailed justification that it implemented all available, cost-effective energy conservation methods.

(3) An agency that submits a report indicating it has implemented all available, cost-effective energy-saving measures as contemplated in subsection (A) is exempt from these reporting requirements for a year in which a subsequent report would indicate no status change. The agency must notify the State Energy Office that the agency is exempt under this item.

(D) Each public school district and state agency shall submit to the State Energy Office and each state agency shall include in its annual report to the State Budget and Control Board:

(1) activities undertaken implementing its energy conservation plan; and

(2) progress made in achieving its energy conservation goals.

(E) The State Energy Office shall compile the reports submitted pursuant to subsection (C) to be submitted annually, no later than December thirty-first, to the General Assembly. The
State Energy Office shall provide suggested formats for plans and
goals that must be submitted pursuant to subsection (A), reporting
forms for reports required by subsection (C), and all technical
assistance necessary for state agencies and school districts to
satisfy the requirements of these subsections.

(F) For purposes of this article:

(1) ‘Energy consumption’ includes, but is not limited to,
electricity, natural gas, fuel oil, and propane. Energy consumption
must be measured using BTU’s for each gross square foot.

(2) ‘State agency’ means a state government agency subject
to the procurement code. For state institutions of higher learning,
this definition only applies to those facilities greater than ten
thousand gross square feet and does not include those facilities
whose function is defined as athletics or research. For state
technical colleges, this definition does not apply to those facilities
whose primary function is to provide technical training and
education in programs where significant energy consumption is
necessary for the conduct of the academic program.”

SECTION 2. Section 48-52-640 of the 1976 Code is amended to
read:

“A 48-52-640. (A) A vendor of energy conservation
products making an energy conservation claim and attempting to
sell to state government shall submit the product to the State
Energy Office for evaluation and certification.

(B) Only Energy conservation products certified by the State
Energy Office may be purchased by a state agency subject to the
state procurement code, but only if the State Energy Office
considers use of the energy conservation product more cost
efficient than an uncertified product over a five-year period. The
State Energy Office may certify only a product that meets or
exceeds the Federal Energy Star standards designed by the United
States Environmental Protection Agency and the United States
Department of Energy.

(C) A state agency shall submit a disclaimer
statement to the State Energy Office with its annual report
stating that they did not purchase any energy conservation
products that had not been certified by the State Energy
Office.

(D) Each state agency head shall require the agency’s
procurement officer or other person authorized to purchase
supplies for the agency to replace an incandescent light bulb used
by the agency with a compact fluorescent bulb 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.”

SECTION 3. A. (1) There is created the Wind Energy Production Farms Feasibility Study Committee. This committee shall review, study, and make recommendations regarding the feasibility of windmill farms in the State including, but not limited to, whether South Carolina is a suitable site for wind production on land or in offshore areas, the economic and environmental impact to the State, and the cost of wind farm installation and operation in the State.

(2) The committee is composed of:

(a) two members of the public at-large appointed by the Governor;

(b) two members of the Senate appointed by the President Pro Tempore;

(c) two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(d) one member of the Senate appointed by the Chairman of the Senate Committee on Agriculture and Natural Resources;

(e) one member of the House of Representatives appointed by the Chairman of the House Committee on Agriculture, Natural Resources, and Environmental Affairs;

(f) the Director of the State Energy Office of the Budget and Control Board, or his designee;

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

(h) The Secretary of the Department of Commerce, or his designee.

(3) At the first meeting of the committee, the members shall elect a chairperson from among the committee members.

(4) A vacancy occurring on the committee must be filled in the same manner as the original appointment.

(5) The staffing for the committee must be provided by the State Energy Office and the appropriate committees of the Senate and House of Representatives that oversee energy policy in the State.
(6) The committee shall submit its report to the General Assembly and Governor before January 1, 2010, at which time the Wind Energy Production Farms Feasibility Study Committee is abolished.

B. Notwithstanding any other provision of this act, this section takes effect upon approval by the Governor.

SECTION 4. This act takes effect upon approval by the Governor.