

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3032

By: McMullen

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5
6 AS INTRODUCED

7 An Act relating to public buildings and public works;
8 providing definitions; requiring the Department of
9 Central Services to adopt an energy-efficiency
10 standard certification program; directing state
11 agencies to achieve the highest performance
12 certification when constructing or renovating public
13 buildings; requiring increased costs to be recouped
14 within a certain time; requiring certain review if
15 increased costs exceed a certain amount; providing an
16 exemption for certain public buildings; requiring
17 certain exempt projects to meet certain standards;
18 allowing the Department to exempt certain public
19 buildings under certain circumstances; requiring the
20 Department to make certain reports; providing for
21 codification; providing an effective date; and
22 declaring an emergency.

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

24 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. For purposes of this section:

1. "Energy-efficiency standard certification program" means a
building renovation, design, and construction standard including,

1 but not limited to, the United States Green Building Council's
2 Leadership in Energy and Environmental Design Rating System (LEED),
3 that:

- 4 a. is quantifiable, measurable, and verifiable as
5 certified by an independent third party,
- 6 b. reduces the operating costs of public buildings by
7 reducing the consumption of energy, water, and other
8 resources,
- 9 c. results in the recovery of the increased initial
10 capital costs attributable to compliance with the
11 program over a time period by reducing long-term
12 energy, maintenance, and operating costs,
- 13 d. improves the indoor environmental quality of public
14 buildings for a healthier work environment,
- 15 e. encourages the use of products harvested, created, or
16 mined within Oklahoma, regardless of product
17 certification status,
- 18 f. protects the environment of Oklahoma, and
- 19 g. complies with the federal Secretary of the Interior's
20 standards for the treatment of historic properties
21 when such work will affect properties fifty (50) years
22 of age or older, unless the Oklahoma Historical
23 Society determines that the property is not of
24 historical significance;

1 2. "Public building" means a facility constructed, or a major
2 facility constructed or renovated, in whole or in part, with state
3 funds or with funds guaranteed or insured by a state agency. A
4 public building shall include any facility that:

5 a. is substantially renovated, designed, or constructed
6 with state funds or with funds guaranteed or insured
7 by a state agency and such funds constitute at least
8 twenty-five percent (25%) of the project cost,

9 b. contains five thousand (5,000) or more gross square
10 feet,

11 c. includes a heating, ventilation, or air conditioning
12 system, and

13 d. has not entered the design phase prior to July 1,
14 2008; and

15 3. "Substantial renovation" means any renovation the cost of
16 which exceeds twenty-five percent (25%) of the value of the
17 property.

18 B. The Department of Central Services shall adopt and update
19 from time to time an energy-efficiency standard certification
20 program for public buildings.

21 C. A state agency or department controlling the substantial
22 renovation, design, or new construction of a public building shall,
23 pursuant to the program adopted by the Department of Central
24 Services pursuant to subsection B of this section, perform the

1 substantial renovation, design, or new construction to achieve the
2 highest performance certification attainable as certified by an
3 independent third party pursuant to the energy-efficiency standard
4 certification program. For purposes of this subsection, a
5 certification is attainable if the increased initial costs of the
6 substantial renovation, design, or new construction, including the
7 time value of money, can be recouped from decreased operational
8 costs within fifteen (15) years.

9 D. If the state agency or department estimates that the
10 increased initial costs will exceed five percent (5%) of the total
11 cost of the substantial renovation, design, or new construction, the
12 Department of Central Services shall specifically examine the
13 estimate before authorizing the substantial renovation, design, or
14 new construction.

15 E. If a public building undergoing substantial renovation
16 cannot achieve energy efficiency due to either the historical nature
17 of the building or because the increased costs of renovating the
18 public building cannot be recouped from decreased operational costs
19 within fifteen (15) years, an accredited professional shall assert
20 in writing that, as much as possible, the substantial renovation has
21 been consistent with the energy-efficiency standard certification
22 program.

23 F. Any design or new construction of a facility that is less
24 than five thousand (5,000) square feet that is, but for its size,

1 otherwise subject to this section shall execute any minor renovation
2 and controlled maintenance of the facilities and any other
3 facilities that are subject to this section in a manner consistent
4 with the energy-efficiency standards adopted pursuant to this
5 section even if energy-efficiency certification is not sought at
6 that time.

7 G. A public building may be exempted from complying with this
8 section upon a determination by the Department of Central Services
9 that extenuating circumstances exist such as to preclude compliance
10 with the energy-efficiency standard certification program.

11 H. The Department of Central Services shall issue an annual
12 report regarding contracting documents, project guidelines, and
13 reporting and tracking procedures related to the implementation of
14 this section.

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.

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