

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 3394

By: Cargill, Brown, Jett,
Kiesel, McMullen and
Shumate of the House

7 and

8 Adelson and Jolley of the
9 Senate

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to public buildings and public works;
12 stating purpose; providing definitions; requiring the
13 Department of Central Services to adopt a high-
14 performance certification program for public
15 buildings; directing state agencies to achieve the
16 highest performance certification attainable when
17 constructing or renovating public buildings;
18 requiring increased costs to be recouped within a
19 certain time; requiring certain examination if
20 increased costs exceed a certain amount; providing an
21 exemption for certain renovations under certain
22 conditions; requiring certain exempt projects to meet
23 certain standards if possible; allowing the
24 Department to exempt public buildings from
certification requirements under certain
circumstances; directing the Department to seek
certain designation for certain public buildings;
directing the Department to develop and implement a
monitoring process; requiring the Department to make
certain reports; providing for codification; and
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 213 of Title 61, unless there is
3 created a duplication in numbering, reads as follows:

4 A. The purpose of this section is to promote effective energy
5 and environmental standards for the construction, renovation, and
6 maintenance of public buildings in this state which will improve the
7 capacity of the state to design, build, and operate high-performance
8 buildings thus creating new jobs, contributing to economic growth,
9 and increasing energy independence. To accomplish the objectives of
10 this section, the state shall adopt construction standards for
11 public buildings that:

12 1. Optimize the energy performance of public buildings in the
13 state;

14 2. Increase the demand for environmentally preferable building
15 materials, finishes, and furnishings;

16 3. Reduce the dependence of the state on imported sources of
17 energy through buildings that conserve energy and utilize local and
18 renewable energy sources;

19 4. Protect and restore the natural resources of the state by
20 avoiding development of inappropriate building sites;

21 5. Reduce the burden on municipal water supply and treatment by
22 reducing potable water consumption;

23 6. Reduce waste generation and manage waste through recycling
24 and diversion from landfill disposal;

1 7. Establish life-cycle cost analysis as the appropriate and
2 most efficient analysis to determine the optimal performance level
3 of a building project;

4 8. Ensure that the systems of each building project are
5 designed, installed, and tested to perform according to the design
6 intent and operational needs of the building through third-party
7 postconstruction review and verification; and

8 9. Authorize the Department of Central Services to pursue
9 ENERGY STAR designation from the United States Environmental
10 Protection Agency to further demonstrate the energy independence of
11 a public building project.

12 B. For purposes of this section:

13 1. "High-performance certification program" means a public
14 building design, construction, and renovation standard which meets
15 either the standards of the United States Green Building Council's
16 Leadership in Energy and Environmental Design Rating System (LEED)
17 or the standards of the Green Building Initiative's Green Globes
18 Rating System, and which:

19 a. is quantifiable, measurable, and verifiable as
20 certified by an independent third party,

21 b. reduces the operating costs of public buildings by
22 reducing the consumption of energy, water, and other
23 resources,

24

- 1 c. results in the recovery of the increased initial
2 capital costs attributable to compliance with the
3 program over a time period by reducing long-term
4 energy, maintenance, and operating costs,
5 d. improves the indoor environmental quality of public
6 buildings for a healthier work environment,
7 e. encourages the use of products harvested, created, or
8 mined within Oklahoma, regardless of product
9 certification status, and
10 f. protects the environment of Oklahoma;

11 2. a. "Public building" means a facility that:

12 (1) is constructed or renovated in whole or in part
13 with state funds or with funds guaranteed or
14 insured by a state agency and the state funds
15 constitute at least fifty percent (50%) of the
16 project cost,

17 (2) contains ten thousand (10,000) or more gross
18 square feet,

19 (3) includes a heating, ventilation, or air
20 conditioning system, and

21 (4) has not entered the design phase prior to July 1,
22 2008.

23 b. A public building shall not include:
24

1 (1) a building constructed or renovated with funds
2 from a public school in the state as defined in
3 Section 1-106 of Title 70 of the Oklahoma
4 Statutes, and

5 (2) a building constructed or renovated where the
6 primary purpose of the building project is for
7 the storage of archived documents;

8 3. "State agency" means any agency, board, commission, counsel,
9 court, office, officer, bureau, institution, unit division, body, or
10 house of the executive or judicial branches of state government,
11 whether elected or appointed. State agency shall include
12 institutions within The Oklahoma State System of Higher Education.
13 State agency shall not mean a public school district or technology
14 center school district; and

15 4. "Substantial renovation" means any renovation of a public
16 building the cost of which exceeds fifty percent (50%) of the
17 replacement value of the facility.

18 C. The Department of Central Services shall adopt and update
19 from time to time a high-performance certification program.

20 D. A state agency designing, constructing, or controlling the
21 substantial renovation of a public building shall carry out the
22 design, construction, or substantial renovation so as to achieve the
23 highest performance certification attainable as certified by an
24 independent third party pursuant to the high-performance

1 certification program adopted by the Department pursuant to
2 subsection C of this section. For purposes of this subsection, a
3 certification is attainable if the increased initial costs of
4 achieving the certification, including the time value of money, can
5 be recouped from decreased operational costs within five (5) years.

6 E. If the state agency estimates that the increased initial
7 costs of achieving certification will exceed five percent (5%) of
8 the total cost of the design, construction, or substantial
9 renovation project, the Department of Central Services shall
10 specifically examine the estimate before authorizing the design,
11 construction or substantial renovation.

12 F. If a public building undergoing substantial renovation
13 cannot achieve a high-performance certification due to either the
14 historical nature of the building or because the increased costs of
15 renovating the public building cannot be recouped from decreased
16 operational costs within five (5) years, an accredited professional
17 shall assert in writing that, as much as possible, the substantial
18 renovation was executed in a manner that is consistent with the
19 standards in the high-performance certification program adopted by
20 the Department of Central Services.

21 G. Any facility that is designed or newly constructed with
22 state funds with less than five thousand (5,000) gross square feet
23 that except for the size would be a public building subject to the
24 high-performance certification program, any minor renovation of a

1 public building, and any controlled maintenance of a public building
2 shall, as much as possible, be executed in a manner that is
3 consistent with the standards in the high-performance certification
4 program adopted by the Department of Central Services.

5 H. A public building may be exempted from complying with this
6 section upon a determination by the Department of Central Services
7 that extenuating circumstances exist such as to preclude compliance
8 with the high-performance certification program.

9 I. The Department of Central Services shall identify and seek
10 to have any public building which has been designed, constructed, or
11 renovated in accordance with the standards of the high-performance
12 certification program designated as an ENERGY STAR building by the
13 United States Environmental Protection Agency.

14 J. The Department of Central Services shall develop and
15 implement a process to monitor and evaluate the energy and
16 environmental benefits associated with designing, constructing, or
17 renovating a public building in accordance with the standards of the
18 high-performance certification program. The Department shall issue
19 an annual report regarding program guidelines, monitoring and
20 evaluation procedures, and the energy and environmental benefits
21 related to the implementation of the high-performance certification
22 program.

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 2. This act shall become effective July 1, 2009.

51-2-11401 KB 05/19/08