

FIRST REGULAR SESSION

SENATE BILL NO. 702

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS BRAY AND SMITH.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2583S.01I

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to the green building standards act.

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

Section A. Chapter 640, RSMo, is amended by adding thereto one new
2 section, to be known as section 640.158, to read as follows:

**640.158. 1. As used in this section, the following terms shall
2 mean:**

3 (1) "Certified rating", the rating in compliance with, or
4 exceeding, any of the ratings awarded by the USGBC LEED
5 certification process, which include certified, silver, gold, or platinum;

6 (2) "Commissioning", the process of verifying and ensuring that
7 the entire building and the systems within are designed, constructed,
8 functionally tested, and calibrated to operate as intended;

9 (3) "Department", the department of natural resources;

10 (4) "Energy and Atmosphere Credit Number One", the credit
11 awarded by the LEED Green Building Rating System, which requires
12 increased energy performance above the standard as defined in the
13 most current version of the LEED-NC or LEED-EB rating system;

14 (5) "Energy and Atmosphere Credit Number Three", the credit
15 awarded by the LEED Green Building Rating System, which requires
16 additional commissioning above the fundamental commissioning
17 prerequisite as defined in the most current version of the LEED-NC or
18 LEED-EB rating system;

19 (6) "Green building" or "high-performance building", a building
20 that is designed to achieve integrated systems design and construction
21 so as to significantly reduce or eliminate the negative impact of the

22 **built environment on the following:**

23 (a) **Site conservation and sustainable planning;**

24 (b) **Water conservation and efficiency;**

25 (c) **Energy efficiency and renewable energy;**

26 (d) **Conservation of materials and resources; and**

27 (e) **Indoor environmental quality and human health;**

28 (7) **"LEED Green Building Rating System", the Leadership in**
29 **Energy and Environmental Design (LEED) Green Building Rating**
30 **System developed and adopted by the U.S. Green Building Council**
31 **(USGBC), which measures and evaluates the energy and environmental**
32 **performance of a building;**

33 (8) **"LEED-EB" or "Green Building Rating System Version LEED-**
34 **EB", the most current Leadership in Energy and Environmental Design**
35 **Green Building Rating System guidelines developed and adopted by the**
36 **United States Green Building Council for existing buildings;**

37 (9) **"LEED-NC" or "LEED Green Building Rating System Version**
38 **LEED-NC", the most current Leadership in Energy and Environmental**
39 **Design Green Building Rating System developed and adopted by the**
40 **United States Green Building Council for new buildings and major**
41 **renovations;**

42 (10) **"Life-cycle cost", the cost of a building, as determined by the**
43 **methodology identified in the National Institute of Standards and**
44 **Technology's special publication 544 and interagency report 80-2040,**
45 **available as set forth in the Code of Federal Regulations, Title 15, Part**
46 **230, including the initial cost of its construction or renovation, the**
47 **marginal cost of future energy capacity, the cost of the energy**
48 **consumed by the facility over its expected useful life or, in the case of**
49 **a leased building, over the remaining term of the lease, and the cost of**
50 **operating and maintaining the facility as such cost affects energy**
51 **consumption;**

52 (11) **"Major facility", any building:**

53 (a) **Owned or operated, in whole or in part, by a state agency; or**

54 (b) **Constructed on land leased from the state and:**

55 a. **Which is intended to be used as a school; or**

56 b. **Which has five thousand or more gross square feet;**

57 (12) **"State agency", any department, board, bureau, commission,**
58 **institution, public higher education institution, school district, or other**

59 governmental entity of this state.

60 2. Any building that is to be constructed by or for the state after
61 August 28, 2007 shall be designed and managed to obtain a certified
62 rating under the LEED Green Building Rating System as set forth in
63 this section.

64 3. The design, construction, operations, maintenance, renovation,
65 and deconstruction of all major facilities that enter into the pre-design
66 phase after August 28, 2007, and the site of all such facilities, shall
67 conform to, or exceed, the certified rating of the most recent version of
68 the LEED-NC Green Building Rating System for a new building and for
69 major renovations or the most recent version of LEED Green Building
70 Rating System Version LEED-EB for an existing building. All such
71 buildings shall be certified through the LEED certification process and:

72 (1) The state agency or instrumentality of the state or political
73 subdivision of the state responsible for each such facility shall seek
74 LEED certification at the earliest stage of development for the site of
75 each such facility, and throughout the life of each such facility;

76 (2) In achieving its LEED rating, the facility must earn at least
77 four LEED points for Energy and Atmosphere Credit Number One; and

78 (3) In achieving its LEED rating, the facility must earn the point
79 for the LEED Energy and Atmosphere Credit Number Three.

80 4. The commissioner of the office of administration may exempt
81 any building from compliance with the mandates under this section if
82 it is deemed that the cost of compliance sufficiently exceeds the
83 building's life-cycle cost savings.

84 5. Any building that is given exemption by the commissioner in
85 subsection 4 of this section shall comply with the LEED Green Building
86 Rating System to the maximum extent possible such that the cost of
87 compliance does not sufficiently exceed the building's life-cycle cost
88 savings.

89 6. The department shall promulgate rules and regulations for
90 compliance with the provisions of this section. Any rule or portion of
91 a rule, as that term is defined in section 536.010, RSMo, that is created
92 under the authority delegated in this section shall become effective
93 only if it complies with and is subject to all of the provisions of chapter
94 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
95 chapter 536, RSMo, are nonseverable and if any of the powers vested

96 with the general assembly pursuant to chapter 536, RSMo, to review, to
97 delay the effective date, or to disapprove and annul a rule are
98 subsequently held unconstitutional, then the grant of rulemaking
99 authority and any rule proposed or adopted after August 28, 2007, shall
100 be invalid and void.

101 7. The department shall develop processes and systems to verify
102 compliance with the provisions of this section.

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