

1 This article is called the "Green Buildings Act" and shall be
2 effective July 1, 2011.

3 **§22-29-2. Findings and purpose.**

4 (a) The Legislature finds that:

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

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

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

12 (b) This article is enacted to more efficiently spend public
13 funds and protect the health and welfare of West Virginia
14 residents.

15 **§22-29-3. Green buildings.**

16 As used in this section:

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

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

21 (3) "Major facility project" means:

22 (A) A building construction project larger than fifty thousand

1 gross square feet of occupied or conditioned space; or

2 (B) A building renovation project when the cost is greater
3 than ninety percent of the assessed value and the project is larger
4 than fifty thousand gross square feet of occupied or conditioned
5 space.

6 (4) "Public agency" means every state office, board,
7 commission, committee, bureau, department or public institution of
8 higher education, including counties and municipalities.

9 (5) "ANSI" means "American National Standards Institute, 25
10 West 43rd St., Fourth Floor, New York, NY 10036.

11 (6) "ICC" or "International" means International Code Council,
12 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401.

13 (7) "ASHRAE" means American Society of Heating, Refrigerating
14 and Air-Conditioning Engineers, 1791 Tullie Circle, N.E., Atlanta,
15 GA 30329.

16 (8) "IESNA" means Illuminating Engineering Society of North
17 America, 120 Wall Street, Floor 17, New York, NY 10005-4001.

18 **§22-29-4. Green building standards.**

19 (a) All major facility projects of public agencies shall be
20 designed and constructed with LEED standards included in the design
21 process. The LEED silver standard should be the goal where
22 practical and financially affordable. This provision applies to

1 major facility projects that have not entered the schematic design
2 phase prior to July 1, 2011.

3 (b) All major facility projects of a public school district,
4 where the project receives any state funding, shall be designed and
5 constructed with LEED standards included in the design process.
6 The LEED silver standard should be the goal where practical and
7 financially affordable. This provision applies to major facility
8 projects that have not entered the schematic design phase prior to
9 July 1, 2011.

10 (c) All major facility projects by any person, corporation or
11 entity other than a public agency or public school district, where
12 the project receives any state funding, shall be designed and
13 constructed with LEED standards included in the design process.
14 The LEED silver standard should be the goal where practical and
15 financially affordable. This provision applies to major facility
16 projects that have not entered the grant application process prior
17 to July 1, 2011.

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

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

1 the project.

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

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

8 **§22-29-5. Administration and reports.**

9 (a) The department shall propose rules for legislative
10 approval as are necessary to enforce this article in accordance
11 with the provisions of article three, chapter twenty-nine-a of this
12 code. Those rules shall include how the department will implement
13 green building standards using the LEED silver standard as the goal
14 where it is practical and financially affordable, and the lesser
15 green building standards that may be imposed on projects that do
16 not easily fall within the LEED standards.

17 (b) The department shall monitor and document ongoing
18 operating savings that result from major facility projects designed
19 and constructed using the LEED silver standard and annually publish
20 a public report of findings and recommended energy saving design
21 standards that can be applied to future projects. The report shall
22 also include a description of projects that were excluded from the

1 LEED design criteria, the reasons for exceptions, and the lesser
2 green building standards imposed.

3 (c) The report shall be provided to the Legislature and the
4 West Virginia Chapter of the American Institute of Architects for
5 its review.

6 **§22-29-6. Energy building standards.**

7 In addition to the other design standards of this article, all
8 major facility projects of public agencies or any major facility
9 project receiving state funds shall be designed and constructed
10 complying with the ICC 2009 International Energy Conservation Code
11 and the ANSI/ASHRAE/IESNA Standard 90.1-2007. This provision
12 applies to major facility projects that have not entered the
13 schematic design phase prior to July 1, 2011.

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

This article is new; therefore, strike-throughs and underscoring have been omitted.