

FIRST REGULAR SESSION

HOUSE BILL NO. 117

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ELLINGER (Sponsor), NEWMAN, STILL,
HUMMEL AND COLONA (Co-Sponsors).

0484L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 8, RSMo, by adding thereto one new section relating to environmentally sustainable construction for state-funded buildings.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 8, RSMo, is amended by adding thereto one new section, to be known as section 8.860, to read as follows:

8.860. 1. As used in this section, the following words mean:

- 2 (1) **"ASHRAE" or "American Society of Heating, Refrigerating, and Air**
- 3 **Conditioning Engineers"**, an international technical society for all individuals and
- 4 **organizations interested in heating, ventilation, air conditioning, and refrigeration;**
- 5 (2) **"Building project"**, the design, construction, renovation, operation, and
- 6 **maintenance of any inhabited physical structure and its associated project building site;**
- 7 (3) **"Commercial interior fit-out"**, interior design and installation by owners or
- 8 **tenants of new or existing office space, typically exclusive of structural components and**
- 9 **core and shell elements;**
- 10 (4) **"GBI", Green Building Initiative;**
- 11 (5) **"Globes"**, the level of a building's sustainability and energy efficiency
- 12 **performance as determined by GBI's Green Globes Rating System;**
- 13 (6) **"Green Globes Rating System"**, the most current environmental building rating
- 14 **system established by the Green Building Initiative;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (7) **"High-performance building", a building designed to achieve integrated**
16 **systems design, construction, and operation so as to significantly reduce or eliminate the**
17 **negative impact of the built environment and optimize positive attributes;**

18 (8) **"LEED", Leadership in Energy and Environmental Design as determined by**
19 **the current version of the USGBC's Green Building Rating System;**

20 (9) **"LEED Silver", the current Silver standard as set forth by the USGBC's LEED**
21 **Green Building Rating System;**

22 (10) **"Major facility project" or "major facility projects":**

23 (a) **A state-funded:**

24 a. **New construction building project in which the building's gross square footage**
25 **is greater than five thousand;**

26 b. **Renovation project involving more than fifty percent of the square footage or**
27 **occupancy displacement; or**

28 c. **Commercial interior fit-out project that is larger than seven thousand square feet**
29 **of leasable area;**

30 (b) **Shall not include:**

31 a. **A building, regardless of size, that does not have conditioned space as defined by**
32 **ASHRAE standard 90.1;**

33 b. **A correctional facility constructed for the department of corrections or the**
34 **department of mental health;**

35 (11) **"Renovation project", a building project involving the modification or**
36 **adaptive reuse of an existing facility;**

37 (12) **"Third-party commissioning agent", a person accredited by the USGBC or**
38 **GBI with expertise in building system performance who analyzes, evaluates, and confirms**
39 **proper function and performance of a high-performance building, its systems, equipment,**
40 **and indoor air quality and who did not participate in the original certification of the major**
41 **facility project or renovation project;**

42 (13) **"USGBC", the United States Green Building Council.**

43 **2. All major facility projects in Missouri under subparagraph a. of paragraph (a)**
44 **of subdivision (10) of subsection 1 of this section shall be designed, constructed, and at least**
45 **certified as receiving two Globes using the Green Globes Rating System or receiving the**
46 **LEED Silver standard. All major facility projects in Missouri as defined under**
47 **subparagraphs b. and c. of paragraph (a) of subdivision (10) of subsection 1 of this section**
48 **shall be analyzed using:**

49 (1) A life cycle cost analysis comparing the cost and benefits of designing,
50 constructing, maintaining, and operating the facility at the LEED Silver standard or two
51 Globes standard, or better, with certification;

52 (2) Normal industry and regulatory standards, as applicable; or

53 (3) Some standard between subdivisions (1) and (2) of this subsection that causes
54 the project to be designed, constructed, and operated in a manner that achieves the lowest
55 thirty-year life cycle cost.

56 3. In obtaining certification as receiving two Globes using the Green Globes Rating
57 System, a major facility project shall earn at least twenty percent of the available points
58 for energy performance under C.1.1 energy consumption. In obtaining certification as
59 meeting the LEED Silver standard, a major facility project shall reduce energy use twenty-
60 four percent for new buildings or twenty percent for existing buildings over ASHRAE
61 standard 90.1-2007. The office of administration may waive the requirements of this
62 subsection for a proposed major facility project if it determines that the cost of meeting the
63 requirements under this subsection are not economically feasible.

64 4. The office of administration may petition the general assembly to require all
65 major facility projects be certified to a high-performance building rating system standard
66 in addition to or in lieu of the systems provided in this section. However, any alternate
67 rating system adopted by the general assembly shall be no less stringent than the systems
68 provided in this section.

69 5. All major facility projects that were certified at the LEED Silver or two Globe
70 standard or higher shall be inspected by a third-party commissioning agent, at a minimum,
71 in the fifth, tenth, and fifteenth year following certification. The third-party
72 commissioning agent shall determine whether the building is operating at the standard to
73 which it was originally designed and certified. The third-party commissioning agent shall
74 report its findings to the office of administration and the respective state department or
75 departments occupying the facility. The report shall include but not be limited to the
76 facility's savings on energy and water, the level of its indoor air quality, the existing
77 system's function and performance, problems with the system, and whether the system's
78 performance meets the facility's requirements. If the office of administration determines
79 the building is not operating within the spirit of this section, the office of administration
80 may take appropriate measures to bring the building into compliance.

81 6. The office of administration shall develop and implement a process to monitor
82 and evaluate the energy and environmental benefits associated with each major facility
83 project designed, constructed, and renovated under this section. The monitoring and
84 evaluation of each major facility project shall commence one year after occupancy or use

85 and shall continue for fifteen years thereafter. All data concerning energy, operational,
86 and environmental benefits collected under this section shall be made available to the office
87 of administration to be compiled and submitted to the general assembly under subsection
88 7 of this section.

89 7. The office of administration shall submit a report regarding major facility
90 projects to the house committee on energy and environment and the senate committee on
91 energy and environment that includes:

92 (1) The number and types of buildings designed and constructed;

93 (2) The level of certification of each building designed, constructed, or renovated;

94 (3) Actual savings in energy costs;

95 (4) A description of all potential environmental benefits, including but not limited
96 to, water savings and the reduction of waste generation;

97 (5) The ability of building to continue to operate at the standard to which it was
98 originally certified;

99 (6) In the event of a waiver by the office of administration to not pursue
100 certification, reasons for the waiver;

101 (7) Any conflicts or barriers that hinder the effectiveness of this section.

102 8. The office of administration shall promulgate rules to implement the provisions
103 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
104 is created under the authority delegated in this section shall become effective only if it
105 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
106 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
107 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
108 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
109 grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,
110 shall be invalid and void.