

FIRST REGULAR SESSION

# SENATE BILL NO. 22

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Pre-filed December 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0252S.011

## AN ACT

To amend chapter 8, RSMo, by adding thereto one new section relating to environmentally sustainable construction for state-funded buildings.

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

Section A. Chapter 8, RSMo, is amended by adding thereto one new section, to be known as section 8.860, to read as follows:

**8.860. 1. As used in this section, the following words mean:**

(1) "ASHRAE" or "American Society of Heating, Refrigerating, and Air Conditioning Engineers", an international technical society for all individuals and organizations interested in heating, ventilation, air conditioning, and refrigeration;

(2) "Building project", the design, construction, renovation, operation, and maintenance of any inhabited physical structure and its associated project building site;

(3) "Commercial interior fit-out", interior design and installation by owners or tenants of new or existing office space, typically exclusive of structural components and core and shell elements;

(4) "GBI", Green Building Initiative;

(5) "Globes", the level of a building's sustainability and energy efficiency performance as determined by GBI's Green Globes Rating System;

(6) "Green Globes Rating System", the most current environmental building rating system established by the Green Building Initiative;

(7) "High-performance building", a building designed to achieve integrated systems design, construction, and operation so as to significantly reduce or eliminate the negative impact of the built

22 environment and optimize positive attributes;

23 (8) "LEED", Leadership in Energy and Environmental Design as  
24 determined by the current version of the USGBC's Green Building  
25 Rating System;

26 (9) "LEED Silver", the current Silver standard as set forth by the  
27 USGBC's LEED Green Building Rating System;

28 (10) "Major facility project" or "major facility projects":

29 (a) A state-funded:

30 a. New construction building project in which the building's  
31 gross square footage is greater than five thousand;

32 b. Renovation project involving more than fifty percent of the  
33 square footage or occupancy displacement; or

34 c. Commercial interior fit-out project that is larger than seven  
35 thousand square feet of leasable area;

36 (b) Shall not include:

37 a. A building, regardless of size, that does not have conditioned  
38 space as defined by ASHRAE standard 90.1;

39 b. A correctional facility constructed for the department of  
40 corrections or the department of mental health;

41 (11) "Renovation project", a building project involving the  
42 modification or adaptive reuse of an existing facility;

43 (12) "Third-party commissioning agent", a person accredited by  
44 the USGBC or GBI with expertise in building system performance who  
45 analyzes, evaluates, and confirms proper function and performance of  
46 a high-performance building, its systems, equipment, and indoor air  
47 quality and who did not participate in the original certification of the  
48 major facility project or renovation project;

49 (13) "USGBC", the United States Green Building Council.

50 2. All major facility projects in Missouri under subparagraph a.  
51 of paragraph (a) of subdivision (10) of subsection 1 of this section shall  
52 be designed, constructed, and at least certified as receiving two Globes  
53 using the Green Globes Rating System or receiving the LEED Silver  
54 standard. All major facility projects in Missouri as defined under  
55 subparagraphs b. and c. of paragraph (a) of subdivision (10) of  
56 subsection 1 of this section shall be analyzed using:

57 (1) A life cycle cost analysis comparing the cost and benefits of  
58 designing, constructing, maintaining, and operating the facility at the

59 LEED Silver standard or two Globes standard, or better, with  
60 certification;

61 (2) Normal industry and regulatory standards, as applicable; or

62 (3) Some standard between subdivisions (1) and (2) of this  
63 subsection that causes the project to be designed, constructed, and  
64 operated in a manner that achieves the lowest thirty-year life cycle  
65 cost.

66 3. In obtaining certification as receiving two Globes using the  
67 Green Globes Rating System, a major facility project shall earn at least  
68 twenty percent of the available points for energy performance under  
69 C.1.1 energy consumption. In obtaining certification as meeting the  
70 LEED Silver standard, a major facility project shall reduce energy use  
71 twenty-four percent for new buildings or twenty percent for existing  
72 buildings over ASHRAE standard 90.1-2007. The office of  
73 administration may waive the requirements of this subsection for a  
74 proposed major facility project if it determines that the cost of meeting  
75 the requirements under this subsection are not economically feasible.

76 4. The office of administration may petition the general assembly  
77 to require all major facility projects be certified to a high-performance  
78 building rating system standard in addition to or in lieu of the systems  
79 provided in this section. However, any alternate rating system adopted  
80 by the general assembly shall be no less stringent than the systems  
81 provided in this section.

82 5. All major facility projects that were certified at the LEED  
83 Silver or two Globe standard or higher shall be inspected by a third-  
84 party commissioning agent, at a minimum, in the fifth, tenth, and  
85 fifteenth year following certification. The third-party commissioning  
86 agent shall determine whether the building is operating at the standard  
87 to which it was originally designed and certified. The third-party  
88 commissioning agent shall report its findings to the office of  
89 administration and the respective state department or departments  
90 occupying the facility. The report shall include but not be limited to  
91 the facility's savings on energy and water, the level of its indoor air  
92 quality, the existing system's function and performance, problems with  
93 the system, and whether the system's performance meets the facility's  
94 requirements. If the office of administration determines the building  
95 is not operating within the spirit of this section, the office of

96 administration may take appropriate measures to bring the building  
97 into compliance.

98           6. The office of administration shall develop and implement a  
99 process to monitor and evaluate the energy and environmental benefits  
100 associated with each major facility project designed, constructed, and  
101 renovated under this section. The monitoring and evaluation of each  
102 major facility project shall commence one year after occupancy or use  
103 and shall continue for fifteen years thereafter. All data concerning  
104 energy, operational, and environmental benefits collected under this  
105 section shall be made available to the office of administration to be  
106 compiled and submitted to the general assembly under subsection 7 of  
107 this section.

108           7. The office of administration shall submit a report regarding  
109 major facility projects to the house committee on energy and  
110 environment and the senate committee on energy and environment that  
111 includes:

112           (1) The number and types of buildings designed and constructed;

113           (2) The level of certification of each building designed,  
114 constructed, or renovated;

115           (3) Actual savings in energy costs;

116           (4) A description of all potential environmental benefits,  
117 including but not limited to, water savings and the reduction of waste  
118 generation;

119           (5) The ability of building to continue to operate at the standard  
120 to which it was originally certified;

121           (6) In the event of a waiver by the office of administration to not  
122 pursue certification, reasons for the waiver;

123           (7) Any conflicts or barriers that hinder the effectiveness of this  
124 section.

125           8. The office of administration shall promulgate rules to  
126 implement the provisions of this section. Any rule or portion of a rule,  
127 as that term is defined in section 536.010, that is created under the  
128 authority delegated in this section shall become effective only if it  
129 complies with and is subject to all of the provisions of chapter 536 and,  
130 if applicable, section 536.028. This section and chapter 536 are  
131 nonseverable and if any of the powers vested with the general assembly  
132 pursuant to chapter 536 to review, to delay the effective date, or to

133 **disapprove and annul a rule are subsequently held unconstitutional,**  
134 **then the grant of rulemaking authority and any rule proposed or**  
135 **adopted after August 28, 2011, shall be invalid and void.**

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Unofficial

Bill

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