

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1096

By: Bingman

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5  
6 AS INTRODUCED

7 An Act relating to public buildings; amending 61 O.S.  
8 2011, Section 213, which relates to public buildings  
9 energy and environmental performance program;  
10 directing the Department of Central Services to  
11 consult with Secretary of Energy and adopt certain  
12 energy policies for certain purpose; and declaring an  
13 emergency.

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

15 SECTION 1. AMENDATORY 61 O.S. 2011, Section 213, is  
16 amended to read as follows:

17 Section 213. A. The purpose of this section is to promote  
18 effective energy and environmental standards for the construction,  
19 renovation, and maintenance of public buildings in this state which  
20 will improve the capacity of the state to design, build, and operate  
21 high-performance buildings thus creating new jobs, contributing to  
22 economic growth, and increasing energy independence. To accomplish  
23 the objectives of this section, the state shall adopt construction  
24 standards for public buildings that:

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

1 B. For purposes of this section:

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

- 8 a. is quantifiable, measurable, and verifiable as  
9 certified by an independent third party,
- 10 b. reduces the operating costs of public buildings by  
11 reducing the consumption of energy, water, and other  
12 resources,
- 13 c. results in the recovery of the increased initial  
14 capital costs attributable to compliance with the  
15 program over a time period by reducing long-term  
16 energy, maintenance, and operating costs,
- 17 d. improves the indoor environmental quality of public  
18 buildings for a healthier work environment,
- 19 e. encourages the use of products harvested, created, or  
20 mined within Oklahoma, regardless of product  
21 certification status, and
- 22 f. protects the environment of Oklahoma;

23 2. a. "Public building" means a facility that:  
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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  
24 institutions within The Oklahoma State System of Higher Education.

1 State agency shall not mean a public school district or technology  
2 center school district; and

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

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

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

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

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

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

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

22 I. The Department of Central Services shall identify and seek  
23 to have any public building which has been designed, constructed, or  
24 renovated in accordance with the standards of the high-performance

1 certification program designated as an ENERGY STAR building by the  
2 United States Environmental Protection Agency.

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

12 K. The Department of Central Services, in consultation with the  
13 Secretary of Energy shall adopt policies and direct state agencies  
14 to procure equipment and retrofit existing buildings to encourage  
15 maximum energy efficiency designed to reduce energy costs for all  
16 state buildings.

17 SECTION 2. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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