

THE HOUSE OF REPRESENTATIVES
Tuesday, March 4, 2008

House Bill No. 3394
As Amended

HOUSE BILL NO. 3394 - By: CARGILL of the House.

(public buildings and public works - Department of Central Services to adopt a high-performance certification program for public buildings – codification - effective date – emergency)

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

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

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

- 10 1. Optimize the energy performance of public buildings in the state;
- 11 2. Increase the demand for environmentally preferable building materials, finishes,
12 and furnishings;

- 1 3. Reduce the dependence of the state on imported sources of energy through
2 buildings that conserve energy and utilize local and renewable energy sources;
- 3 4. Protect and restore the natural resources of the state by avoiding development of
4 inappropriate building sites;
- 5 5. Reduce the burden on municipal water supply and treatment by reducing
6 potable water consumption;
- 7 6. Reduce waste generation and manage waste through recycling and diversion
8 from landfill disposal;
- 9 7. Establish life-cycle cost analysis as the appropriate and most efficient analysis to
10 determine the optimal performance level of a building project;
- 11 8. Ensure that the systems of each building project are designed, installed, and
12 tested to perform according to the design intent and operational needs of the building
13 through third-party postconstruction review and verification; and
- 14 9. Authorize the Department of Central Services to pursue ENERGY STAR
15 designation from the United States Environmental Protection Agency to further
16 demonstrate the energy independence of a public building project.
- 17 B. For purposes of this section:
- 18 1. "High-performance certification program" means a public building design,
19 construction, and renovation standard which meets the standards of the United States
20 Green Building Council's Leadership in Energy and Environmental Design Rating
21 System (LEED), and which:

- 1 a. is quantifiable, measurable, and verifiable as certified by an
2 independent third party,
- 3 b. reduces the operating costs of public buildings by reducing the
4 consumption of energy, water, and other resources,
- 5 c. results in the recovery of the increased initial capital costs attributable
6 to compliance with the program over a time period by reducing long-
7 term energy, maintenance, and operating costs,
- 8 d. improves the indoor environmental quality of public buildings for a
9 healthier work environment,
- 10 e. encourages the use of products harvested, created, or mined within
11 Oklahoma, regardless of product certification status, and
- 12 f. protects the environment of Oklahoma;
- 13 2. a. "Public building" means a facility that:
- 14 (1) is constructed or renovated in whole or in part with state funds
15 or with funds guaranteed or insured by a state agency and the
16 state funds constitute at least fifty percent (50%) of the project
17 cost,
- 18 (2) contains ten thousand (10,000) or more gross square feet,
- 19 (3) includes a heating, ventilation, or air conditioning system, and
- 20 (4) has not entered the design phase prior to July 1, 2008.
- 21 b. A public building shall not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
17 TRANSPORTATION, dated 03-03-08 - DO PASS, As Amended.