

House File 2428 - Introduced

HOUSE FILE _____
BY LENSING and WESSEL=KROESCHELL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act specifying green building construction standards
2 applicable to public and school building construction.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6297HH 82
5 rn/rj/5

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1 1 Section 1. NEW SECTION. 473C.1 FINDINGS AND INTENT.
1 2 1. The general assembly finds that public buildings can be
1 3 built and renovated using high-performance methods that save
1 4 money, improve performance, increase productivity, and cut
1 5 energy and utility costs.
1 6 2. It is the intent of the general assembly that state=
1 7 owned buildings and schools be improved by adopting recognized
1 8 standards for high-performance public buildings and allowing
1 9 flexible methods and choices in how to achieve those
1 10 standards. The general assembly also intends that state
1 11 agencies and public school districts shall document costs and
1 12 savings to monitor the effectiveness of the requirements of
1 13 this chapter and ensure that economic, community, and
1 14 environmental goals are achieved each year, and that an
1 15 independent performance review be conducted to evaluate this
1 16 chapter and determine the extent to which the results intended
1 17 by this chapter are being met.
1 18 Sec. 2. NEW SECTION. 473C.2 DEFINITIONS.
1 19 As used in this chapter, unless the context otherwise
1 20 requires:
1 21 1. "High-performance public building" means a high=
1 22 performance public building designed, constructed, and
1 23 certified to a standard as identified in this chapter.
1 24 2. "Institution of higher education" means a community
1 25 college or public university in this state.
1 26 3. "LEED silver standard" means the United States green
1 27 building council leadership in energy and environmental design
1 28 green building rating standard, referred to as the silver
1 29 standard.
1 30 4. a. "Major facility project" means any of the
1 31 following:
1 32 (1) A construction project larger than five thousand gross
1 33 square feet of occupied or conditioned space.
1 34 (2) A building renovation project when the cost is greater
1 35 than fifty percent of the assessed value and the project is
2 1 larger than five thousand gross square feet of occupied or
2 2 conditioned space.
2 3 b. "Major facility project" does not include any of the
2 4 following:
2 5 (1) A project for which the department of administrative
2 6 services, public school district, or other applicable agency
2 7 and the design team determine the LEED silver standard or the
2 8 sustainable school design protocol is not practicable.
2 9 (2) Transmitter buildings, pumping stations, hospitals,
2 10 research facilities primarily used for sponsored laboratory
2 11 experimentation, laboratory research, or laboratory training
2 12 in research methods, or other similar building types as
2 13 determined by the department.
2 14 5. "Public funds" means all funds that are public funds
2 15 within the meaning of section 12C.1, subsection 2.
2 16 6. "Public school district" means a school district
2 17 eligible to receive state basic education moneys and tax funds
2 18 collected pursuant to chapter 423E.
2 19 7. "State agency" means any executive, judicial, or
2 20 legislative department, commission, board, institution,

2 21 division, bureau, office, agency, or other entity of state
2 22 government of this state.

2 23 8. "Sustainable school design protocol" means a school
2 24 design protocol and related information developed by the state
2 25 board of regents, the state board of education, and the Iowa
2 26 association of community college trustees, in conjunction with
2 27 public school districts and the department of education.

2 28 Sec. 3. NEW SECTION. 473C.3 STATE AGENCY PROJECTS.

2 29 1. All major facility projects of a state agency financed
2 30 through an appropriation from the general assembly shall be
2 31 designed, constructed, and certified to at least the LEED
2 32 silver standard. This subsection applies to major facility
2 33 projects that have not entered the design phase prior to July
2 34 1, 2008, and to the extent appropriate LEED silver standards
2 35 exist for that type of building or facility.

3 1 2. When the LEED silver standard is determined not to be
3 2 practicable for a project, it must be determined if any LEED
3 3 standard is practicable for the project. If LEED standards
3 4 are not followed for the project, the state agency shall
3 5 report these reasons to the department.

3 6 3. a. A state agency shall monitor and document ongoing
3 7 operating savings resulting from major facility projects
3 8 designed, constructed, and certified as required under this
3 9 section.

3 10 b. A state agency shall report annually to the department
3 11 of administrative services on major facility projects and
3 12 operating savings.

3 13 4. The department of administrative services shall
3 14 consolidate the reports required in subsection 3 into one
3 15 report and report to the governor, the director of the office
3 16 of energy independence, and the general assembly by September
3 17 1 of each even-numbered year beginning in 2010 and ending in
3 18 2020. In the report, the department of administrative
3 19 services shall also report on the implementation of this
3 20 chapter, including reasons why the LEED silver standard was
3 21 not used as required by this section. The department of
3 22 administrative services shall make recommendations regarding
3 23 the ongoing implementation of this chapter, including a
3 24 discussion of incentives and disincentives related to
3 25 implementing this chapter.

3 26 Sec. 4. NEW SECTION. 473C.4 PUBLIC SCHOOL AND
3 27 INSTITUTIONS OF HIGHER LEARNING PROJECTS.

3 28 1. All major facility projects of a public school district
3 29 or institution of higher learning financed in whole or in part
3 30 through public funds shall be designed and constructed to at
3 31 least the LEED silver standard or the sustainable school
3 32 design protocol. To the extent appropriate LEED silver or
3 33 sustainable school design protocol standards exist for the
3 34 type of building or facility, this subsection applies to major
3 35 facility projects that have not received project approval from
4 1 the director of the department of education prior to July 1,
4 2 2008.

4 3 2. When the LEED silver standard is determined not to be
4 4 practicable for a project, it must be determined if any LEED
4 5 standard is practicable for the project. If LEED standards or
4 6 the sustainable school design protocol is not followed for the
4 7 project, the public school district or institution of higher
4 8 learning shall report these reasons to the department.

4 9 3. Public school districts and institutions of higher
4 10 learning under this section shall do all of the following:

4 11 a. Monitor and document appropriate operating benefits and
4 12 savings resulting from major facility projects designed and
4 13 constructed as required under this section for a minimum of
4 14 five years following acceptance of a project receiving state
4 15 funding.

4 16 b. Report annually to the director of the department of
4 17 education. The form and content of each report must be
4 18 mutually developed by the department of education in
4 19 consultation with public school districts and the state board
4 20 of regents.

4 21 4. The director of the department of education shall
4 22 consolidate the reports required in subsection 3 into one
4 23 report and report to the governor, the director of the office
4 24 of energy independence, and the general assembly by September
4 25 1 of each even-numbered year beginning in 2010 and ending in
4 26 2020. In its report, the director of the department of
4 27 education shall also report on the implementation of this
4 28 chapter, including reasons why the LEED silver standard or
4 29 sustainable school design protocol was not used as required by
4 30 this section. The director of the department of education
4 31 shall make recommendations regarding the ongoing

4 32 implementation of this chapter, including a discussion of
4 33 incentives and disincentives related to implementing this
4 34 chapter.

4 35 5. The state board of education, in consultation with the
5 1 director of the department of education, shall develop and
5 2 issue guidelines for administering this chapter for public
5 3 school districts and community colleges. The state board of
5 4 regents shall develop and issue guidelines for administering
5 5 this chapter for institutions of higher learning. The purpose
5 6 of the guidelines is to define a procedure and method for
5 7 employing and verifying compliance with the LEED silver
5 8 standard or the sustainable school design protocol.

5 9 6. The director of the department of education shall
5 10 establish a school facilities advisory committee as a high=
5 11 performance buildings advisory committee comprised of affected
5 12 public schools, the state board of education, the state board
5 13 of regents, the department, the director of the department of
5 14 education, the Iowa association of community college trustees,
5 15 and others at the director of the department of education's
5 16 discretion to provide advice on implementing this chapter.
5 17 Among other duties, the advisory committee shall make
5 18 recommendations regarding an education and training process
5 19 and an ongoing evaluation or feedback process to help the
5 20 director of the department of education and the state board of
5 21 education implement this chapter.

5 22 Sec. 5. NEW SECTION. 473C.5 REPORT TO GENERAL ASSEMBLY.

5 23 On or before January 1, 2011, the department of
5 24 administrative services and the director of the department of
5 25 education, in consultation with the director of the office of
5 26 energy independence, shall summarize the reports submitted
5 27 under sections 473C.3 and 473C.4 and submit the individual
5 28 reports to the legislative capital projects committee, the
5 29 legislative standing committees on commerce, and the
5 30 legislative standing committees on education for review of the
5 31 program's performance and consideration of any changes that
5 32 may be needed to adapt the program to any new or modified
5 33 standards for high-performance buildings that meet the intent
5 34 of this chapter.

5 35 Sec. 6. NEW SECTION. 473C.6 IMPLEMENTATION.

6 1 1. a. The department of administrative services, in
6 2 consultation with affected state agencies, shall develop and
6 3 issue guidelines for administering this chapter for state
6 4 agencies. The purpose of the guidelines is to define a
6 5 procedure and method for employing and verifying activities
6 6 necessary for certification to at least the LEED silver
6 7 standard for major facility projects.

6 8 b. The department of administrative services and the
6 9 department of education shall amend any fee schedules for
6 10 architectural and engineering services to accommodate the
6 11 requirements in the design of major facility projects under
6 12 this chapter.

6 13 c. Major facility projects designed to meet standards
6 14 identified in this chapter must include building commissioning
6 15 as a critical cost-saving part of the construction process.
6 16 This process includes input from the project design and
6 17 construction teams and the project ownership representatives.

6 18 d. As provided in the request for proposals for
6 19 construction services, the department of administrative
6 20 services shall hold a preproposal conference for prospective
6 21 bidders to discuss compliance with and achievement of
6 22 standards identified in this chapter for prospective
6 23 respondents.

6 24 2. The department of administrative services shall create
6 25 a high-performance buildings advisory committee comprised of
6 26 representatives from the design and construction industry
6 27 involved in public works contracting, personnel from the
6 28 affected state agencies responsible for overseeing public
6 29 works projects, the state board of education, the department
6 30 of education, and others at the department of administrative
6 31 services' discretion to provide advice on implementing this
6 32 chapter. Among other duties, the advisory committee shall
6 33 make recommendations regarding an education and training
6 34 process and an ongoing evaluation or feedback process to help
6 35 the department of administrative services implement this
7 1 chapter.

7 2 Sec. 7. NEW SECTION. 473C.7 RULES.

7 3 1. The department of administrative services, the
7 4 department of education, and the state board of regents shall
7 5 adopt rules pursuant to chapter 17A to administer this
7 6 chapter.

7 7 2. In adopting implementation rules, the department of

7 8 education and the state board of regents, in consultation with
7 9 the department of administrative services, shall review and
7 10 modify any other requirement for energy conservation by public
7 11 schools and institutions of higher learning.

7 12 3. In adopting implementation rules, the department of
7 13 education, in consultation with the state board of education,
7 14 shall do all of the following:

7 15 a. Review private and public utility providers' capacity
7 16 and financial and technical assistance programs for affected
7 17 public school districts to monitor and report utility
7 18 consumption for purposes of reporting to the director of the
7 19 department of education as provided in section 473C.4.

7 20 b. Coordinate with the department of administrative
7 21 services, the state board of health, the department of natural
7 22 resources, federal agencies, and other affected agencies as
7 23 appropriate in their consideration of rules to implement this
7 24 section.

7 25 Sec. 8. NEW SECTION. 473C.8 NONLIABILITY.

7 26 A member of the design or construction team shall not be
7 27 held liable for the failure of a major facility project to
7 28 meet the LEED silver standard or other LEED standard
7 29 established for the project as long as a good faith attempt
7 30 was made to achieve the LEED standard set for the project.

7 31 Sec. 9. NEW SECTION. 473C.9 HOUSING PROJECTS EXEMPT.

7 32 Affordable housing projects funded through the Iowa finance
7 33 authority are exempt from the provisions of this chapter.

7 34 Sec. 10. NEW SECTION. 262.101 HIGH=PERFORMANCE ENERGY
7 35 STANDARDS.

8 1 An institution of higher education under the board's
8 2 control shall comply with high=performance public building
8 3 requirements under chapter 473C.

8 4 Sec. 11. Section 279.39, Code 2007, is amended to read as
8 5 follows:

8 6 279.39 SCHOOL BUILDINGS == HIGH=PERFORMANCE ENERGY

8 7 STANDARDS.

8 8 1. The board of any school corporation shall establish
8 9 attendance centers and provide suitable buildings for each
8 10 school in the district and may at the regular or a special
8 11 meeting call a special election to submit to the registered
8 12 voters of the district the question of voting a tax or
8 13 authorizing the board to issue bonds, or both.

8 14 2. Public school districts shall comply with high=
8 15 performance public building requirements under chapter 473C.

8 16 EXPLANATION

8 17 This bill requires certain public buildings to meet certain
8 18 green building rating standards as high=performance public
8 19 buildings. The bill requires all major facility projects of a
8 20 state agency, institution of higher learning, or public school
8 21 district that receives an appropriation of state funds from
8 22 the general assembly and which have not entered the design
8 23 phase by July 1, 2008, to be designed, constructed, and
8 24 certified to certain standards of the United States building
8 25 council leadership in energy and environmental design green
8 26 building rating standard otherwise called the LEED silver
8 27 standard.

8 28 The bill provides that when it is determined that LEED
8 29 standards are not practicable for a project, the department of
8 30 administrative services or department of education must be
8 31 notified and reasons for that determination documented. The
8 32 bill requires state agencies, public school districts, and
8 33 institutions of higher learning to monitor and document
8 34 ongoing operating savings resulting from the construction
8 35 project, and imposes reporting requirements to the governor,
9 1 director of the office of energy independence, and members of
9 2 the general assembly.

9 3 The bill provides for the formation of a high=performance
9 4 buildings advisory committee and a school facilities advisory
9 5 committee comprised of designated representatives to make
9 6 recommendations regarding an education and training process
9 7 and an ongoing evaluation and feedback process to help the
9 8 departments of administrative services and education implement
9 9 the bill's provisions.

9 10 The bill provides that a member of a design or construction
9 11 team shall not be held liable for the failure of a project to
9 12 meet the LEED standards as long as a good faith effort was
9 13 made, exempts affordable housing projects funded through the
9 14 Iowa finance authority from the bill's provisions, and makes
9 15 conforming changes to related Code sections.

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