

Assembly Bill No. 1103

CHAPTER 533

An act to add Section 25402.10 to the Public Resources Code, relating to energy.

[Approved by Governor October 12, 2007. Filed with
Secretary of State October 12, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1103, Saldana. Energy: commercial buildings: consumption.

Existing law declares that electrical energy is essential to the health, safety, and welfare of the people and the economy of this state, and it is the state's policy to promote all feasible means of energy conservation.

This bill would require electric and gas utilities, as defined, on and after January 1, 2009, to maintain records of the energy consumption data of all nonresidential buildings to which they provide service, in a format compatible for uploading to the United States Environmental Protection Agency's Energy Star Portfolio Manager (Energy Star Portfolio Manager), for at least the most recent 12 months. Upon written or secured electronic authorization of a nonresidential building owner or operator, on and after January 1, 2009, an electric or gas utility would be required to upload all of the energy consumption data for a building to the Energy Star Portfolio Manager in a manner that preserves the confidentiality of the customer. The electric and gas utilities would be encouraged to work with the United States Environmental Protection Agency and their customers to develop reasonable reporting options that would maximize efficiency and minimize overall program cost.

The bill would require, on and after January 1, 2010, that a nonresidential building owner or operator disclose Energy Star Portfolio Manager benchmarking data and ratings, for the most recent 12-month period, to a prospective buyer, lessee, or lender. After the benchmarking data and ratings are disclosed, the property owner, operator, or his or her agent would not be required to provide additional information regarding the benchmarking data and ratings. The information disclosed would be considered adequate to inform the prospective buyer, lessee of the entire building, or lender that would finance the entire building of the benchmarking data and ratings for the building.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares both of the following:

(a) Facilitating a benchmarking system that provides energy consumption information for all nonresidential buildings in the state would allow building owners and operators to compare their building's performance to that of similar buildings and to manage their building's energy cost.

(b) Benchmarking scores could motivate building operators to take actions to improve the building's energy profile and help to justify financial investments.

SEC. 2. Section 25402.10 is added to the Public Resources Code, to read:

25402.10. (a) On and after January 1, 2009, electric and gas utilities shall maintain records of the energy consumption data of all nonresidential buildings to which they provide service. This data shall be maintained, in a format compatible for uploading to the United States Environmental Protection Agency's Energy Star Portfolio Manager, for at least the most recent 12 months.

(b) On and after January 1, 2009, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, an electric or gas utility shall upload all of the energy consumption data for the account specified for a building to the United States Environmental Protection Agency's Energy Star Portfolio Manager in a manner that preserves the confidentiality of the customer.

(c) In carrying out the requirements of this section, an electric or gas utility may use any method for providing the specified data in order to maximize efficiency and minimize overall program cost, and is encouraged to work with the United States Environmental Protection Agency and customers in developing reasonable reporting options.

(d) On and after January 1, 2010, an owner or operator of a nonresidential building shall disclose the United States Environmental Protection Agency's Energy Star Portfolio Manager benchmarking data and ratings for the most recent 12-month period to a prospective buyer, lessee of the entire building, or lender that would finance the entire building. If the data is delivered to a prospective buyer, lessee, or lender, a property owner, operator, or their agent is not required to provide additional information, and the information shall be deemed to be adequate to inform the prospective buyer, lessee or lender regarding the United States Environmental Protection Agency's Energy Star Portfolio Manager benchmarking data and ratings for the most recent 12-month period for the building that is being sold, leased, financed, or refinanced.

(e) Notwithstanding subdivision (d), nothing in this section increases or decreases the duties, if any, of a property owner, operator, or his or her broker or agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.