

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 3067

By: Toure

AS INTRODUCED

An Act relating to public buildings and public works; defining terms; requiring certain buildings to come into compliance with LEED standards; authorizing the Department of Central Services and the State Board of Education to promulgate certain rules; specifying certain procedures; requiring the State Auditor and Inspector to conduct certain performance reviews; requiring various reports; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240 of Title 61, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Department" means the Department of Central Services;
2. "High-performance public buildings" means high-performance public buildings designed, constructed, and certified to a standard as identified in this act;
3. "Institutions of higher education" means the state universities, the regional universities, the community colleges, and the technical colleges;
4. "LEED silver standard" means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standards, referred to as the silver standard;
5. a. "Major facility project" means:
 - (1) a construction project larger than five thousand (5,000) gross square feet of occupied or conditioned space, or

(2) a building renovation project when the cost is greater than fifty percent (50%) of the assessed value and the project is larger than five thousand (5,000) gross square feet of occupied or conditioned space.

(b) "Major facility project" does not include:

(1) projects for which the department, public school district, or other applicable agency and the design team determine the LEED silver standard not to be practicable, or

(2) transmitter buildings, pumping stations, hospitals, research facilities primarily used for sponsored laboratory experimentation, laboratory research, or laboratory training in research methods, or other similar building types as determined by the Department. When the LEED silver standard is determined not to be practicable for a project, then it must be determined if any LEED standard is practicable for the project. If LEED standards are not followed for the project, the public school district or public agency shall report these reasons to the department;

6. "Public agency" means every state office, officer, board, commission, committee, bureau, department, and public higher education institution; and

7. "Public school district" means a school district eligible to receive state basic education monies.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 241 of Title 61, unless there is created a duplication in numbering, reads as follows:

A. All major facility projects of public agencies receiving any funding in a state capital budget, or projects financed through a

financing contract, must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the design phase prior to the effective date of this section and to the extent appropriate LEED silver standards exist for that type of building or facility.

B. All major facility projects of any entity other than a public agency or public school district receiving any funding in a state capital budget must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the grant application process prior to the effective date of this section and to the extent appropriate LEED silver standards exist for that type of building or facility.

C. 1. Public agencies, under this section, shall monitor and document ongoing operating savings resulting from major facility projects designed, constructed, and certified as required under this section.

2. Public agencies, under this section, shall report annually to the Department of Central Services on major facility projects and operating savings.

D. The Department shall consolidate the reports required in subsection C of this section into one report and report to the Governor and Legislature by September 1 of each odd-numbered year beginning in 2007 and ending in 2017. In its report, the Department shall also report on the implementation of this act, including reasons why the LEED standard was not used as required by this section. The Department shall make recommendations regarding the ongoing implementation of this act, including a discussion of incentives and disincentives related to implementing this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 242 of Title 61, unless there is created a duplication in numbering, reads as follows:

A. All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard. To the extent appropriate LEED silver standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the State Board of Education prior to July 1, 2007.

B. Public school districts, under this section, shall:

1. Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five (5) years following local board acceptance of a project receiving state funding; and

2. Report annually to the State Board of Education. The form and content of each report must be mutually developed by the State Board of Education in consultation with school districts.

C. The State Board of Education shall consolidate the reports required in subsection B of this section into one report and report to the Governor and Legislature by September 1 of each odd-numbered year beginning in 2007 and ending in 2017. In its report, the State Board of Education shall also report on the implementation of this act, including reasons why the LEED standard protocol was not used as required by Section 2 of this act. The State Board of Education shall make recommendations regarding the ongoing implementation of this act, including a discussion of incentives and disincentives related to implementing this act.

D. The State Board of Education shall promulgate rules for administering this act for public school districts. The purpose of the rules is to define a procedure and method for employing and verifying compliance with the LEED silver standard.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 243 of Title 61, unless there is created a duplication in numbering, reads as follows:

On or before March 1, 2010, the Department of Central Services and the State Board of Education shall summarize the reports submitted under Sections 2 and 3 of this act and submit the individual reports to the legislative committees on Appropriations and Budget and Revenue and Taxation for review of the performance of the program and consideration of any changes that may be needed to adapt the program to any new or modified standards for high-performance buildings that meet the intent of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 244 of Title 61, unless there is created a duplication in numbering, reads as follows:

A. 1. The Department of Central Services, in consultation with affected public agencies, shall develop and issue guidelines for administering this act for public agencies. The purpose of the guidelines is to define a procedure and method for employing and verifying activities necessary for certification to at least the LEED silver standard for major facility projects.

2. Major facility projects designed to meet standards identified in this act must include building commissioning as a critical cost-saving part of the construction process. This process includes input from the project design and construction teams and the project ownership representatives.

3. As provided in the request for proposals for construction services, the operating agency shall hold a preproposal conference for prospective bidders to discuss compliance with and achievement of standards identified in this act for prospective respondents.

B. The Department shall create a high-performance public buildings advisory committee comprised of representatives from the

design and construction industry involved in public works contracting, personnel from the affected public agencies responsible for overseeing public works projects, the State Board of Education, and others at the discretion of the Department to provide advice on implementing this act. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the Department implement this act.

C. The Department shall promulgate rules to implement this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 245 of Title 61, unless there is created a duplication in numbering, reads as follows:

The State Auditor and Inspector shall conduct a performance review of the high-performance public buildings program established under this act.

1. The performance audit shall include, but not be limited to:
 - a. the identification of the costs of implementation of high-performance public building standards in the design and construction of major facility projects subject to this chapter,
 - b. the identification of operating savings attributable to the implementation of high-performance public building standards, including but not limited to savings in energy, utility, and maintenance costs,
 - c. the identification of any impacts of high-performance public buildings standards on worker productivity and student performance, and
 - d. an evaluation of the effectiveness of the high-performance public building standards established under this act, and recommendations for any changes

in those standards that may be supported by the findings of the State Auditor and Inspector.

2. The State Auditor and Inspector shall make a preliminary report of the findings and recommendations on or before December 1, 2011, and a final report on or before July 1, 2012. The preliminary and final reports shall be delivered to the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate.

SECTION 7. This act shall become effective November 1, 2006.

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