

H. B. 2024

(By Delegates Fleischauer, Manypenny, Brown
and Staggers)

[Introduced January 12, 2011; referred to the
Committee on Government Organization then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-29-1, §22-29-2, §22-29-3, §22-29-4, §22-29-5 and §22-29-6, all relating to the adoption of green building standards for the construction or renovation of public buildings over five thousand square feet in size.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §22-29-1, §22-29-2, §22-29-3, §22-29-4, §22-29-5 and §22-29-6, all to read as follows:

ARTICLE 29. GREEN BUILDINGS.

§22-29-1. Short title and effective date.

This article is called the "Green Buildings Act."

§22-29-2. Findings and purpose.

(a) The Legislature finds that:

1 (1) Energy costs for public buildings are skyrocketing and
2 will likely continue to increase.

3 (2) Energy use by public buildings contributes substantially
4 to the problems of pollution and global warming.

5 (3) Public buildings can be built and renovated using high-
6 performance methods that save energy costs, preserve the
7 environment, and make workers and students more productive.

8 (b) This article is enacted to more efficiently spend public
9 funds and protect the health and welfare of West Virginia
10 residents.

11 **§22-29-3. Green buildings.**

12 As used in this section:

13 (1) "Department" means the Department of Administration.

14 (2) "LEED silver standard" means the United States Green
15 Building Council Leadership in Energy and Environmental Design
16 green building rating standard referred to as silver standard.

17 (3) "Major facility project" means:

18 (A) A building construction project larger than five thousand
19 gross square feet of occupied or conditioned space; or

20 (B) A building renovation project when the cost is greater
21 than fifty percent of the assessed value and the project is larger
22 than five thousand gross square feet of occupied or conditioned
23 space.

24 (4) "Public agency" means every state office, board,

1 commission, committee, bureau, department or public institution of
2 higher education, including counties and municipalities.

3 **§22-29-4. Green building standards.**

4 (a) All major facility projects of public agencies shall be
5 designed, constructed and certified to at least the LEED silver
6 standard. This provision applies to major facility projects that
7 have not entered the design phase prior to July 1, 2011.

8 (b) All major facility projects of a public school district,
9 where the project receives any state funding, shall be designed,
10 constructed and certified to at least the LEED silver standard.
11 This provision applies to major facility projects that have not
12 entered the design phase prior to January 1, 2012.

13 (c) All major facility projects by any person, corporation or
14 entity other than a public agency or public school district, where
15 the project receives any state funding, shall be designed,
16 constructed and certified to at least the LEED silver standard.
17 This provision applies to major facility projects that have not
18 entered the grant application process prior to January 1, 2012.

19 (d) A major facility project does not have to meet the LEED
20 silver standard if:

21 (1) There is no appropriate LEED silver standard for that type
22 of building or renovation project. In such case, the department
23 will set lesser green building standards that are appropriate to
24 the project.

1 (2) There is no practical way to apply the LEED silver
2 standard to a particular building or renovation project. In such
3 case, the department will set lesser green building standards that
4 are appropriate to the project.

5 (3) The building or renovation project is an electricity
6 transmitter building, a water pumping station or a hospital.

7 **§22-29-5. Administration and reports.**

8 (a) The department shall propose such rules for legislative
9 approval as are necessary to enforce this article in accordance
10 with the provisions of article three, chapter twenty-nine-a of this
11 code. Those rules shall include how the department will determine
12 whether a project qualifies for an exception from the LEED silver
13 standard, and the lesser green building standards that may be
14 imposed on projects that are granted exceptions.

15 (b) The department shall monitor and document ongoing
16 operating savings that result from major facility projects
17 designed, constructed and certified as meeting the LEED silver
18 standard and annually publish a public report of findings and
19 recommended changes in policy. The report shall also include a
20 description of projects that were granted exceptions from the LEED
21 silver standard, the reasons for exceptions, and the lesser green
22 building standards imposed.

23 (c) The department shall create a green buildings advisory
24 committee composed of representatives from the design and

1 construction industry involved in public works contracting,
2 personnel from affected public agencies and school boards that
3 oversee public works projects, and others at the department's
4 discretion to provide advice on implementing this section. The
5 advisory committee shall make recommendations regarding an
6 education and training process and an ongoing evaluation or
7 feedback process to help the department implement this section.

8 **§22-29-6. Protection from liability.**

9 No person, corporation or entity may be held liable for the
10 failure of a major facility project to meet the LEED silver
11 standard or other standard established for the project as long as
12 a good faith attempt was made to achieve the standard set for the
13 project.

NOTE: The purpose of this bill is for the adoption of green building standards for the construction or renovation of public buildings over five thousand square feet in size.

The article is new; therefore, it has been completely underscored.