

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1481

Short Title: Energy to Commerce; OEO to Energy. (Public)

Sponsors: Representatives Bryant and Harrison (Primary Sponsors).

Referred to: State Government/State Personnel, if favorable, Appropriations.

April 13, 2009

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 of State Budget and Management, the Office of the State Treasurer, and the Council of State, and (iii) setting measurements and verification criteria, including review, audit, and



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1 precertification. Prior to adopting any rules pursuant to this section, the Department shall
2 consult with and obtain approval of those rules from the State Treasurer.

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

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

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

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

20 **"§ 143-64.11. Definitions.**

21 For purposes of this Article:

22 ...

23 (2a) "Energy Office" means the State Energy Office of the Department of
24 ~~Administration, Commerce.~~

25"

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

27 "(a) As used in this section:

28 ...

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

30"

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

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

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

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

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

44 **"§ 143B-472.122. Definitions.**

45 The following definitions apply to this Part:

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

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

50 (3) Secretary. – The Secretary of ~~Health and Human Services, Commerce.~~

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