

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10273-MK-155 (03/23)

Short Title: NC Energy and Water Efficient Schools Act.

(Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE ENERGY-EFFICIENT AND WATER-EFFICIENT SCHOOLS
3 ACT.

4 Whereas, there are no standards or benchmarks setting minimum values required
5 with respect to school building energy and water-use performance when local school
6 administrative units plan energy audits or upgrade, renovate, or construct facilities; and

7 Whereas, the lack of standards and benchmarks leads to a failure to provide goals to
8 meet and a failure to establish a means by which to verify performance among school facility
9 management and design professionals; and

10 Whereas, K-12 local school administrative units through the United States
11 collectively spent approximately \$46,000,000,000 annually, adjusted to 2014 values, on
12 maintenance and operations from 1994 to 2013, representing a 29% increase within the time
13 period, and this spending included utility costs, including electricity, heating, cooling, water,
14 telecommunications, refuse, and recycling; building security; and labor, material, and contract
15 services for custodial, grounds keeping, and maintenance; and

16 Whereas, maintenance and operations spending represents a major component of
17 annual costs to local school administrative units, averaging 10% of annual operating budgets
18 from 1994 to 2013; and

19 Whereas, local school administrative units can reduce costs and increase fiscal
20 efficiency by using integrated teams for designing new buildings, upgrading existing facilities,
21 and utilizing next-generation renewable energy technology and water conservation technology,
22 thereby reducing annual utility costs related to water and energy usage; Now, therefore,
23 The General Assembly of North Carolina enacts:

24 **SECTION 1.** G.S. 115C-521(c) reads as rewritten:

25 "(c) The building of all new school buildings and the repairing of all old school
26 buildings shall be under the control and direction of, and by contract with, the board of
27 education for which the building and repairing is done. If a board of education is considering
28 building a new school building to replace an existing school building, the board shall not invest
29 any construction money in the new building unless it submits to the State Superintendent and
30 the State Superintendent submits to the North Carolina Historical Commission an analysis that
31 compares the costs and feasibility of building the new building and of renovating the existing
32 building and that clearly indicates the desirability of building the new building. No board of
33 education shall invest any money in any new building until it has (i) developed plans based
34 upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the
35 State Board for its review and comments, and (iii) reviewed the plans based upon a
36 consideration of the comments it receives from the State Board. No local board of education



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1 shall contract for more money than is made available for the erection of a new building.
2 However, this subsection shall not be construed so as to prevent boards of education from
3 investing any money in buildings that are being constructed pursuant to a continuing contract of
4 construction as provided for in G.S. 115C-441(c). All contracts for buildings shall be in writing
5 and all buildings shall be inspected, received, and approved by the local superintendent and the
6 architect before full payment is made therefor. Nothing in this subsection shall prohibit boards
7 of education from repairing and altering buildings with the help of janitors and other regular
8 employees of the board.

9 In the design and construction of new school buildings and in the renovation of existing
10 school buildings that are required to be designed by an architect or engineer under
11 G.S. 133-1.1, the local board of education shall participate in the planning and review process
12 of the Energy Guidelines for School Design and Construction that are developed and
13 maintained by the Department of Public Instruction and shall adopt local energy-use goals for
14 building design and operation pursuant to G.S. 115C-524.5 that take into account local
15 conditions in an effort to reduce the impact of operation costs on local and State budgets. In the
16 design and construction of new school facilities and in the repair and renovation of existing
17 school facilities, the local board of education shall consider the placement and design of
18 windows to use the climate of North Carolina for both light and ventilation in case of power
19 shortages. A local board shall also consider the installation of solar energy systems in the
20 school facilities whenever practicable.

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

27 **SECTION 2.** Article 37 of Chapter 115C of the General Statutes is amended by
28 adding a new section to read:

29 **"§ 115C-524.5. Energy efficiency and renewable energy standards.**

30 (a) Purpose. – The purpose of this section is to establish a database of information
31 concerning energy and water usage by public schools, to use the database for the purpose of
32 establishing goals to reduce overall energy and water usage by public schools, and to provide a
33 mechanism for loans to local school administrative units for projects that will increase energy
34 and water efficiencies.

35 (b) Database. – On or before January 31 of each year, local school administrative units
36 and charter schools established pursuant to G.S. 115C-218.5 shall report to the Department of
37 Public Instruction the amount of energy and water used at each building during the previous
38 calendar year. Entities required to report under this subsection shall measure and report usage
39 using a management portfolio tool created by the United States Environmental Protection
40 Agency and the United States Department of Energy and, if available, bearing the international
41 Energy Star service mark.

42 (c) Publication. – On or before March 1 of each year, the Department of Public
43 Instruction shall collate and publish the data reported pursuant to subsection (b) of this section,
44 categorizing the information in at least the following ways: (i) local school administrative unit
45 in which the building is located, (ii) age of building, (iii) grade or grades served by the
46 building, and (iv) size of the building. The publication shall, for each building, also provide the
47 year of construction, any year in which a major renovation was completed, and any year in
48 which an energy audit was performed.

49 (d) Benchmarks. – Local school administrative units shall use the publication required
50 in subsection (c) of this section in the following ways:

- 1 (1) Using the most recent two years of published data to establish energy and
2 water efficiency improvement goals for facility operations and maintenance.
3 (2) Using the goals set forth in subdivision (1) of this subsection to set minimum
4 efficiency requirements for all new construction and major renovations
5 performed on school facilities.

6 (e) Financing. – To the extent permitted by federal law, a county that has established a
7 revolving loan fund pursuant to G.S. 153A-455 may use the fund to provide loans to local
8 school administrative units for qualifying uses. Applications for a loan shall be made on a form
9 developed by the Department of Public Instruction in conjunction with the counties that have
10 established the revolving loan fund. The Department of Public Instruction shall work with local
11 school administrative units in applying for a loan from the revolving loan fund. For purposes of
12 this section, "qualifying uses" includes acquisitions for new construction and major renovation
13 projects that meet federal programmatic requirements and the minimum benchmark
14 requirements of section (d) of this section, energy modeling fees, performance contracting,
15 infrastructure supporting electric or hybrid-electric buses, and buses powered by electricity or
16 compressed natural gas."

17 **SECTION 3.** Article 14A of Chapter 115C of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 115C-218.36. Report on school building energy and water usage.**

20 Each charter school shall submit an annual report on energy and water usage of a school
21 building to the Department of Public Instruction pursuant to G.S. 115C-524.5."

22 **SECTION 4.** This act is effective when it becomes law and applies beginning with
23 the 2017-2018 school year.