

SECOND REGULAR SESSION

SENATE BILL NO. 1100

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS BRAY AND SMITH.

Read 1st time February 7, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4592S.011

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to green building standards.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 640, RSMo, is amended by adding thereto one new section, to be known as section 640.158, to read as follows:

640.158. 1. As used in this section, the following terms shall mean:

(1) "Applicable LEED guidelines", guidelines developed by the U.S. Green Building Council under the LEED Green Building Rating System that most appropriately apply to a particular type of building project. These guidelines include, but are not limited to, new construction, existing buildings, commercial interiors, core and shell, schools, retail, healthcare, homes, and neighborhood development;

(2) "Certified rating", the rating in compliance with, or exceeding, any of the ratings awarded by the USGBC LEED certification process, which include certified, silver, gold, or platinum;

(3) "Commissioning", the process of verifying and ensuring that the entire building and the systems within are designed, constructed, functionally tested, and calibrated to operate as intended;

(4) "Department", the department of natural resources;

(5) "Green building", a building that is designed to achieve integrated systems design and construction so as to significantly reduce or eliminate the negative impact of the built environment on the following:

(a) Site conservation and sustainable planning;

(b) Water conservation and efficiency;

- 22 (c) Energy efficiency and renewable energy;
- 23 (d) Conservation of materials and resources; and
- 24 (e) Indoor environmental quality and human health;
- 25 (6) "LEED Green Building Rating System", the Leadership in
26 Energy and Environmental Design (LEED) Green Building Rating
27 System developed and adopted by the U.S. Green Building Council
28 (USGBC), which measures and evaluates the energy and environmental
29 performance of a building;
- 30 (7) "Life-cycle cost", the cost of a building, as determined by the
31 methodology identified in the National Institute of Standards and
32 Technology's special publication 544 and interagency report 80-2040,
33 available as set forth in the Code of Federal Regulations, Title 15, Part
34 230, including the initial cost of its construction or renovation, the
35 marginal cost of future energy capacity, the cost of the energy
36 consumed by the facility over its expected useful life or, in the case of
37 a leased building, over the remaining term of the lease, and the cost of
38 operating and maintaining the facility as such cost affects energy
39 consumption;
- 40 (8) "Public building", a building greater than ten thousand gross
41 square feet that is owned or leased by a political subdivision of the
42 state, including, but not limited to, a city, county or school district;
- 43 (9) "State agency", a department, commission, authority, office,
44 college or university of this state;
- 45 (10) "State building", a building greater than ten thousand gross
46 square feet that is owned or leased by this state or a state agency;
- 47 (11) "Substantially renovated", the renovation or alteration of a
48 building to such an extent that all or substantially all of the building
49 that existed immediately before the renovation or alteration was begun,
50 other than the foundation, external walls, interior supporting walls,
51 floors, roof and staircases, has been removed or replaced.
- 52 2. Any state building or public building constructed or
53 substantially renovated after August 28, 2008, shall be designed,
54 constructed, and managed to obtain a certified rating using the most
55 recent applicable LEED guidelines under the LEED Green Building
56 Rating System.
- 57 3. The state agency or political subdivision responsible for any
58 building subject to subsection 2 of this section shall seek the certified

59 rating at the earliest stage of development for the building, which may
60 include site selection, and shall prudently strive to meet the highest
61 achievable certified rating.

62 4. The commissioner of the office of administration may exempt
63 any building from compliance with the mandates under this section if
64 it is deemed that the cost of compliance sufficiently exceeds the
65 building's life-cycle cost savings.

66 5. Any building that is given exemption by the commissioner in
67 subsection 4 of this section shall comply with the LEED Green Building
68 Rating System to the maximum extent possible such that the cost of
69 compliance does not sufficiently exceed the building's life-cycle cost
70 savings.

71 6. The department shall promulgate rules and regulations for
72 compliance with the provisions of this section. Any rule or portion of
73 a rule, as that term is defined in section 536.010, RSMo, that is created
74 under the authority delegated in this section shall become effective
75 only if it complies with and is subject to all of the provisions of chapter
76 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
77 chapter 536, RSMo, are nonseverable and if any of the powers vested
78 with the general assembly pursuant to chapter 536, RSMo, to review, to
79 delay the effective date, or to disapprove and annul a rule are
80 subsequently held unconstitutional, then the grant of rulemaking
81 authority and any rule proposed or adopted after August 28, 2008, shall
82 be invalid and void.

83 7. The department shall develop processes and systems to verify
84 compliance with the provisions of this section.

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