

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 15, 2008 in Room 423-S of the Capitol.

All members were present except:

Senator Bruce

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department

Jason Thompson, Revisor of Statutes

Matt Todd, Revisor of Statutes

Adrienne Halpin, Committee Assistant

Conferees appearing before the committee:

Chris Tymeson, Kansas Department of Wildlife and Parks

Tony DeRossett, Farmers and Hunters Feeding the Hungry

Others attending:

See attached list.

Raney Gilliland commenced the meeting with an overview of **SB 475** which changes references to an organization currently called the Kansas Farmers and Hunters Feeding the Hungry (KFHFH) to the Kansas Hunters Feeding the Hungry, Inc.

Chris Tymeson, Chief Council, Kansas Department of Wildlife and Parks (KDWP), testified in favor of the bill (Attachment 1) stating that KDWP plays a support role to Tony DeRossett who serves as the state chair of KFHFH. Mr. Tymeson stated that KDWP does not anticipate any issues arising from this change. Mr. Tymeson stood for questions.

Tony DeRossett, who has chaired the KFHFH for eight years, also spoke in favor of the bill. Mr. DeRossett stated that, although the program has expanded from the state to national level, the leadership structure has remained the same causing several chapters across the country to form separate entities as new needs or concepts of the organization arose. Mr. DeRossett's organization is now in this same transition process. Mr. DeRossett stood for questions.

Chair McGinn closed the hearing on **SB 475** and opened the hearing on **SB 474** which concerns permits for controlled shooting areas.

Chris Tymeson spoke in favor of **SB 474** (Attachment 2) stating that the bill seeks to amend two statutes concerning controlled shooting areas. The amendments are intended to address a double regulation which occurs in the limited circumstance of field trials conducted on controlled shooting areas. Mr. Tymeson stood for questions.

Chair McGinn closed the hearing on **SB 474**.

Raney Gilliland presented the Committee with previously requested information concerning State activities and energy efficiency (Attachment 3, 4, and 5).

The meeting adjourned at 9:30.



**Testimony on SB 475 regarding Kansas Hunters Feeding the Hungry, Inc  
To  
The Senate Committee on Natural Resources**

**By Christopher J. Tymeson  
Chief Legal Counsel  
Kansas Department of Wildlife and Parks**

**15 February 2008**

SB 475 seeks to amend three statutes related to Farmers and Hunters Feeding the Hungry. The provisions of the bill would be effective on publication in the statute book. **The Department supports the provisions contained in SB 475.**

SB 475 would amend three statutes related to Farmers and Hunters Feeding the Hungry and change the statutes to reflect the name of a new entity formed by Mr. Tony DeRossett. Mr. DeRossett has served as the state chair of FHFH since its inception and assisted the Department numerous times on issues of mutual concern. The Department anticipates no issues will arise as a result of these changes.

The Department appreciates the opportunity to address the bill and the support of the Committee in making these modifications to the statutes.

**Testimony on SB 474 regarding Field Trial Permits  
On Controlled Shooting Areas  
To  
The Senate Committee on Natural Resources**

**By Christopher J. Tymeson  
Chief Legal Counsel  
Kansas Department of Wildlife and Parks**

**15 February 2008**

SB 474 seeks to amend two statutes related to field trial permits and controlled shooting areas. The provisions of the bill would be effective on publication in the statute book. **The Department supports the provisions contained in SB 474 and requested introduction of the bill.**

SB 474 would amend K.S.A. 32-919 and K.S.A. 32-954 to allow field trials to be conducted on controlled shooting areas during the upland game bird season for controlled shooting areas without the necessity of a field trial permit. Currently, a field trial permit is required to conduct activities that would otherwise be lawful if the participants didn't call the activity a field trial. The Department considers this limited situation a form of double regulation as the boundaries of the CSA are posted already and it is a known location where activities are conducted outside of wild game bird seasons. It takes time away from already limited department personnel to process field trial permits and confirm their existence as well as requires processing time for permits on the part of applicants conducting these activities. Conversely, under these proposed changes and limited situations, the field trial participants would be required to have either a regular hunting license or a controlled shooting area hunting license.

The Department appreciates the opportunity to address the bill and the support of the Committee in making these modifications to the statutes.

Energy Conservation Matrix: Six Comparisons

Design Standards	Specific Reductions or Conservation Practices	Monitoring and Reporting
<b>Arizona, Legislation</b>		
<p>The department of commerce shall adopt energy conservation standards for all new capital projects, including buildings for school districts, community college districts, and universities. The standards shall be consistent with the recommended energy conservation standards of ASHRAE and IECC.</p>	<p>The department of administration, the Arizona board of regents, and the department of transportation shall reduce energy use in public building they administer by 10 percent per square foot of floor area by 7/1/08, and by 15 percent per square foot of floor area by 7/1/11. Fiscal year 2002 is the baseline year.</p>	<p>The state energy office shall do the following:</p> <ul style="list-style-type: none"> <li>• provide technical assistance to the 3 agencies required to reduce energy use,</li> <li>• monitor the agencies' compliance, and</li> <li>• report to the legislature by July 1 of each year on the level of compliance and the reasons for any failure to achieve required reductions.</li> </ul>
<b>Federal Energy Policy Act of 2005</b>		
<p>The Secretary shall establish, by rule, revised energy efficiency performance standards that require the following:</p> <ul style="list-style-type: none"> <li>• If life-cycle cost-effective for new Federal buildings                             <ul style="list-style-type: none"> <li>▸ the buildings must be designed to achieve energy consumption levels that are at least 30 percent below the levels established in ASHRAE 90.1-2004 or IECC 2004, as appropriate, and sustainable design principles must be applied to the siting, design, and construction of all new and replacement buildings.</li> <li>▸ If water is used to achieve energy efficiency, water conservation technologies must be applied to the extent that the technologies are life-cycle cost-effective.</li> </ul> </li> <li>• Within 1 year after each subsequent revision of the ASHRAE standard or the IECC is approved, the Secretary shall determine, based on cost-effectiveness, whether the federal requirements should be updated.</li> </ul>		<p>In annual budget requests and in reports submitted under the National Energy Conservation Policy Act, the head of each federal agency shall include:</p> <ul style="list-style-type: none"> <li>• a list of all new federal buildings owned, operated, or controlled by the Federal agency, and</li> <li>• a statement specifying whether the Federal buildings meet or exceed the revised standards under this Act.</li> </ul>
<b>Louisiana, 2007 legislation</b>		
<p>Each major facility project must be designed, constructed, and certified to exceed the requirements of the state energy code by at least 30 percent where it is determined by the office of facility planning and control that this is cost effective based on a life-cycle cost analysis with a payback of no more than 30 years.</p> <p>Major facility projects are defined as follows:</p> <ul style="list-style-type: none"> <li>• State-funded new construction projects larger than                             <ul style="list-style-type: none"> <li>▸ 20,000 gross square feet from the effective date of the Act through 12/31/08</li> <li>▸ 15,000 gross square feet during CY09</li> <li>▸ 10,000 gross square feet during CY10</li> <li>▸ 5,000 gross square feet as of 1/1/11 and thereafter</li> </ul> </li> <li>• State-funded renovation projects that involve more than 50 percent of the replacement value of the facility or a change in occupancy</li> </ul>		<p>A professional engineer shall certify that the project's systems for heating, ventilation, air conditioning, energy conservation, and water conservation are installed and working properly to ensure the project performs according to the intent of its environmental design and operational objectives.</p>

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North Carolina, 2007 Legislation		
<p>All major facility projects of public agencies shall be designed, constructed and certified to at least a 30 percent greater energy efficiency than the standard under ASHRAE 90.1-2004 (20 percent for major renovations). In addition, for new construction the water systems shall be designed to use at least 20 percent less potable water than the baseline calculated for the building under the state's 2006 plumbing code. Outdoor potable water or harvested groundwater consumption shall be reduced by at least 50 percent over that consumed by conventional means through efficient landscape materials and irrigation strategies, including water reuse and recycling.</p> <p>If the Department of Administration, public agency, and the design team determine the ASHRAE 90.1-2004 standard is not practicable for the project, the State Building Commission shall determine which standard shall be used for the project.</p> <p>Major facility projects are defined as:</p> <ul style="list-style-type: none"> <li>● construction projects larger than 20,000 gross square feet of occupied or conditioned space, or</li> <li>● renovations whose cost is greater than 50 percent of the insurance value and the size is greater than 20,000 gross square feet of occupied or conditioned space, and</li> <li>● whose construction is funded in whole or in part by the state.</li> </ul> <p>The Department of Administration shall :</p> <ul style="list-style-type: none"> <li>● develop policies to ensure State purchasing practices improve energy efficiency and take the cost of the product over its economic life</li> <li>● adopt and implement Building Energy Design Guidelines, which shall include energy-use goals and standards, economic assumptions for life-cycle cost analysis, and other criteria on building systems and technologies.</li> <li>● modify the design criteria for construction and renovation of State buildings and State institutions of higher learning buildings to require that a life-cycle cost analysis be conducted.</li> </ul> <p>A life-cycle cost analysis shall be commenced at the schematic design phase of the project, shall be updated or amended as needed at the design development phase, and shall be updated or amended again as needed at the construction document phase. A life-cycle cost analysis shall include, but not be limited to, all of the following elements:</p> <ul style="list-style-type: none"> <li>● the coordination, orientation, and positioning of the facility on its physical site</li> <li>● the amount and type of fenestration and the potential for daylighting employed</li> <li>● thermal characteristics of materials and the amount of insulation incorporated into the facility design</li> <li>● the variable occupancy and operating conditions of the facility, including illumination levels, and</li> <li>● architectural features that affect consumption of energy, water, and other utilities.</li> </ul>	<p>The Department of Administration shall develop a comprehensive plan to manage energy, water, and other utility use in State facilities. Each State agency and State institution of higher learning shall develop and implement a plan (consistent with the State's comprehensive plan) to manage energy, water, and other utility use. The energy consumption per gross square foot for all State buildings in total shall be reduced by 20 percent by 2010 and 30 percent by 2015, using FY04 as a baseline.</p> <p>The Department of Administration shall oversee implementation of a program whereby all of the following energy conservation measures shall be fully implemented no later than 12/31/09 in each building owned by the State, the University of North Carolina, or the North Carolina Community College System:</p> <ul style="list-style-type: none"> <li>● Lighting - installation of exit signs that use LED technology, replacement of incandescent light bulbs with compact fluorescent light bulbs, and where appropriate, installation of occupancy sensors or optical sensors</li> <li>● Water systems - installation of aerators in sink faucets that reduce flow to no more than five-tenths gallons per minute (0.5 g.p.m); installation of shower head that reduce water flow to no more than 1.5 g.p.m.; where appropriate, resetting hot water heaters to 120 degrees; training staff to monitor irrigation systems and base use of the system on the moisture content of the soil; and either eliminate use of potable water for irrigation or reduce water consumption in the building by 20 percent, based on consumption in FY03.</li> <li>● HVAC - ensure that replacement equipment is not oversized, and for buildings that have programmable automation systems, train staff to ensure they are properly programmed.</li> <li>● Minor equipment - minor motorized equipment due for replacement shall be replaced with equipment that has premium efficiency motors.</li> <li>● Other measures - Disconnect lamps in drink vending machines; use power save feature on computers, monitors, copiers, fax machines, and other office equipment; and purchase only Energy Star office equipment and appliances.</li> </ul>	<p>Measurement and verification activities shall be carried out for major facility projects. Building level owner's meters for electricity, natural gas, fuel oil, and water shall be installed. The public agency and the designers shall compare metered data from the first 12 months of building operation with the energy design targets and report performance to the State Construction Office. If the average energy or water consumption in the year following beneficial occupancy is 85 percent or less than the performance goals, parties including the designer, owner agency, and contractor shall investigate, determine the cause of the shortfall, and recommend corrections or modifications to meet the performance goals.</p> <p>The Department of Administration shall conduct an energy audit of each State agency or State institution of higher learning every 5 years.</p>



<p>Each State agency and State institution of higher learning performing a life-cycle cost analysis for construction or renovation of a facility shall, prior to selecting a design option or advertising for bids for construction, submit the life-cycle cost analysis to the Department for certification at the schematic design phase and again when it is updated or amended. The Department can require the agency or institution to complete additional analysis.</p>	<p>The Department of Administration shall identify and recommend energy conservation maintenance and operating procedures that are designed to reduce energy consumption and that require no significant expenditure of funds. Every State agency and State institution of higher learning shall implement these recommendations.</p>	
<p><b>Nevada, 2003 Legislation regarding schools</b></p>		
<p>The Legislature encourages:</p> <ul style="list-style-type: none"> <li>the Clark County school district <i>[which had been the subject of a statutory pilot project to replace school buildings]</i> to continue to construct and reconstruct school by using daylighting, multiple stories for buildings when appropriate, solar and other renewable energy sources, and other innovative building designs and plans to provide an effective and ideal learning environment for pupils.</li> <li>the remaining school districts throughout the state to establish plans to reconstruct older schools, including, without limitation, inner city schools, by using daylighting, multiple stories when appropriate, solar and other renewable energy sources, and other innovative building designs and plans to provide an effective and ideal learning environment for pupils.</li> </ul>		
<p><b>Texas, 2001 Legislation</b></p>		
<p>Energy efficiency programs are established for certain political subdivisions. Under this law, political subdivision means:</p> <ul style="list-style-type: none"> <li>any affected county</li> <li>any political subdivision in a non-attainment area or an affected area, other than a school district or a district that had total electricity expenses of less than \$200,000 in the previous fiscal year.</li> </ul> <p>[Note - as of 2007, 41 of the State's 254 counties were classified as "affected" or "non-attainment" areas with regard to air quality standards.]</p>	<p>Each political subdivision shall establish a goal to reduce the electric consumption by 5 percent each year for 5 years, beginning 1/1/02. If the goals are not attained, the subdivision must include in its annual report to the State Energy Conservation Office that it has implemented all available measures that meet the standards in the Local Government Code to reduce electricity consumption.</p>	<p>Each political subdivision shall report annually to the State Energy Conservation Office on its efforts and progress under this law.</p>

State and Authority	Planning Requirements and Guidelines	Applies To:					Conservation Practices	Applies To:					Oversight
		State	School Districts	Higher Education	Local Government			State	School Districts	Higher Education	Local Government		
Federal Energy Policy Act, 2005	Requires new Federal buildings to be designed 30% below ASHRAE standards or IECC, if the technologies are life cycle cost-effective.						<p>Extends the annual 2 percent reduction in energy useage goal for federal agencies to 2015, using 2003 as a baseline.</p> <p>Requires federal agencies to only purchase premium efficient electric motors, air conditioning, and refrigeration equipment.</p>						
Executive Order, 2007	Requires new construction and major renovation of agency buildings to comply with the Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings.						Sets total energy reduction goals for federal agencies of 3 percent per year, or 30 percent by 2015, using 2003 as a baseline. The goal includes electricity consumed by buildings as well as fuel consumed by fleets.						
Florida Legislation, 1974	Requires the use of energy efficient equipment and design in state buildings.	X											
Executive Order, 2007	Requires the Department of Management Services to strive to achieve "platinum" LEED standards in new buildings, and to earn LEED certification for existing buildings in all renovations.	X					Sets goals for greenhouse gas emission reductions by executive branch agencies. Targets are a 10 percent reduction from current levels by 2012, a 25 percent reduction by 2017, and a 40 percent reduction by 2025.	X					
	Requires agencies to lease space in buildings that meet ENERGY STAR standards.	X											
Hawaii Legislation, 2006	Requires state buildings to be constructed to meet the "silver" LEED standard, the "2 globe" rating in the Green Globes program, or an equivalent standard.	X					Requires state agencies to implement energy and water conservation practices, and to use life-cycle cost-benefit analysis to purchase energy efficient equipment	X					
Iowa Executive Order, 2005							Requires state agencies to reduce energy use by an average of 15 percent by 2010, using a 2000 baseline, and to purchase equipment with the lowest lifecycle cost.	X					
Kentucky Executive Order, 2005							As part of the ENERGY STAR challenge, the state intends to improve energy efficiency of state buildings by 10 percent.	X					The Utility Savings Council was created to evaluate agencies' energy costs and make recommendations.
Executive Order, 2006	Requires the Kentucky Department of Education to 1) assist school districts in designing schools that can be ENERGY STAR certified, and 2) request the Capital Planning Advisory Board to adopt guidelines incorporating energy efficiency in design and construction of all new government and public university buildings.	X	X	X									

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State and Authority	Planning Requirements and Guidelines	Applies To:					Conservation Practices	Applies To:					Oversight
		State	School Districts	Higher Education	Local Government	State		School Districts	Higher Education	Local Government			
<p><b>Louisiana</b> Legislation 2007</p> <p>Requires new construction and major renovations funded by the state to exceed requirements of the state energy code by 30 percent, if cost-effective based on a life cycle cost analysis with a payback of no more than 30 years.</p>	X												
<p><b>Maine</b> Executive Order, 2003</p> <p>Requires new and existing buildings to incorporate LEED standards if cost-effective.</p> <p>Legislation, 2004</p> <p>Requires design of new or renovated state buildings to consider energy efficiency, to include an energy-use target that exceeds standards for commercial buildings by at least 20 percent, and to include a life-cycle cost analysis over 30 years that addresses the cost-benefit of efficiency improvements.</p> <p>Executive Announcement, 2005</p>	X		X			As part of the ENERGY STAR Challenge, the state encourages building owners throughout the state to improve energy efficiency by 10 percent or more.					The state measures and tracks energy use and greenhouse gas emissions from government buildings and identifies the best ways to improve energy efficiency in those buildings.		
<p><b>Maryland</b> Legislation, 1990</p> <p>Requires the Department of General Services to consider energy efficient strategies in creating standards for determining a building's life-cycle costs. In determining life-cycle costs, an energy consumption analysis is required for each major piece of equipment in the chief energy-consuming systems.</p> <p>Executive Order, 2001</p> <p>Establishes a Green Buildings Council to create criteria, standards, and a numeric rating system, modelled on LEED standards and ENERGY STAR, to guide design and operations of new state facilities, and to the extent possible, renovations of state facilities and leased facilities.</p> <p>Legislation, 2006</p> <p>Allows construction of buildings that meet the "silver" LEED standard or an equivalent standard if it is fiscally prudent.</p>	X					Calls for a 10 percent reduction in energy use in state buildings by 2005 and 15 percent by 2010, relative to a 2000 baseline.	X						
<p><b>Massachusetts</b> Executive Order, 2007</p> <p>Requires new construction and major renovation projects to meet LEED certification and energy performance 20 percent better than required by Massachusetts Energy Code by 2012 and 35 percent by 2020.</p>	X	X		X									

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State and Authority	Planning Requirements and Guidelines	Applies To:					Conservation Practices	Applies To:					Oversight
		State	School Districts	Higher Education	Local Government	State		School Districts	Higher Education	Local Government			
<p><b>Michigan</b> Legislation, existing</p> <p>Requires all capital-outlay projects over \$1 million to be designed and constructed to meet LEED standards.</p> <p>Executive Order, 2005</p>	<p>Requires all capital-outlay projects over \$1 million to be designed and constructed to meet LEED standards.</p>		X		X		<p>Establishes energy reduction targets of 10 percent by 2008 and 20 percent by 2015, relative to a 2002 baseline. Requires the Division of Management and Budget to establish a number of systems and policies for improving energy efficiency in routine operations.</p>	X				<p>The Division of Management &amp; Budget must ensure all new construction and major renovation projects meet LEED standards and score a minimum of 26, including leased buildings when feasible. In addition, the Division must develop an analysis system for all buildings used by state employees</p>	
<p><b>Minnesota</b> Legislation, existing</p> <p>Requires new state construction to exceed the 2004 energy code by at least 30 percent.</p> <p>Executive Order, 2005</p> <p>Requires new construction to incorporate Minnesota Sustainable Guidelines and energy efficiency programs provided by utilities.</p>	<p>Requires new state construction to exceed the 2004 energy code by at least 30 percent.</p> <p>Requires new construction to incorporate Minnesota Sustainable Guidelines and energy efficiency programs provided by utilities.</p>		X			<p>As part of the ENERGY STAR Challenge, requires state agencies to improve energy efficiency in state buildings by 10 percent in the next year. To do so, they must keep heating temperatures below specified levels and cooling temperatures above certain temperatures.</p> <p>State Universities are encouraged to adopt energy-conservation measures.</p>		X		X			
<p><b>Nevada</b> Legislation</p> <p>Requires new construction to meet base level LEED standards or higher. Each biennium, at least 2 new buildings must meet or exceed the "silver" LEED standard, or equivalent.</p> <p>Requires analysis of life-cycle costs for new construction and renovations that exceed 20,000 square feet; the analysis must identify energy conservation measures with a payback of 10 years or less.</p> <p>Legislation, 2003</p> <p>Encourages school districts to use energy efficient strategies in renovation of older schools.</p>	<p>Requires new construction to meet base level LEED standards or higher. Each biennium, at least 2 new buildings must meet or exceed the "silver" LEED standard, or equivalent.</p> <p>Requires analysis of life-cycle costs for new construction and renovations that exceed 20,000 square feet; the analysis must identify energy conservation measures with a payback of 10 years or less.</p> <p>Encourages school districts to use energy efficient strategies in renovation of older schools.</p>	X				<p>Requires Executive Branch agencies to reduce grid-based energy purchases for state-owned buildings by 20 percent by 2015.</p>		X					
<p><b>New Hampshire</b> Executive Order, 2005</p> <p>Requires new construction and renovation to to exceed the state energy code by at least 20 percent.</p>	<p>Requires new construction and renovation to to exceed the state energy code by at least 20 percent.</p>					<p>As part of the ENERGY STAR Challenge, requires a 10 percent increase in energy efficiency in state-occupied buildings .</p>		X			<p>Each agency has a coordinator to oversee implementation of building design requirements. The Department of Administrative Services measures agencies' progress toward achieving the 10 percent increase in efficiency.</p>		

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State and Authority	Planning Requirements and Guidelines	Applies To:					Conservation Practices	Applies To:					Oversight
		State	School Districts	Higher Education	Local Government			State	School Districts	Higher Education	Local Government		
<b>New Jersey</b> Executive Order, 2002	Requires all new school designs to incorporate LEED guidelines and achieve a LEED score of 26 wherever possible, however LEED "certification" is not required.		X										The New Jersey Schools Construction Corporation is responsible for the project and the state's compliance with the order.
<b>New Mexico</b> Legislation, 2005						Requires development of a state plan for installation, by 2010, of energy efficiency measures in buildings. The cost of the plan must be covered by combined energy cost savings from renewable and energy efficiency measures.	X	X					
<b>Executive Order, 2006</b>	Requires new construction of buildings over 15,000 square feet or renovations involving replacement of more than 3 major systems to meet "silver" LEED standards. Projects between 5,000 - 15,000 square feet must meet certain energy performance standards, and all other new construction, renovations, repairs, and replacements must use cost-effective green building practices to the maximum extent possible.	X		X		Creates a task force to make recommendations to implement aggressive energy efficiency measures in all school buildings.			X				
<b>North Carolina</b> Legislation						Requires reduction in energy use of 20 percent by 2010 and 30 percent by 2015, relative to a 2003 baseline.			X				
<b>Legislation, 2007</b>	Requires new construction and renovations of buildings over 20,000 square feet to exceed ASHRAE standards by 30 percent for new buildings and 20 percent for renovations.	X		X		Requires a number of actions to reduce energy use in existing buildings by 12/31/07, including replacement of standard lighting in exit signs with LEDs, replacement of incandescent bulbs with compact fluorescent bulbs, installation of faucet aerators and low-flow shower heads, and review of replacement HVAC equipment to ensure it is properly sized.			X				
<b>Oregon</b> Legislation, 2001	Requires new construction to exceed the energy conservation provisions of the Oregon State building code by 20 percent or more.	X											
<b>Rhode Island</b> Executive Order, 2005	Requires new, expanded, or renovated buildings to meet "silver" LEED standards. Design, construction, operation and maintenance of the buildings must also evaluate feasible energy efficiency measures on the basis of total life-cycle costs.	X		X									
<b>South Carolina</b> Legislation, 2007	Requires major facility projects to meet at least the "silver" LEED or "2 globes" standard. Requires a life cycle cost-analysis comparing total costs under these standards with normal applicable industry standards or some middle-ground standard to achieve the lowest thirty-year life cycle cost.	X											

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State and Authority	Planning Requirements and Guidelines	Applies To:					Conservation Practices	Applies To:					Oversight
		State	School Districts	Higher Education	Local Government			State	School Districts	Higher Education	Local Government		
Texas Legislation, 2001							Requires each political subdivision in 41 counties to establish a goal to reduce electricity consumption by 5 percent each year for 5 years, beginning 1/1/02, and to report progress annually.				X		The State Energy Conservation Office evaluates the effectiveness of the energy efficiency programs and reports annually to the Texas Commission on Environmental Quality.
Utah Legislation, 2006	Requires the Division of Facilities Construction and Management to develop design criteria and standards for new buildings and renovations. Life-cycle costing must address expected energy efficiencies.	X					Requires the Division to develop guidelines for energy efficiency in facilities. Requires each state agency to develop a program to manage energy efficiency and cost conservation.			X			The Division analyzes state agencies' energy consumption and reports annually to the Governor and the legislature.
Virginia Executive Order, 2007	Requires new construction over 5,000 square feet, and certain renovations, to meet standards at least as stringent as LEED and ENERGY STAR, and gives preference to buildings that meet LEED or ENERGY STAR ratings when leasing facilities for state use.	X											
Washington Executive Order, 2005	Requires agencies to adopt green building practices for new buildings and major renovations. Requires building projects over 25,000 square feet to meet the "silver" LEED standard or other standards related to sustainable forestry.	X					Requires agencies to use all practicable and cost effective means available to, by 9/1/09, reduce energy purchases by 10 percent from 2003 levels.			X			The Department of General Administration must ensure that construction meets applicable requirements. Monitoring of agencies' energy use reductions is required.
Legislation, 2005	Requires major facility projects to meet at the least the "silver" LEED standard, if appropriate.	X	X	X									
Wisconsin Legislation, 2005							Requires State agencies to purchase HVAC and other energy consuming equipment that meets or exceeds standards adopted by the EPA or ASHRA.						The six largest state agencies submit a biannual report covering plans for energy cost reductions in their facilities.
Executive Order, 2006	Requires the Department of Administration to develop sustainable building guidelines based on LEED that address use of forest products. Requires new state facilities to be 30 percent more efficient than commercial code.						Sets energy reduction goals for state agencies of 10 percent by 2008 and 20 percent by 2010, using a 2005 baseline adjusted for weather.			X			The Department of Administration establishes programs for energy use analysis of state-owned buildings.

Source: Database of State Incentives for Renewables and Efficiency (DSIRE)

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State and Authority	Planning Requirements and Guidelines	Applies To:					Conservation Practices	Applies To:					Oversight
		State	School Districts	Higher Education	Local Government			State	School Districts	Higher Education	Local Government		
<p><b>Arizona</b> Legislation</p> <p>Requires the Department of Commerce to adopt energy conservation standards for new public construction consistent with ASHRAE or IECC.</p> <p>Executive Order, 2005</p> <p>Requires new state-funded buildings to meet at least the "silver" LEED standard.</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p>					<p>Requires the Departments of Administration and Transportation, and the Board of Regents to reduce energy use by 10% by 2008 and 15% by 2011, using FY02 as the baseline.</p>	<p>X</p>				<p>For the three State agencies, the State Energy Office measures compliance on energy reduction and reports to the legislature annually.</p> <p>The Departments of Administration and Transportation, and the School Facilities Board submit an annual report to the Governor.</p>		
<p><b>Arkansas</b> Legislation, 2005</p> <p>Encourages use of LEED and Green Globes rating systems whenever possible and appropriate in funding a public building project.</p>	<p>X</p> <p>X</p>										<p>A Legislative Task Force reviews the practices of state agencies.</p>		
<p><b>California</b> Executive Order, 2005</p> <p>Requires new and renovated buildings to achieve at least the "silver" LEED standard. Agencies are required to seek lease space in buildings with ENERGY STAR rating.</p> <p>Requires independent agencies such as public commissions, the universities, constitutional officers and other branches of government to cooperate in a variety of "green buildings" activities.</p>	<p>X</p> <p>X</p>					<p>Requires agencies to reduce grid-based energy use in state buildings by 20% of 2003 levels by 2015.</p>	<p>X</p>						
<p><b>Colorado</b> Executive Order, 2005</p> <p>Requires new state buildings to comply with LEED standards when economically feasible, and existing buildings to comply to the extent applicable and practicable.</p>	<p>X</p>					<p>Requires state agencies to evaluate operations and implement programs to promote environmentally sustainable and economically efficient practices.</p>	<p>X</p>						
<p><b>Connecticut</b> Legislation, 2006</p> <p>Requires adoption of building construction regulations equivalent to or exceeding the "silver" LEED standard or the "2 globe" rating in the Green Globes program.</p>	<p>Applies to any new facility projected to cost \$5 million or more, of which at least \$2 million is state funding, and to renovation of any state building or public school facility projected to cost \$2 million or more, of which at least \$2 million is state funding.</p>												
<p><b>District of Columbia</b> Bill, 2006</p> <p>Requires new buildings or major renovations to achieve LEED certification (schools) or "silver" LEED certification (public buildings)</p> <p>Requires new construction and major renovations of privately-owned commercial buildings over 50,000 square feet to achieve LEED certification beginning January 2012</p>	<p>X</p> <p>X</p>												

**Kansas Department of Administration  
Duane A. Goossen, Secretary  
Carol L. Foreman, Deputy Secretary  
1000 S.W. Jackson, Suite 500  
(785) 296-3011**

**Special Committee on Energy, Natural Resources and Environment  
Energy Conservation**

**Marilyn L. Jacobson, Director  
Division of Finance and Facilities Management  
September 17, 2007**

Thank you for inviting me to discuss the role of Department of Administration in Executive Directive 07-373 (copy attached) and Energy Conservation in DOA buildings. I would like to start out by providing background on the scope of buildings overseen by the Department of Administration (DOA).

DOA manages 64 buildings/land assets in Shawnee County including 3.2m gross square feet of space on 437.63 acres. The most significant building assets managed, their respective gross square footages and construction dates include:

Docking State Office Building	564,138 sq. ft.	1956
Landon State Office Building	362,627 sq. ft.	1912
Curtis State Office Building	320,721 sq. ft.	2001
Capitol Building	317,146 sq. ft.	1866-1903
Eisenhower State Office Building	300,809 sq. ft.	1965
Capitol Parking Garage	216,000 sq. ft.	2004
Curtis Parking Garage	200,000 sq. ft.	2001
Judicial Center	168,096 sq. ft.	1978
Memorial Hall	94,136 sq. ft.	1914
Forbes Building 740	72,399 sq. ft.	1955
Dillon House	12,362 sq. ft.	1914
Cedar Crest	9,359 sq. ft.	1928

Examples of energy conservation measures that DOA has implemented during the past three years in our managed buildings are:

- Doing night setback (55°F) and setup (85°F) in our buildings (essentially turning off the heating and air conditioning at night).
- Installing occupancy sensors in Docking State Office Building to shut lights off at night.
- High efficiency lighting retrofit in the Judicial Center.
- Installing control valves on the Memorial Building air handling units to reduce over air conditioning.
- Steam pressure reset based upon the outside weather.
- Shutting steam off during periods of mild/warm weather in winter.

*Senate Natural Resources  
February 15, 2008  
Attachment 5*



- Retrofitting the Judicial Center air systems from constant volume to variable air volume.
- Waiting until mid-October to start the heat plant and shutting the heat plan down in April.

These measures have resulted in utility savings of \$1,111,273 over the past three years. Energy consumption has been reduced from our base year as follows:

Utility Type	Base Year	Actual 2006	Actual 2007
Electricity	58,155,313 kwh	51,790,756 kwh	48,900,283 kwh
Natural Gas	111,634 mcf	77,101 mcf	77,728 mcf

Executive Directive 07-373

The Department of Administration has a major role in the implementation of the Executive Directive on Energy Conservation and Management. Below is a status report on actions taken to date:

- 1. Department of Administration is to adopt a policy to require an energy audit on any facility being considered as leased space and require the landlord to either make the necessary improvements on the property or make them a condition of the lease before it is executed.**

Status:

- A MOA between DOA and KCC defining each agency's role and responsibilities has been signed by both agencies. DOA is proposing the following process for leased office space:
    - The RFP process will be utilized to gather all required data on leases greater than 10,000 square feet. The intended proposal is to require all RFP proposals utilizing new construction to meet or exceed the International Energy Conservation Code 2006 for commercial construction. The proposal will address remodeled and currently occupied space by requiring the inclusion of detailed information with regard to measurable ratings of energy efficiencies on selected items. Additionally, in the event that the proposed facility is existing space currently occupied by an agency, the bidder will be required to submit the last 13 months of utility data.
- 2. Department of Administration to take necessary measures to assure that the average EPA mileage rating for automobiles purchased in 2010 is at least 10% higher than the 2007 average.**

Status:

- Division of Purchases bid 2008 model vehicle purchases in August requiring a 3% increase in mpg by vehicle class compared to 2007 contract. RFP closed September 5. Target date to complete review of bids September 19.
  - Develop a phased plan to meet the additional requirement for a 7% increase in vehicle mpg by 2010.
- 3. Department of Administration is to negotiate the next contract with an auto leasing company to assure that the average EPA mileage rating for cars provided under the 2010 lease is at least 10% higher than the average for cars provided under the current lease.**

Status:

- Current Enterprise contract expires November, 2009 with two option years. DFM met with Enterprise concerning the Executive Directive requirement and they agreed to review their fleet makeup by vehicle type and determine if comparable vehicle type are available with increased mpg that will enable them to meet the requirement of the Executive Directive. Enterprise has reviewed their current fleet and believes that with normal fleet rotation of new more efficient vehicles and the addition of hybrid vehicles that by 2010 they will be able to meet the 10% reduction goal.
  - Enterprise has added 6 hybrid vehicles to the Topeka fleet. The hybrid vehicles are projected to increase fuel efficiency by 20 miles per gallon over the standard mid-size vehicle currently rented from Enterprise.
- 4. Department of Administration is to review its purchasing practices to assure 100% compliance with existing requirements related to energy conservation and to develop or increase standards for such products as appliances, light bulbs, and computers using Energy Star® as a minimum standard.**

Status:

- Division of Purchases is currently in the process of working with vendors to develop energy conservation options in some state contracts. The contracts being reviewed include lighting, the use of green materials in janitorial services contracts, carpet, playground equipment and recycling bins. Review of additional state contracts to identify for potential inclusion in energy conservation program is ongoing by Division of Purchases.
- 5. Kansas is recognized by other states as having one of the best energy savings performance contracting programs in the country, known as the Facilities Conservation Improvement Program (FCIP). The Kansas Corporation Commission's Energy Office has facilitated the implementation of energy efficiency improvements in nearly half of the 40 million square feet of state-owned buildings. These improvements not only pay for themselves with reduced energy bills, but significantly reduce the emission of greenhouse gases. I expect**

**to implement improvements in the remaining state-owned buildings by December of 2010.**

Status:

- Completion of MOA between DOA and KCC that defines each agency's role and responsibilities.
- Evaluation procedure for DOA managed buildings scheduled in the following order:
  - ESOB review. ESCO selection and interviews are proceeding, once complete will begin preliminary audit.
  - Memorial Hall, Judicial Center and CSOB to follow after ESOB
  - FSOB when transfer of maintenance responsibilities to DOA is completed.
  - Due to a pending review of the future status of DSOB and LSOB neither of these buildings will be reviewed until a decision concerning their future is completed.

Thank you for this opportunity and I will be glad to stand for questions.