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HOUSE BILL NO. 857

Offered January 11, 2006

Prefiled January 10, 2006

A *BILL to amend the Code of Virginia by adding in Chapter 11 of Title 2.2 an article numbered 8, consisting of sections numbered 2.2-1182 through 2.2-1186, relating to the Department of General Services; Green Buildings Act; report.*

 Patron—Ebbin

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 11 of Title 2.2 an article numbered 8, consisting of sections numbered 2.2-1182 through 2.2-1186 as follows:

*Article 8.**Green Building Act.**§ 2.2-1182. Short Title; findings.*

A. This article shall be known and may be cited as the "Green Buildings Act."

B. The General Assembly finds that:

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

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

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

§ 2.2-1183. Definitions.

As used in this chapter, unless the context requires a different meaning:

"LEED silver standard" means the United States Green Building Council Leadership in Energy and Environment Design green building rating standard.

"Major facility project" means (i) a building construction project with more than 5,000 gross square feet of occupied or conditioned space, or (ii) a building renovation project for which the cost is greater than 50% of the assessed value and the project with more than 5,000 gross square feet of occupied or conditioned space.

"Nongovernmental entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

§ 2.2-1184. Relevant building standards; exemption.

A. All major facility projects of state agencies shall be designed, constructed, and certified to at least the LEED silver standard. This provision shall apply to major facility projects that have not entered the design phase prior to October 1, 2006.

B. All major facility projects of a public school district, where the project receives any state funding, shall be designed, constructed, and certified to at least the LEED silver standard. This provision applies to major facility projects that have not entered the design phase prior to January 1, 2007.

C. All major facility projects by any nongovernmental entity where the project receives any state funding shall be designed, constructed, and certified to at least the LEED silver standard. This provision applies to major facility projects that have not entered the grant application process prior to January 1, 2007.

D. A major facility project shall not be required to meet the LEED silver standard if:

1. There is no appropriate LEED silver standard for that type of building or renovation project. In such case, the Department shall establish substitute building standards that are appropriate to the project;

2. There is no practical way to apply the LEED silver standard to a particular building or renovation project. In such case, the Department shall establish substitute building standards that are appropriate to the project; or

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

§ 2.2-1185. Administration; monitoring; advisory committee.

A. The Department shall promulgate such regulations as are necessary to enforce this section. Such regulations shall include criteria for determining whether a project qualifies for an exemption from the LEED silver standard, and the building standards that may be imposed on projects that are granted

59 exemptions.

60 B. The Department shall monitor and document ongoing operating savings that result from major
61 facility projects designed, constructed, and certified as meeting the LEED silver standard.

62 C. The Director shall establish a Green Buildings Advisory Committee composed of representatives
63 from the design and construction industry involved in public contracting, personnel from affected public
64 agencies and school boards that oversee public construction projects, and others at the Department's
65 discretion to provide advice on implementing this section. The advisory committee shall make
66 recommendations regarding an education and training process and an ongoing evaluation or feedback
67 process to help the Department implement this section.

68 § 2.2-1186. Report.

69 On or before December 1 of each year, the Department shall report to the Governor and General
70 Assembly on (i) ongoing operating savings that result from major facility projects designed, constructed,
71 and certified as meeting the LEED silver standard; (ii) a description of projects granted exemptions
72 from the LEED silver standard, the reasons for exemptions, and the substitute standards that were
73 imposed; and (iii) recommendations for changes in policy.