

**House File 2359 - Introduced**

HOUSE FILE 2359  
BY ISENHART

**A BILL FOR**

1 An Act creating a high performance certification program  
2 applicable to certain public buildings.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 473B.1 High performance public  
2 building certification — program established — legislative  
3 intent.

4 The intent of the general assembly is to promote  
5 effective energy and environmental standards for the design,  
6 construction, renovation, and maintenance of public buildings.  
7 These standards shall improve the capacity of the state to  
8 operate high performance buildings and thereby increasing  
9 energy independence, increasing demand for environmentally  
10 preferable building materials, finishes, and furnishings,  
11 reducing waste generation and manage waste through recycling  
12 and diversion from landfill disposal, and establishing life  
13 cycle cost analysis as the appropriate and most efficient  
14 analysis to determine the optimal performance level of a  
15 building project.

16 Sec. 2. NEW SECTION. 473B.2 Definitions.

17 As used in this section, unless the context otherwise  
18 requires:

19 1. "*Department*" means the department of administrative  
20 services.

21 2. "*High performance certification*" means a public building  
22 design, construction, and renovation standard that is certified  
23 by an independent third-party organization pursuant to section  
24 473B.3 as having been achieved.

25 3. "*Public building*" means a facility that meets all of the  
26 following conditions:

27 a. Is constructed or renovated in whole or in part with  
28 state funds or with funds guaranteed or insured by a state  
29 agency, with the state or guaranteed funding constituting at  
30 least fifty percent of the project cost.

31 b. Contains ten thousand or more square feet.

32 c. Includes a heating, ventilation, or air conditioning  
33 system.

34 d. Has not entered the design phase prior to July 1, 2010.

35 4. "*State agency*" means an agency, department, authority,

1 board, commission, council, court, office, bureau, institution,  
2 unit, or division of the executive or judicial branches of  
3 state government, whether elected or appointed, including  
4 institutions under the control of the state board of regents.

5 5. "*Substantial renovation*" means any renovation of a  
6 public building the cost of which exceeds fifty percent of the  
7 replacement value of the facility.

8 Sec. 3. NEW SECTION. 473B.3 Program established.

9 1. The department shall adopt rules establishing a high  
10 performance certification program. The objectives of the  
11 program shall include the following:

12 a. Reducing operating costs of public buildings by  
13 decreasing the consumption of energy, water, and other  
14 resources.

15 b. Recovering the increased initial capital costs  
16 attributable to compliance with the program by reducing  
17 long-term energy, maintenance, and operating expenses.

18 c. Improving the indoor environmental quality of public  
19 buildings for a healthier work environment.

20 2. A state agency designing, constructing, or controlling  
21 the substantial renovation of a public building on or after  
22 July 1, 2010, shall be required to submit design plans and  
23 specifications to the department for approval before contracts  
24 for the construction or substantial renovation are let. A  
25 proposal shall not be approved unless high performance  
26 certification is achieved, subject to the provisions of  
27 subsection 3. The department shall adopt rules establishing a  
28 certification process by an independent third party that the  
29 design, construction, or substantial renovation, based upon a  
30 life cycle cost analysis conducted pursuant to chapter 470,  
31 meets the minimum standards of the United States green building  
32 council's leadership in energy and environmental design  
33 rating system (LEED), the green building initiative's green  
34 globes rating system, or standards developed by an alternative  
35 third-party organization designated by the department.

1 3. Notwithstanding subsection 2, the department may waive  
2 the high performance certification requirement if a state  
3 agency submits an estimate indicating that the increased  
4 initial costs of achieving certification are projected to  
5 exceed five percent of the total design and construction or  
6 substantial renovation costs, and the department determines  
7 that the public building is not anticipated to recoup these  
8 costs through decreased operational and maintenance expenses  
9 within five years. In the event a waiver is granted, an  
10 accredited construction, engineering, or architectural  
11 professional associated with the proposed public building  
12 project shall submit to the department a written declaration  
13 that to the extent possible the construction or substantial  
14 renovation shall be executed in a manner which is consistent  
15 with the program's high performance certification standards.  
16 A waiver pursuant to this subsection shall not be granted if  
17 the department determines that the public building can be  
18 anticipated to recoup the increased costs within five years.

19 4. A public building of less than ten thousand square feet,  
20 nonsubstantial renovations of public buildings, and public  
21 building maintenance programs shall, to the extent possible,  
22 conform to high performance certification standards.

23 5. When awarding contracts for the design, construction, or  
24 substantial renovation of a public building, preference shall  
25 be given to companies employing at least one LEED-accredited  
26 individual. The department shall identify and seek to have  
27 public buildings receiving high performance certification  
28 designated as an energy star building pursuant to the energy  
29 star program developed and jointly administered by the United  
30 States environmental agency and the United States department  
31 of energy.

32 6. The department shall develop and implement a process  
33 to monitor and evaluate the program, and shall, by January 1  
34 annually, submit a report regarding compliance with program  
35 guidelines, indicating the number of public buildings receiving

1 high performance certification, and describing any resulting  
2 energy and environmental benefits observed.

3 EXPLANATION

4 This bill establishes a high performance certification  
5 program administered by the department of administrative  
6 services and applicable to public buildings.

7 The bill states that the intent of the general assembly is to  
8 promote effective energy and environmental standards for the  
9 design, construction, renovation, and maintenance of public  
10 buildings. The bill further states that these standards will  
11 improve the capacity of the state to operate high performance  
12 buildings to increase energy independence, increase demand for  
13 environmentally preferable building materials, finishes, and  
14 furnishings, reduce waste generation and manage waste through  
15 recycling and diversion from landfill disposal, and establish  
16 life cycle cost analysis as the appropriate and most efficient  
17 analysis to determine the optimal performance level of a  
18 building project.

19 The bill provides that the department shall adopt rules  
20 establishing the program, with objectives which include  
21 reducing operating costs of public buildings by decreasing the  
22 consumption of energy, water, and other resources; recovering  
23 the increased initial capital costs attributable to compliance  
24 with the program over time by reducing long-term energy,  
25 maintenance, and operating expenses; and improving the indoor  
26 environmental quality of public buildings for a healthier work  
27 environment. The bill defines a public building as a facility  
28 that is constructed or renovated in whole or in part with state  
29 funds or with funds guaranteed or insured by a state agency,  
30 with state or guaranteed funds constituting at least 50 percent  
31 of the project cost; that contains 10,000 or more square feet;  
32 includes a heating, ventilation, or air conditioning system;  
33 and has not entered the design phase prior to July 1, 2010.

34 The bill provides that a state agency, as defined in the  
35 bill, which is designing, constructing, or controlling the

1 substantial renovation of a public building on or after  
2 July 1, 2010, shall be required to submit design plans and  
3 specifications to the department for approval before contracts  
4 for the construction or substantial renovation are let. The  
5 bill defines "substantial renovation" to mean any renovation  
6 of a public building the cost of which exceeds 50 percent  
7 of the replacement value of the facility. The bill provides  
8 that a proposal shall not be approved unless high performance  
9 certification is achieved pursuant to a process conducted  
10 by an independent third party certifying that the design,  
11 construction, or substantial renovation meets the minimum  
12 standards of the United States green building council's  
13 leadership in energy and environmental design rating system  
14 (LEED), the green building initiative's green globes rating  
15 system, or standards developed by an alternative third-party  
16 organization designated by the department.

17 The bill provides for a waiver from these requirements if a  
18 state agency submits an estimate indicating that the increased  
19 initial costs of achieving certification are projected to  
20 exceed 5 percent of the total design and construction or  
21 substantial renovation costs, and the department determines  
22 that the public building is not anticipated to recoup these  
23 costs through decreased operational and maintenance expenses  
24 within five years. In this event, the bill requires an  
25 accredited construction, engineering, or architectural  
26 professional associated with the proposed public building  
27 project to submit a written declaration that to the extent  
28 possible the construction or substantial renovation shall be  
29 executed in a manner which is consistent with the program's  
30 high performance certification standards. The bill states that  
31 a waiver shall not be granted if the department determines that  
32 the public building can be anticipated to recoup the costs  
33 within a five-year period.

34 The bill provides that public buildings of less than 10,000  
35 square feet, nonsubstantial public building renovations, and

1 public building maintenance programs shall, to the extent  
2 possible, conform to high performance certification standards.

3     Additionally, the bill states that when awarding contracts  
4 for the design, construction, or substantial renovation of  
5 a public building, preference shall be given to companies  
6 employing at least one LEED-accredited individual. The bill  
7 directs the department to identify and seek to have public  
8 buildings receiving high performance certification designated  
9 as an energy star building pursuant to the energy star program  
10 developed and jointly administered by the United States  
11 environmental agency and the United States department of  
12 energy.

13     The bill requires the department to develop and implement  
14 a process to monitor and evaluate the program and to submit a  
15 report regarding compliance with program guidelines, the number  
16 of public buildings receiving high performance certification,  
17 and resulting energy and environmental benefits observed, by  
18 January 1 annually.