

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 1199

Short Title: Energy Efficiency in Bldgs. if State Funded. (Public)

Sponsors: Representatives Harrison, Underhill, Fisher (Primary Sponsors); Harrell, Insko, and Martin.

Referred to: Energy and Energy Efficiency, if favorable, Appropriations.

April 8, 2009

A BILL TO BE ENTITLED
AN ACT TO EXTEND THE STANDARDS GOVERNING ENERGY EFFICIENCY AND
WATER USE FOR MAJOR FACILITY CONSTRUCTION AND RENOVATION
PROJECTS INVOLVING STATE, UNIVERSITY, AND COMMUNITY COLLEGE
BUILDINGS TO MAJOR FACILITY CONSTRUCTION AND RENOVATION
PROJECTS INVOLVING BUILDINGS OF PUBLIC SCHOOL DISTRICTS AND ANY
OTHER ENTITIES THAT RECEIVE FUNDING IN EXCESS OF A TOTAL OF
TWENTY THOUSAND DOLLARS FOR THE PROJECT IN ANY STATE CAPITAL
BUDGET.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-135.35 reads as rewritten:

"§ 143-135.35. Findings; legislative intent.

The General Assembly finds that public buildings can be built and renovated using sustainable, energy-efficient methods that save money, reduce negative environmental impacts, improve employee and student performance, and make employees and students more productive. The main objectives of sustainable, energy-efficient design are to avoid resource depletion of energy, water, and raw materials; prevent environmental degradation caused by facilities and infrastructure throughout their life cycle; and create buildings that are livable, comfortable, safe, and productive. It is the intent of the General Assembly that State-owned buildings and buildings of The University of North Carolina and the North Carolina Community College ~~System-System~~, public school districts, and other entities that receive in excess of twenty thousand dollars (\$20,000) total funding for the project from State capital budgets be improved by establishing specific performance standards for sustainable, energy-efficient public buildings. These performance standards should be based upon recognized, consensus standards that are supported by science and have a demonstrated performance record. The General Assembly also intends, in order to ensure that the economic and environmental objectives of this Article are achieved, that State agencies, The University of North Carolina, and the North Carolina Community College ~~System-System~~, public school districts, and other entities that receive in excess of twenty thousand dollars (\$20,000) total funding for the project from State capital budgets determine whether the performance standards are met for major facility construction and renovation projects, measure utility and maintenance costs, and verify whether these standards result in savings. Also, it is the intent of the General Assembly to establish a priority to use North Carolina-based resources, building materials, products, industries, manufacturers, and businesses to provide economic development to North Carolina and to meet the objectives of this Article."

SECTION 2. G.S. 143-135.36(7) reads as rewritten:



1 "(7) "Public agency" means every State office, officer, board, department, and
2 commission and institutions of higher ~~education~~education, public school
3 district, or any other entity that receives in excess of twenty thousand dollars
4 (\$20,000) total funding for the project from State capital budgets."

5 **SECTION 3.** G.S. 143-135.36 is amended by adding a new subdivision to read:

6 "(8) "Public school district" means a local school administrative unit eligible to
7 receive appropriations from the State Public School Fund."

8 **SECTION 4.** G.S. 115C-521(c) reads as rewritten:

9 "(c) The building of all new school buildings and the repairing of all old school
10 buildings shall be under the control and direction of, and by contract with, the board of
11 education for which the building and repairing is done. If a board of education is considering
12 building a new school building to replace an existing school building, the board shall not invest
13 any construction money in the new building unless it submits to the State Superintendent and
14 the State Superintendent submits to the North Carolina Historical Commission an analysis that
15 compares the costs and feasibility of building the new building and of renovating the existing
16 building and that clearly indicates the desirability of building the new building. No board of
17 education shall invest any money in any new building until it has (i) developed plans based
18 upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the
19 State Board for its review and comments, and (iii) reviewed the plans based upon a
20 consideration of the comments it receives from the State Board. No local board of education
21 shall contract for more money than is made available for the erection of a new building.
22 However, this subsection shall not be construed so as to prevent boards of education from
23 investing any money in buildings that are being constructed pursuant to a continuing contract of
24 construction as provided for in G.S. 115C-441(c). All contracts for buildings shall be in writing
25 and all buildings shall be inspected, received, and approved by the local superintendent and the
26 architect before full payment is made therefor. Nothing in this subsection shall prohibit boards
27 of education from repairing and altering buildings with the help of janitors and other regular
28 employees of the board.

29 ~~In the design and construction of new school buildings and in the renovation of existing~~
30 ~~school buildings that are required to be designed by an architect or engineer under~~
31 ~~G.S. 133 1.1, the local board of education shall participate in the planning and review process~~
32 ~~of the Energy Guidelines for School Design and Construction that are developed and~~
33 ~~maintained by the Department of Public Instruction and shall adopt local energy use goals for~~
34 ~~building design and operation that take into account local conditions in an effort to reduce the~~
35 ~~impact of operation costs on local and State budgets.~~The design and construction of new school
36 facilities and the repair and renovation of existing school facilities shall comply with the design
37 and construction requirements regarding energy efficiency and water use in the Sustainable
38 Energy-Efficient Buildings Program under Article 8C of Chapter 143 of the General Statutes.
39 In the design and construction of new school facilities and in the repair and renovation of
40 existing school facilities, the local board of education shall consider the placement and design
41 of windows to use the climate of North Carolina for both light and ventilation in case of power
42 shortages. A local board shall also consider the installation of solar energy systems in the
43 school facilities whenever practicable.

44 In the case of any school buildings erected, repaired, or equipped with any money loaned or
45 granted by the State to any local school administrative unit, no board of education shall invest
46 any money until it has (i) developed plans based upon a consideration of the State Board's
47 facilities guidelines, (ii) submitted these plans to the State Board for its review and comments,
48 and (iii) reviewed the plans based upon a consideration of the comments it receives from the
49 State Board."

50 **SECTION 5.** This act is effective when it becomes law. Section 1 and Section 2 of
51 this act apply to every major facility construction project, as defined in G.S. 143-135.36, and

1 every major facility renovation project, as defined in G.S. 143-135.36, of a public school
2 district, as defined in G.S. 143-135.36, and of an entity that receives in excess of twenty
3 thousand dollars (\$20,000) total funding for the construction or renovation project from State
4 capital budgets when the project has not entered the schematic design phase prior to the
5 effective date of this act.