

## Section 9.4: Public Structures

### Topic/Issue Description

Many publicly owned buildings, from State government buildings to public schools, require large amounts of energy to power lighting and run heating, ventilation, and cooling systems, the costs of which are ultimately borne by Kansas taxpayers. As Governor Sebelius noted in her January 2007 Executive Directive on Energy Conservation and Management, the State of Kansas should be “at the forefront of appropriate and effective energy and environmental practices.” The Kansas Legislature is also engaged with this issue, as evidenced, for instance, by recent meetings of the Special Committee on Energy, Natural Resources, and the Environment (see recommendation below).

### Existing Policies and Programs

1. In Executive Directive 07-373, Governor Sebelius targeted energy conservation and efficiency throughout State government. The directive requires state agencies—primarily the Department of Administration, Kansas Corporation Commission, and Kansas Department of Health and Environment—to (1) survey state employees for energy saving suggestions; (2) require energy audits on any facility being considered as leased space and require landlords to make necessary improvements; (3) collect energy data associated with state-owned and leased space and identify locations using excessive energy; (4) ensure that the average EPA mileage rating for auto purchases and leases in 2010 is at least 10% higher than the 2007 average; (5) review purchasing practices to assure 100% compliance with existing energy conservation requirements and develop or increase standards for such products as appliances, light bulbs, and computers using Energy Star as a minimum; (6) turn off all computers not having a technical or operational need when not in use for four or more hours; (7) expand state recycling program to every state office by December 2007; (8) include information on fuel efficiency and driver behavior in driver’s handbook and exam; (9) use the Facility Conservation Improvement Program (FCIP) to implement cost-effective conservation and efficiency measures in all state-owned buildings by 2010; (11) accelerate efforts to market FCIP to school districts and local governments; and (12) review all state construction projects, both new and remodeling, that exceed \$100,000 for possible inclusion in FCIP, including Regents facilities. The Governor’s directive also established a new Energy Auditor position at the Department of Administration, responsible for oversight of these initiatives.
2. K.S.A. 75-3783 specifies the powers and duties delegated to the Secretary of Administration in overseeing the construction or renovation of state buildings and provides, in subsection (b), that the Secretary may adopt rules and regulations establishing standards for the planning, design and construction of buildings, and major repairs and improvements to buildings. These standards must include energy conservation standards. To date, the Secretary has not promulgated any regulations concerning energy conservation standards. However, the Division of Facilities Management in the Kansas Department of Administration has adopted a policy to use the

2003 International Energy Conservation Code (IECC) as its conservation standard for all new state-financed construction, though there are no formal design review or enforcement procedures. However, because industry standards generally exceed IECC 2003, there is an expectation that the standard is met.

3. The U.S. Department of Energy (DOE), through its Building Technologies Program, funds several initiatives to advance research and development of energy efficient buildings, improve building codes and appliance standards, and promote education. Energy Star, a joint program of the U.S. Environmental Protection Agency (EPA), is a voluntary labeling program designed to identify and promote energy-efficient products; the Energy Star label is now on major appliances, office equipment, lighting, and home electronics, and EPA has extended the label to cover new homes and commercial and industrial buildings. The Building Technologies Program also includes Rebuild America, and Zero Energy Buildings.
4. The Federal Energy Management Program, administered by DOE, targets the federal government for energy efficiency improvements, encouraging energy efficient equipment purchases, construction, retrofitting, and operations.
5. The Facilities Conservation Improvement Program (FCIP), administered by the Kansas Energy Office, is designed to streamline the acquisition and installation of energy conservation measures by public agencies. FCIP connects public agencies (e.g., the state, municipalities, counties, and schools) with qualified private energy service companies (ESCOs) that identify and evaluate energy-saving opportunities and recommend a package of improvements to be paid for through the projected energy savings. The ESCO guarantees that customer savings meet or exceed annual payments to cover all project costs—usually through a contract having a term of between ten and fifteen years. If actual savings don't materialize, falling below the annual payments made to cover the project cost, the ESCO pays the difference. To help ensure savings over the term of the contract, the ESCO offers staff training and long-term maintenance services.
6. The Leadership in Energy and Environmental Design (LEED) rating system evaluates the energy efficiency and overall “environmental friendliness” of buildings on a four-tier scale: certified, silver, gold, and platinum. LEED is maintained by the U.S. Green Building Council (USGBC). Separate LEED evaluation standards are provided for existing buildings, new construction, major renovations, commercial interiors, core or shell buildings, homes, and neighborhoods. In order to receive a LEED rating, a building project must register with the USGBC and undergo an audit; achieving any of the four certification levels requires a minimum number of points and the inclusion of points from certain categories. Many construction and architecture firms now advertise as experts in achieving LEED accreditation, and firms will offer to build to LEED standards even if the customer does not wish to pay for the certification process. The USGBC now delegates certification to the Green Building Certification Institute (GBCI). Currently, LEED-based standards and incentives have been adopted by 90 U.S. municipalities and 24 states. Almost all standards are aimed at public buildings; however, a few municipalities are requiring some degree of LEED for all construction. Incentives for

LEED attainment include reduced building and permitting fees and faster permit application turnaround times.<sup>1</sup>

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<sup>1</sup> U.S. Green Building Council (USBC), 2007: <http://www.usgbc.org/> (accessed November 28, 2007)