AN ACT

RELATING TO PUBLIC BUILDINGS; REALIZING COST SAVINGS THROUGH ENERGY EFFICIENCY STANDARDS FOR CERTAIN NEW PUBLIC BUILDINGS AND CERTAIN ADDITIONS AND RENOVATIONS TO EXISTING PUBLIC BUILDINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. ENERGY EFFICIENCY STANDARDS FOR PUBLIC BUILDINGS.--

A. As used in this section:

(1) "department" means the energy, minerals and natural resources department;

(2) "new building" means a building to be constructed that is designed with a square footage of three thousand or more square feet;

(3) "selected building addition" means an

.180239.6

1   addition to a building that increases the square footage of the

2   building by three thousand or more square feet; and

3   (4)   "selected building renovation" means a

4   renovation of a building that includes upgrade or replacement

5   of at least two of the following:

6   (a)   heating, ventilation and air

7   conditioning systems;

8   (b)   electrical systems, including

9   lighting systems; and

10   (c)   the components that separate the

11   interior and the exterior environments of a building and serve

12   to protect the indoor environment and facilitate climate

13   control.

14   B.   Except as provided in Subsection E of this

15   section, a new building, selected building addition or selected

16   building renovation that is financed to any extent with

17   legislative appropriations of state general fund revenues,

18   severance tax bond proceeds, supplemental severance tax bond

19   proceeds or state general obligation bond proceeds shall be

20   designed and constructed to:

21   (1)   achieve a minimum delivered energy

22   performance standard of fifty percent or less of the national

23   average energy consumption for that type of building as shown

24   in the latest edition of the buildings energy data book,

25   published by the office of energy efficiency and renewable

.180239.6

1   energy of the United States department of energy, or, if the

2   buildings energy data book is no longer published, as shown in

3   an alternative source specified by rule of the department; and

4   (2)   attain the energy star qualification of

5   the United States environmental protection agency, or an

6   alternative, equivalent standard specified by rule of the

7   department.

8   C.   To assist in meeting the energy consumption

9   goals established in Subsection B of this section, a building

10   owner shall:

11   (1)   evaluate the cost-effectiveness of

12   alternate designs in order to identify the most energy

13   efficient design that is cost-effective for the life cycle of

14   the owner's building; and

15   (2)   track building energy consumption, cost

16   data and greenhouse gas emissions annually using the United

17   States environmental protection agency's portfolio manager or

18   an equivalent interactive energy management tool approved by

19   the department.

20   D.   The department shall promulgate rules necessary

21   to carry out the provisions of this section, provided that

22   rules relating to public school facilities shall be promulgated

23   in conjunction with the public school facilities authority.

24   Pursuant to those rules, the building owner shall submit to the

25   department, and the department shall review, documentation to

.180239.6

demonstrate the accomplishment of the energy reduction

requirements of this section, including the following

information:

(1) an energy savings goal that the building

owner shall determine by one of the following methods:

(a) using the United States

environmental protection agency's interactive target finder for

the applicable type of building;

(b) if the type of building is not

included in the target finder, using the public buildings

energy consumption survey data, produced by the United States

energy information administration, as a base line and

multiplying the base line by fifty percent; or

(c) for a facility with multiple

building types, a goal for each building type shall be

determined separately pursuant to Subparagraph (a) or (b) of

this paragraph and combined to determine the overall energy

goal for the facility;

(2) an energy model certified by a building's

design engineer of record that shall be used to verify that the

building is designed to achieve the energy consumption goal;

(3) a survey of energy efficiency upon

completion of the new building, selected building addition or

selected building renovation; and

(4) energy consumption and cost data, as

.180239.6

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1   calculated pursuant to the United States environmental

2   protection agency's portfolio manager or an equivalent

3   interactive energy management tool approved by the department.

4   E.   The requirements of this section do not apply

5   to:

6   (1)   a new building, a selected building

7   addition or a selected building renovation for which the

8   initial legislative appropriation is made prior to January 1,

9   2011;

10   (2)   a new building, a selected building

11   addition or a selected building renovation for which, in the

12   department's opinion, substantial design expenditures have been

13   made prior to July 1, 2010;

14   (3)   a selected building addition to an

15   existing building or a selected building renovation to an

16   existing building if the existing building is listed in the

17   state register of cultural properties of the national register

18   of historic places; or

19   (4)   a new building, selected building addition

20   or selected building renovation if the department determines

21   that the costs of compliance with the requirements of this

22   section would exceed the estimated life-cycle savings of the

23   building, addition or renovation.

24   - 5 -

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.180239.6