

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH80252-LD-20 (2/3)

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

Sponsors: Representative Harrison.

Referred to:

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."



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

2 "(7) "Public agency" means every State office, officer, board, department, and
3 commission and institutions of higher ~~education~~education, public school
4 district, or any other entity that receives in excess of twenty thousand dollars
5 (\$20,000) total funding for the project from State capital budgets."

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

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

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

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

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

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

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