

FIRST REGULAR SESSION

HOUSE BILL NO. 267

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES McNEIL (Sponsor), SCHOELLER, HOLSMAN, KELLY (24),
MOLENDORP, STILL, FAITH AND OXFORD (Co-sponsors).

0395L.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
2 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) "Energy Star", the most current national energy performance rating system
11 created by the United States Environmental Protection Agency and the United States
12 Department of Energy;
13 (5) "Energy Star rating", the rating achieved on the current Energy Star's current
14 rating system on the one to one hundred scale, which rating evaluates the energy
15 performance of a building;
16 (6) "GBI", 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.

- 17 (7) "Globes", the level of a building's sustainability and energy efficiency
18 performance as determined by GBI's Green Globes Rating System;
- 19 (8) "Green Globes Rating System", the most current environmental building rating
20 system established by the Green Building Initiative;
- 21 (9) "High-performance building", a building designed to achieve integrated
22 systems design, construction, and operation so as to significantly reduce or eliminate the
23 negative impact of the built environment and optimize positive attributes;
- 24 (10) "LEED", Leadership in Energy and Environmental Design as determined by
25 the current version of the USGBC's Green Building Rating System;
- 26 (11) "LEED Silver", the current Silver standard as set forth by the USGBC's
27 LEED Green Building Rating System;
- 28 (12) "Major facility project" or "major facility projects":
29 (a) A state-funded:
30 a. New construction building project in which the building's gross square footage
31 is greater than five thousand;
32 b. Renovation project involving more than fifty percent of the square footage or
33 occupancy displacement; or
34 c. Commercial interior fit-out project that is larger than seven thousand square feet
35 of leasable area;
36 (b) Shall not include:
37 a. A building, regardless of size, that does not have conditioned space as defined by
38 ASHRAE standard 90.1;
39 b. A correctional facility constructed for the department of corrections or the
40 department of mental health;
- 41 (13) "Qualified existing facility", any existing building over ten thousand square
42 feet that is operated under the Missouri office of administration, but does not include:
43 (a) A building, regardless of size, that does not have conditioned space as defined
44 by ASHRAE standard 90.1;
45 (b) A correctional facility constructed for the department of corrections or the
46 department of mental health;
47 (c) A building not meeting the Environmental Protection Agency Energy Star
48 benchmarking guidelines;
- 49 (14) "Renovation project", a building project involving the modification or
50 adaptive reuse of an existing facility;
- 51 (15) "Third-party commissioning agent", a person accredited by the USGBC or
52 GBI with expertise in building system performance who analyzes, evaluates, and confirms

53 proper function and performance of a high-performance building, its systems, equipment,
54 and indoor air quality and who did not participate in the original certification of the major
55 facility project or renovation project;

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

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

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

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

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

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

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

83 5. All major facility projects that were certified at the LEED Silver or two Globe
84 standard or higher shall be inspected by a third-party commissioning agent, at a minimum,
85 in the fifth, tenth, and fifteenth year following certification. The third-party
86 commissioning agent shall determine whether the building is operating at the standard to
87 which it was originally designed and certified. The third-party commissioning agent shall
88 report its findings to the office of administration and the respective state department or

89 departments occupying the facility. The report shall include but not be limited to the
90 facility's savings on energy and water, the level of its indoor air quality, the existing
91 system's function and performance, problems with the system, and whether the system's
92 performance meets the facility's requirements. If the office of administration determines
93 the building is not operating within the spirit of this section, the office of administration
94 may take appropriate measures to bring the building into compliance.

95 6. The office of administration shall develop and implement a process to monitor
96 and evaluate the energy and environmental benefits associated with each major facility
97 project designed, constructed, and renovated under this section. The monitoring and
98 evaluation of each major facility project shall commence one year after occupancy or use
99 and shall continue for fifteen years thereafter. All data concerning energy, operational,
100 and environmental benefits collected under this section shall be made available to the office
101 of administration to be compiled and submitted to the general assembly under subsection
102 8 of this section. The recommendation of incorporation of the Energy Star rating system
103 to fulfill the requirements of this subsection shall be made.

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

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

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

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

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

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

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

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

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

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

124 (4) Actual savings in energy costs;

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

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

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

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

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

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