

HOUSE AMENDMENT NO. \_\_\_\_

TO

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Offered By

AMEND House Amendment No. \_\_\_\_\_ to Senate Bill No. 0207, Page 1, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:  
"1, Section A, Line 10, by inserting after all of said section and line, the following:

"8.307. 1. There is hereby established the "Capital Green Program". Such program shall provide funding to the state:

(1) For weatherization and energy efficiency improvements to the Missouri state capitol building and the governor's mansion; and

(2) For geothermal, wind, and solar energy resources and to install a network of environmentally friendly free-flow turbine generators in the Missouri river to provide electrical power for the Missouri state capitol building and the governor's mansion. Surplus energy, if generated, may be used to provide power to the Harry S Truman office building, the Missouri supreme court building, and the James C. Kirkpatrick state information center.

2. There is hereby created in the state treasury the "Capital Green Program Fund", which shall consist of money appropriated annually by the general assembly from general revenue and any gifts, bequests, or donations. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, subject to appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

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

2           (1) "ASHRAE" or "American Society of Heating, Refrigerating, and Air Conditioning

3 Engineers", an international technical society for all individuals and organizations interested in

4 heating, ventilation, air conditioning, and refrigeration;

5           (2) "Building project", the design, construction, renovation, operation, and maintenance of

6 any inhabited physical structure and its associated project building site;

7           (3) "Commercial interior fit-out", interior design and installation by owners or tenants of

8 new or existing office space, typically exclusive of structural components and core and shell

9 elements;

10           (4) "Energy Star", the most current national energy performance rating system created by

11 the United States Environmental Protection Agency and the United States Department of Energy;

12           (5) "Energy Star rating", the rating achieved on the current Energy Star's current rating

13 system on the one to one hundred scale, which rating evaluates the energy performance of a

14 building;

15           (6) "GBI", Green Building Initiative;

16           (7) "Globes", the level of a building's sustainability and energy efficiency performance as

17 determined by GBI's Green Globes Rating System;

18           (8) "Green Globes Rating System", the most current environmental building rating system

19 established by the Green Building Initiative;

20           (9) "High-performance building", a building designed to achieve integrated systems

21 design, construction, and operation so as to significantly reduce or eliminate the negative impact

22 of the built environment and optimize positive attributes;

23           (10) "LEED", Leadership in Energy and Environmental Design as determined by the

24 current version of the USGBC's Green Building Rating System;

25           (11) "LEED Silver", the current Silver standard as set forth by the USGBC's LEED Green

26 Building Rating System;

27           (12) "Major facility project" or "major facility projects":

28           (a) A state-funded:

29           a. New construction building project in which the building's gross square footage is

30 greater than five thousand;

31           b. Renovation project involving more than fifty percent of the square footage or

32 occupancy displacement; or

33           c. Commercial interior fit-out project that is larger than seven thousand square feet of

34 leasable area;

35           (b) Shall not include:

36           a. A building, regardless of size, that does not have conditioned space as defined by

37 ASHRAE standard 90.1;

38           b. A correctional facility constructed for the department of corrections or the department

39 of mental health;

40           (13) "Qualified existing facility", any existing building over ten thousand square feet that

41 is operated under the Missouri office of administration, but does not include:

42           (a) A building, regardless of size, that does not have conditioned space as defined by

43 ASHRAE standard 90.1;

44           (b) A correctional facility constructed for the department of corrections or the department

45 of mental health;

1 (c) A building not meeting the Environmental Protection Agency Energy Star  
2 benchmarking guidelines;

3 (14) "Renovation project", a building project involving the modification or adaptive reuse  
4 of an existing facility;

5 (15) "Third-party commissioning agent", a person accredited by the USGBC or GBI with  
6 expertise in building system performance who analyzes, evaluates, and confirms proper function  
7 and performance of a high-performance building, its systems, equipment, and indoor air quality  
8 and who did not participate in the original certification of the major facility project or renovation  
9 project;

10 (16) "USGBC", the United States Green Building Council.

11 2. All major facility projects in Missouri under subparagraph a. of paragraph (a) of  
12 subdivision (12) of subsection 1 of this section shall be designed, constructed, and at least  
13 certified as receiving two Globes using the Green Globes Rating System or receiving the LEED  
14 Silver standard. All major facility projects in Missouri as defined under subparagraphs b. and c.  
15 of paragraph (a) of subdivision (12) of subsection 1 of this section shall be analyzed using:

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

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

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

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

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

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

46 6. The office of administration shall develop and implement a process to monitor and

1 evaluate the energy and environmental benefits associated with each major facility project  
2 designed, constructed, and renovated under this section. The monitoring and evaluation of each  
3 major facility project shall commence one year after occupancy or use and shall continue for  
4 fifteen years thereafter. All data concerning energy, operational, and environmental benefits  
5 collected under this section shall be made available to the office of administration to be compiled  
6 and submitted to the general assembly under subsection 8 of this section. The recommendation of  
7 incorporation of the Energy Star rating system to fulfill the requirements of this subsection shall  
8 be made.

9 7. All qualified existing facilities in the state of Missouri shall meet the energy  
10 performance goals of the Energy Star program and shall try to earn minimum Energy Star rating  
11 of seventy within the following periods of time:

12 (1) (a) First Energy Star rating of less than forty shall achieve a rating increase of thirty  
13 points or greater within five years;

14 (b) First Energy Star rating of forty-one points to fifty points shall achieve an Energy Star  
15 rating to seventy points within four years;

16 (c) First Energy Star rating of fifty-one points to sixty points shall achieve a rating  
17 increase to seventy points within three years;

18 (d) First Energy Star rating of greater than sixty points shall achieve a rating increase to  
19 seventy points within two years; or

20 (2) Achieve the highest possible rating within a ten-year payback period within five years  
21 of the first Energy Star rating.

22 8. The office of administration shall submit a report regarding major facility projects and  
23 Energy Star data of qualified existing building to the house committee on energy and environment  
24 and the senate committee on energy and environment that includes:

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

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

27 (3) The average Energy Star rating per department;

28 (4) Actual savings in energy costs;

29 (5) A description of all potential environmental benefits, including but not limited to,  
30 water savings and the reduction of waste generation;

31 (6) The ability of building to continue to operate at the standard to which it was originally  
32 certified;

33 (7) In the event of a waiver by the office of administration to not pursue certification,  
34 reasons for the waiver;

35 (8) Any conflicts or barriers that hinder the effectiveness of this section.

36 9. The office of administration shall promulgate rules to implement the provisions of this  
37 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
38 under the authority delegated in this section shall become effective only if it complies with and is  
39 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
40 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant  
41 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
42 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
43 or adopted after August 28, 2011, shall be invalid and void.

44  
45 Further amend said bill Page 24, Section 393.1075, Line 112, by inserting after all of said line the  
46 following"; and"; and

Further amend said amendment Page 22, Line 3, by deleting all of said line and inserting in lieu thereof the following:

“that overall commitment is maintained.

“640.950. 1. This section shall be known and may be cited as "The Renewable Energy Pilot Program for State Parks".

2. The department of natural resources shall, in consultation with the public service commission, develop and implement a pilot program in which renewable energy technology is used to operate a state park.

3. The commission shall retain authority to regulate the rates and cost recovery for electric utilities under its jurisdiction that enter into a contractual agreement to provide renewable energy resources for the department. The department may also contract with those electric utilities that are unregulated by the commission.

4. The pilot program shall begin with the department's selection of a suitable state park by August 28, 2012. The department shall set a goal of achieving the one hundred percent use of renewable energy resources, as defined in section 393.1025, within the boundaries of the park.

5. The pilot program shall involve the department's use of as many energy-efficient products as possible within the boundaries of the park.

6. The department shall set a goal of completing such renewable energy pilot program by August 28, 2017.

7. Beginning August 28, 2011, the department shall annually report to the general assembly if the goal of this section has been met. If the goal provided in this section is not achieved, then such report shall explain why such goal is not feasible at the current time and develop alternative suggestions. If the goal in subsection 6 of this section is not met, then such report shall continue indefinitely on an annual basis.

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

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.