



House of Representatives

General Assembly

File No. 508

January Session, 2009

House Bill No. 6377

House of Representatives, April 6, 2009

The Committee on Energy and Technology reported through REP. NARDELLO of the 89th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING GREEN BUILDING REGULATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16a-38k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Notwithstanding any provision of the general statutes, any (1)
4 new construction of a state facility that is projected to [cost five million
5 dollars, or more,] contain thirty-five thousand gross square feet or
6 more and for which all budgeted project bond funds are allocated by
7 the State Bond Commission on or after [January 1, 2008] January 1,
8 2009, (2) renovation of a state facility that is projected to [cost two
9 million dollars or more, of which two million dollars or more is state
10 funding, approved and funded on or after January 1, 2008] contain
11 twenty thousand gross square feet or more for which state funding is
12 approved and funded on or after January 1, 2009, (3) new construction
13 of a facility that is projected to [cost five million dollars, or more, of
14 which two million dollars or more is state funding, and is] contain
15 thirty-five thousand gross square feet or more for which state funding

16 is authorized by the General Assembly pursuant to chapter 173 on or
17 after January 1, 2009, and (4) renovation of a public school facility as
18 defined in subdivision (18) of section 10-282 that is projected to [cost
19 two million dollars or more, of which two million dollars or more is
20 state funding, and is] contain twenty thousand gross square feet or
21 more for which state funding is authorized by the General Assembly
22 pursuant to chapter 173 on or after January 1, 2009, shall comply with
23 or exceed compliance with the silver building rating of the Leadership
24 in Energy and Environmental Design's rating system for new
25 commercial construction and major renovation projects, as established
26 by the United States Green Building Council, or an equivalent
27 standard, including, but not limited to, a two-globe rating in the Green
28 Globes USA design program until the regulations described in
29 subsection (b) of this section are adopted. The [Secretary of the Office
30 of Policy and Management, in consultation with the] Commissioner of
31 Public Works [and the Institute for Sustainable Energy,] shall exempt
32 any facility from complying with said regulations if said [secretary]
33 commissioner finds, in a written analysis, that the cost of such
34 compliance significantly outweighs the benefits. Nothing in this
35 section shall be construed to require the redesign of any new
36 construction of a state facility that is designed in accordance with the
37 silver building rating of the Leadership in Energy and Environmental
38 Design's rating system for new commercial construction and major
39 renovation projects, as established by the United States Green Building
40 Council, or an equivalent standard, including, but not limited to, a
41 two-globe rating in the Green Globes USA design program, provided
42 the design for such facility was initiated or completed prior to the
43 adoption of the regulations described in subsection (b) of this section.

44 (b) Not later than [January 1, 2007, the Secretary of the Office of
45 Policy and Management, in consultation with] January 1, 2010, the
46 Commissioner of Public Works, in consultation with the Commissioner
47 of Environmental Protection and the Commissioner of Public Safety,
48 shall adopt regulations, in accordance with the provisions of chapter
49 54, to adopt state building construction standards that are consistent
50 with or exceed the silver building rating of the Leadership in Energy

51 and Environmental Design's rating system for new commercial
52 construction and major renovation projects, as established by the
53 United States Green Building Council, including energy standards that
54 exceed those set forth in the 2004 edition of the American Society of
55 Heating, Ventilating and Air Conditioning Engineers (ASHRAE)
56 Standard 90.1 by no less than twenty per cent, or an equivalent
57 standard, including, but not limited to, a two-globe rating in the Green
58 Globes USA design program, and thereafter update such regulations
59 as the secretary deems necessary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16a-38k

ET *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect
Treasurer, Debt Serv.	GF - See Below
Treasurer, Debt Serv.	TF - See Below
All agencies with care & control of their buildings	GF - See Below
All agencies with care & control of their buildings	TF - See Below

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

Delaying the implementation of “green building” standards postpones the potentially significant impacts on the operating budgets and debt service accounts of both the General Fund and Transportation Fund. Since building construction is financed with bond funds, any increase in construction costs due to implementing the standards would result in an increase in General Fund or Transportation Fund debt service costs. These additional construction costs could be offset by savings in the operations of the new buildings over their lifetime, especially in heating and ventilation costs. These savings are estimated by industry sources to be up to 30% of annual utility costs. Any General Fund operating budget savings would be achieved through the Department of Public Works (DPW), the Judicial Department, the University of Connecticut (UCONN) and any agency with care and control if its buildings. Any Transportation Fund operating budget savings would be achieved through the Department of Transportation (DOT) and the Department of Motor Vehicles (DMV).

OLR Bill Analysis**HB 6377*****AN ACT CONCERNING GREEN BUILDING REGULATIONS.*****SUMMARY:**

This bill delays and modifies “green building” standards that apply to projects in the public and private sectors. It delays, from January 1, 2007 to January 1, 2010, the deadline for adopting regulations setting these standards. It delays by one year interim standards, which apply to certain state-funded projects and uses a building’s size, rather than its construction cost, as the threshold for subjecting buildings to these standards. The bill makes other related changes.

EFFECTIVE DATE: Upon passage

GREEN BUILDING STANDARDS***Regulations***

The bill delays, from January 1, 2007 to January 1, 2010, the deadline for adopting regulations incorporating state building construction standards that meet or exceed certain “green building” standards. These are the (1) silver building rating of the Leadership in Energy and Environmental Design's (LEED) rating system for new commercial construction and major renovation projects. They include energy standards that exceed by at least 20% the standards in the 2004 edition of the American Society of Heating, Ventilating and Air Conditioning Engineers Standard 90.1 or (2) an equivalent standard, including at least a two-globe rating in the Green Globes USA design program.

The bill also modifies who is responsible for adopting the regulations. Under current law, the OPM secretary must adopt the regulations in consultation with the public works (DPW), environmental protection and the public safety commissioners. The bill

instead requires the DPW commissioner to adopt the regulations in consultation with the other two commissioners. The bill also modifies who can provide a waiver from the regulations. Under current law, the OPM secretary, in consultation with the DPW commissioner and the Institute for Sustainable Energy and Eastern Connecticut State University can exempt a facility if the secretary finds that the cost of compliance significantly outweighs the benefits. The bill instead requires the DPW commissioner to make this determination.

Applicability of Interim Standards

Under current law, certain public and private projects must meet the above standards, other than the energy standards, until the regulations are adopted. Under current law, these interim standards apply to:

1. new construction of a state facility projected to cost \$5 million or more for which all budgeted project bond funds are allocated by the State Bond Commission on or after January 1, 2008;
2. renovation of a state facility projected to cost \$2 million or more, of which \$2 million or more is state funding, approved and funded on or after January 1, 2008;
3. new construction of a facility under the school construction program projected to cost \$5 million or more, of which \$2 million or more is state funding, and is authorized by the General Assembly on or after January 1, 2009; and
4. renovation of a public school facility projected to cost \$2 million or more, of which \$2 million or more is state funding, and is authorized by the General Assembly pursuant to chapter 173 on or after January 1, 2009.

The bill substitutes a size rather than dollar criterion for these projects. For new state facilities and school construction projects, it sets a threshold of 35,000 gross square feet; for the renovation projects, it sets the threshold at 20,000 square feet. The bill also exempts state

facilities funded from January 1, 2008 to December 31, 2008 from the interim standards. The size criteria apply to projects on or after January 1, 2009.

BACKGROUND

Related Bill

sSB 1033, reported favorably by the Planning and Development Committee, establishes business and income tax credits for buildings that meet the LEED gold standard (one level above the silver standard) or a comparable standard in another rating system.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable

Yea 16 Nay 5 (03/19/2009)