

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH50529-LB-272 (03/26)

Short Title: Energy to Commerce; OEO to Energy.

(Public)

Sponsors: Representative Bryant.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE AND TO TRANSFER THE OFFICE OF ECONOMIC OPPORTUNITY FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The State Energy Office is transferred from the Department Administration to the Department of Commerce. This transfer shall have all of the elements of a Type I transfer, as defined in G.S. 143A-6.

**SECTION 1.(b)** G.S. 143-345.18(a) reads as rewritten:

"(a) For the purposes of this Part, the Department of ~~Administration, Commerce,~~ State Energy Office, is designated as the lead State agency in matters pertaining to energy efficiency."

**SECTION 1.(c)** G.S. 143-64.17H reads as rewritten:

"§ 143-64.17H. **Report on guaranteed energy savings contracts entered into by State governmental units.**

A State governmental unit that enters into a guaranteed energy savings contract must report the contract and the terms of the contract to the State Energy Office of the Department of ~~Administration-Commerce~~ within 30 days of the date the contract is entered into. In addition, within 60 days after each annual anniversary date of a guaranteed energy savings contract, the State governmental unit must report the status of the contract to the State Energy Office, including any details required by the State Energy Office. The State Energy Office shall compile the information for each fiscal year and report it to the Joint Legislative Commission on Governmental Operations and to the Local Government Commission annually by December 1. In compiling the information, the State Energy Office shall include information on the energy savings expected to be realized from a contract and shall evaluate whether expected savings have in fact been realized."

**SECTION 1.(d)** G.S. 143-64.17F reads as rewritten:

"§ 143-64.17F. **State agencies to use contracts when feasible; rules; recommendations.**

(a) State governmental units shall evaluate the use of guaranteed energy savings contracts in reducing energy costs and may use those contracts when feasible and practical.

(b) The Department of ~~Administration, Commerce,~~ through the State Energy Office, shall adopt rules for: (i) agency evaluation of guaranteed energy savings contracts; (ii) establishing time periods for consideration of guaranteed energy savings contracts by the Office



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1 of State Budget and Management, the Office of the State Treasurer, and the Council of State,  
2 and (iii) setting measurements and verification criteria, including review, audit, and  
3 precertification. Prior to adopting any rules pursuant to this section, the Department shall  
4 consult with and obtain approval of those rules from the State Treasurer.

5 (c) The Department of ~~Administration, Commerce~~, through the State Energy Office,  
6 may provide to the Council of State its recommendations concerning any energy savings  
7 contracts being considered."

8 **SECTION 1.(e)** G.S. 143-64.12(a) reads as rewritten:

9 "(a) The Department of ~~Administration~~ Commerce through the State Energy Office shall  
10 develop a comprehensive program to manage energy, water, and other utility use for State  
11 agencies and State institutions of higher learning and shall update this program annually. Each  
12 State agency and State institution of higher learning shall develop and implement a  
13 management plan that is consistent with the State's comprehensive program under this  
14 subsection to manage energy, water, and other utility use. The energy consumption per gross  
15 square foot for all State buildings in total shall be reduced by twenty percent (20%) by 2010  
16 and thirty percent (30%) by 2015 based on energy consumption for the 2002-2003 fiscal year.  
17 Each State agency and State institution of higher learning shall update its management plan  
18 annually and include strategies for supporting the energy consumption reduction requirements  
19 under this subsection. Each community college shall submit to the State Energy Office an  
20 annual written report of utility consumption and costs."

21 **SECTION 1.(f)** G.S. 143-64.11(2a) reads as rewritten:

22 "**§ 143-64.11. Definitions.**

23 For purposes of this Article:

24 ...

25 (2a) "Energy Office" means the State Energy Office of the Department of  
26 ~~Administration, Commerce~~.

27 ...."

28 **SECTION 1.(g)** G.S. 143-58.4(a)(4) reads as rewritten:

29 "(a) As used in this section:

30 ...

31 (4) "Department" means the Department of ~~Administration, Commerce~~.

32 ...."

33 **SECTION 1.(h)** G.S. 143-58.4(c) reads as rewritten:

34 "(c) Adopt Rules. – The Secretary of ~~Administration~~ Commerce shall adopt rules as  
35 necessary to implement this section."

36 **SECTION 1.(i)** The Office of Economic Opportunity is transferred from the  
37 Department of Health and Human Services to the Energy Office of the Department of  
38 Commerce, which was transferred to that Department by Section 1 of this act. This transfer  
39 shall have all of the elements of a Type I transfer, as defined in G.S. 143A-6.

40 **SECTION 2.(a)** Part 34A of Article 3 of Chapter 143B of the General Statutes is  
41 recodified as Part 21 of Article 10 of Chapter 143B of the General Statutes, and  
42 G.S. 143B-216.72A through G.S. 143B-216.72A are recodified as G.S. 143B-472.121 through  
43 G.S. 143B-472.123.

44 **SECTION 2.(b)** G.S. 143B-216.72B, as recodified as G.S. 143B-472.122 by this  
45 section, reads as rewritten:

46 "**§ 143B-472.122. Definitions.**

47 The following definitions apply to this Part:

48 (1) Applicant. – A member of the family residing in the dwelling unit, the  
49 owner, or designated agent of the owner of a dwelling unit applying for  
50 program services.

51 (2) Department. – The Department of ~~Health and Human Services, Commerce~~.

- 1           (3)     Secretary. – The Secretary of ~~Health and Human Services~~. Commerce.
- 2           (4)     Subgrantee. – An entity managing a weatherization project that receives a
- 3                 federal grant of funds awarded pursuant to 10 C.F.R. § 440 (1 January 2006
- 4                 edition) from this State or other entity named in the Notification of Grant
- 5                 Award and otherwise referred to as the grantee.
- 6           (5)     Weatherization. – The modification of homes and home heating and cooling
- 7                 systems to improve heating and cooling efficiency by caulking and weather
- 8                 stripping, as well as insulating ceilings, attics, walls, and floors."
- 9     **SECTION 3.** This act becomes effective July 1, 2009.