

EHB 3394

THE STATE SENATE  
Monday, April 7, 2008

ENGROSSED

House Bill No. 3394

As Amended

ENGROSSED HOUSE BILL NO. 3394 - By: Cargill, Brown, Jett, Kiesel, McMullen and Shumate of the House and Adelson and Jolley of the Senate.

(public buildings and public works - Department of Central Services - certification program - codification - effective date - emergency )

~~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 213 of Title 61, unless there is created a duplication in numbering, reads as follows:

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

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

- 1           2. Increase the demand for environmentally preferable building  
2 materials, finishes, and furnishings;
- 3           3. Reduce the dependence of the state on imported sources of  
4 energy through buildings that conserve energy and utilize local and  
5 renewable energy sources;
- 6           4. Protect and restore the natural resources of the state by  
7 avoiding development of inappropriate building sites;
- 8           5. Reduce the burden on municipal water supply and treatment by  
9 reducing potable water consumption;
- 10          6. Reduce waste generation and manage waste through recycling  
11 and diversion from landfill disposal;
- 12          7. Establish life-cycle cost analysis as the appropriate and  
13 most efficient analysis to determine the optimal performance level  
14 of a building project;
- 15          8. Ensure that the systems of each building project are  
16 designed, installed, and tested to perform according to the design  
17 intent and operational needs of the building through third-party  
18 postconstruction review and verification; and
- 19          9. Authorize the Department of Central Services to pursue  
20 ENERGY STAR designation from the United States Environmental  
21 Protection Agency to further demonstrate the energy independence of  
22 a public building project.
- 23          B. For purposes of this section:

1           1. "High-performance certification program" means a public  
2 building design, construction, and renovation standard which meets  
3 **either the standards of the Green Building Initiative's Green Globes**  
4 **Rating System or** the standards of the United States Green Building  
5 Council's Leadership in Energy and Environmental Design Rating  
6 System (LEED), and which:

7           a. is quantifiable, measurable, and verifiable as  
8 certified by an independent third party,

9           b. reduces the operating costs of public buildings by  
10 reducing the consumption of energy, water, and other  
11 resources,

12           c. results in the recovery of the increased initial  
13 capital costs attributable to compliance with the  
14 program over a time period by reducing long-term  
15 energy, maintenance, and operating costs,

16           d. improves the indoor environmental quality of public  
17 buildings for a healthier work environment,

18           e. encourages the use of products harvested, created, or  
19 mined within Oklahoma, regardless of product  
20 certification status, and

21           f. protects the environment of Oklahoma;

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

- 1                   (1) is constructed or renovated in whole or in part  
2                   with state funds or with funds guaranteed or  
3                   insured by a state agency and the state funds  
4                   constitute at least fifty percent (50%) of the  
5                   project cost,  
6                   (2) contains ten thousand (10,000) or more gross  
7                   square feet,  
8                   (3) includes a heating, ventilation, or air  
9                   conditioning system, and  
10                  (4) has not entered the design phase prior to July 1,  
11                  2008.

12                  b. A public building shall not include:

- 13                   (1) a building constructed or renovated with funds  
14                   from a public school in the state as defined in  
15                   Section 1-106 of Title 70 of the Oklahoma  
16                   Statutes, and  
17                   (2) a building constructed or renovated where the  
18                   primary purpose of the building project is for  
19                   the storage of archived documents;

20                  3. "State agency" means any agency, board, commission, counsel,  
21                  court, office, officer, bureau, institution, unit division, body, or  
22                  house of the executive or judicial branches of state government,  
23                  whether elected or appointed. State agency shall include

1 institutions within The Oklahoma State System of Higher Education.  
2 State agency shall not mean a public school district or technology  
3 center school district; and

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

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

9 D. A state agency designing, constructing, or controlling the  
10 substantial renovation of a public building shall carry out the  
11 design, construction, or substantial renovation so as to achieve the  
12 highest performance certification attainable as certified by an  
13 independent third party pursuant to the high-performance  
14 certification program adopted by the Department pursuant to  
15 subsection C of this section. For purposes of this subsection, a  
16 certification is attainable if the increased initial costs of  
17 achieving the certification, including the time value of money, can  
18 be recouped from decreased operational costs within five (5) years.

19 E. If the state agency estimates that the increased initial  
20 costs of achieving certification will exceed five percent (5%) of  
21 the total cost of the design, construction, or substantial  
22 renovation project, the Department of Central Services shall

1 specifically examine the estimate before authorizing the design,  
2 construction or substantial renovation.

3 F. If a public building undergoing substantial renovation  
4 cannot achieve a high-performance certification due to either the  
5 historical nature of the building or because the increased costs of  
6 renovating the public building cannot be recouped from decreased  
7 operational costs within five (5) years, an accredited professional  
8 shall assert in writing that, as much as possible, the substantial  
9 renovation was executed in a manner that is consistent with the  
10 standards in the high-performance certification program adopted by  
11 the Department of Central Services.

12 G. Any facility that is designed or newly constructed with  
13 state funds with less than five thousand (5,000) gross square feet  
14 that except for the size would be a public building subject to the  
15 high-performance certification program, any minor renovation of a  
16 public building, and any controlled maintenance of a public building  
17 shall, as much as possible, be executed in a manner that is  
18 consistent with the standards in the high-performance certification  
19 program adopted by the Department of Central Services.

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

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

6 J. The Department of Central Services shall develop and  
7 implement a process to monitor and evaluate the energy and  
8 environmental benefits associated with designing, constructing, or  
9 renovating a public building in accordance with the standards of the  
10 high-performance certification program. The Department shall issue  
11 an annual report regarding program guidelines, monitoring and  
12 evaluation procedures, and the energy and environmental benefits  
13 related to the implementation of the high-performance certification  
14 program.

15 SECTION 2. This act shall become effective July 1, 2008.

16 SECTION 3. It being immediately necessary for the preservation  
17 of the public peace, health and safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-2-08 - DO  
21 PASS, As Amended and Coauthored.