

1 SB87
2 110300-1
3 By Senator Coleman
4 RFD: Energy and Natural Resources
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

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8 SYNOPSIS: This bill would provide for the Energy
9 Independence and Sustainable Construction Act of
10 Alabama to promote effective energy and
11 environmental standards for the construction and
12 rehabilitation of state-owned buildings in Alabama.

13 The bill would provide certain defined terms
14 for state-funded construction of energy efficient
15 buildings and major facility projects.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to the construction and renovation of state
22 buildings and major facility projects; to provide for the
23 Alabama Energy Independence and Sustainable Construction Act;
24 to adopt high efficiency standards for state buildings and
25 facilities; to state purposes, objectives, and procedures for
26 achieving higher efficiency in building codes; to provide for
27 administration and long-term data analysis by the Alabama

1 Building Commission to assess the effectiveness of using
2 higher efficiency standards; and to provide for the
3 certification of state buildings and facilities using certain
4 standards of the U.S. Green Building Council, and providing
5 for periodic reporting by the commission to the Legislature.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. This act may be cited as the "Alabama
8 Energy Independence and Sustainable Construction Act."

9 Section 2. As used in this act, the following terms
10 shall have the following meanings:

11 (1) BUILDING PROJECT. The design, construction,
12 renovation, operation, and maintenance of any inhabited
13 physical structure and its associated project building site.

14 (2) COMMERCIAL INTERIOR FIT-OUT. Interior design and
15 installation by owners or tenants of new or existing office
16 space, typically exclusive of structural components and core
17 and shell elements.

18 (3) COMMISSION. The Alabama Building Commission.

19 (4) GBI. The Green Building Initiative.

20 (5) GLOBES. The level of a building's sustainability
21 and energy efficiency performance as determined by GBI's Green
22 Globes Rating System.

23 (6) GREEN GLOBES RATING SYSTEM. The environmental
24 building rating system established by the Green Building
25 Initiative.

26 (7) HIGH-PERFORMANCE BUILDING. A building designed
27 to achieve integrated systems design and construction so as to

1 significantly reduce or eliminate the negative impact of the
2 built environment.

3 (8) LEED. The U.S. Green Building Council's
4 Leadership in Energy and Environmental Design Rating System.

5 (9) LEED SILVER STANDARD. The Silver standard as set
6 forth by USGBC's LEED Green Building Rating System.

7 (10) MAJOR FACILITY PROJECT. a. Includes any of the
8 following:

9 1. A state-funded new construction building project
10 in which the building to be constructed is larger than 10,000
11 gross square feet.

12 2. A state-funded renovation project in which the
13 project involves more than 50 percent of the replacement value
14 of the facility or a change in occupancy.

15 3. A state-funded commercial interior tenant fit-out
16 project that is larger than 7,500 square feet of leasable
17 area.

18 b. The term major facility project does not include
19 any of the following:

20 1. A building, regardless of size, that does not
21 have conditioned space as defined by Standard 90.1 of the
22 American Society of Heating, Refrigerating and
23 Air-Conditioning Engineers.

24 2. A public kindergarten, elementary school, middle
25 school, secondary school, junior high school, or high school.

26 3. A correctional facility constructed for the
27 Department of Corrections.

1 4. A building project funded by the State Port
2 Authority.

3 5. A building project funded by the Alabama
4 Department of Environmental Management having the primary
5 purpose of storing archived documents.

6 6. A building project funded by the Alabama
7 Department of Public Health having the primary purpose of
8 storing archived documents.

9 (11) RENOVATION PROJECT. A building project
10 involving the modification or adaptive reuse of an existing
11 facility.

12 (12) THIRD-PARTY COMMISSIONING AGENT. A person
13 accredited by the USGBC or GBI, with expertise in building
14 system performance, who will analyze, evaluate, and confirm
15 the proper function and performance of a high performance
16 building, its systems, equipment, and indoor air quality, and
17 who did not participate in the original certification of the
18 major facility project or renovation project.

19 (13) USGBC. The United States Green Building
20 Council.

21 Section 3. The purpose of this act is to promote
22 effective energy and environmental standards for the
23 construction, rehabilitation, and maintenance of buildings in
24 this state, in order to improve the state's capacity to
25 design, build, and operate high-performance buildings, create
26 new jobs, contribute to economic growth, and increase the

1 state's energy independence. To accomplish the objectives of
2 this act, the state shall adopt policies and procedures that:

3 (1) Optimize the energy performance of buildings
4 throughout this state.

5 (2) Increase the demand for environmentally
6 preferable building materials, finishes, and furnishings.

7 (3) Improve environmental quality in this state by
8 decreasing the discharge of pollutants from state buildings
9 and their manufacture.

10 (4) Create public awareness of new technologies that
11 can improve the health and productivity of building occupants
12 by meeting advanced criteria for indoor air quality.

13 (5) Improve working conditions and reduce
14 building-related health problems.

15 (6) Reduce the state's dependence on imported
16 sources of energy through buildings that conserve energy and
17 utilize local and renewable energy sources.

18 (7) Protect and restore the state's natural
19 resources by avoiding development of inappropriate building
20 sites.

21 (8) Reduce the burden on municipal water supply and
22 treatment by reducing potable water consumption.

23 (9) Reduce waste generation and manage waste through
24 recycling and diversion from landfill disposal.

25 (10) Establish life cycle cost analysis as the
26 appropriate and most efficient analysis to determine a
27 building project's optimal performance level.

1 (11) Ensure each building project's systems are
2 designed, installed, and tested to perform according to the
3 building's design intent and its operational needs through
4 third-party, post-construction review and verification.

5 (12) Authorize the board to pursue ENERGY STAR
6 designation from the United States Environmental Protection
7 Agency to further demonstrate a building project's energy
8 independence.

9 Section 4. (a) All major facility projects in this
10 state shall be designed, constructed, and at least certified
11 as receiving two globes using the Green Globes Rating System
12 or receiving the LEED Silver standard.

13 (b) All major facility projects in this state shall
14 be analyzed using a life cycle cost analysis comparing the
15 cost and benefits of designing, constructing, maintaining, and
16 operating the facility at the LEED Silver standard or two
17 globes standard, or better, with certification, applying
18 normal industry and regulatory standards or some standard
19 between the two that causes the project to be designed and
20 construed in a manner that achieves the lowest 30-year life
21 cycle cost.

22 (c) In obtaining certification as receiving two
23 globes using the Green Globes Rating System, a major facility
24 project must earn at least 20 percent of the available points
25 for energy performance under C.1.1 Energy Consumption. In
26 obtaining certification as meeting the LEED Silver standard, a
27 major facility project must earn at least 40 percent of the

1 available points for energy performance under EA Credit 1:
2 Optimize Energy Performance. The commission may waive the
3 requirements of this item for a proposed major facility
4 project if it determines that the costs of meeting this item
5 are not economically feasible.

6 (d) The commission may petition the Legislature to
7 require all major facility projects to be certified to a
8 high-performance building rating system standard in addition
9 to or instead of the systems provided in this act. However,
10 any alternate rating system adopted by the Legislature must be
11 no less stringent than the systems provided in this act.

12 (e) The commission shall administer and enforce the
13 provisions of this act. Also, the commission may adopt rules
14 to comply with the goals set forth in Section 3.

15 Section 5. (a) In order to become certified using
16 LEED rating system, a major facility project shall register
17 with USGBC prior to filing the first building construction
18 permit application. USGBC shall have the sole discretion in
19 determining whether a major facility project receives
20 certification.

21 (b) All major facility projects that were certified
22 at the LEED Silver standard or higher must be inspected by a
23 third-party commissioning agent in the fifth, tenth, and
24 fifteenth year following certification. The third-party
25 commissioning agent shall determine whether the building is
26 operating at the standard to which it was originally designed
27 and certified. The third-party commissioning agent shall

1 report its findings to the commission. The report shall
2 include, but is not limited to, the building's savings on
3 energy and water, the level of its indoor air quality, the
4 existing system's function and performance, problems with the
5 system, and whether the system's performance meets the
6 facility's requirements. If the commission determines that the
7 building is not operating within the requirements of this act,
8 the commission may take appropriate measures to bring the
9 building into compliance.

10 (c) The commission shall develop and implement a
11 process to monitor and evaluate the energy and environmental
12 benefits associated with each major facility project designed,
13 constructed, or renovated pursuant to this act. The monitoring
14 and evaluation of each major facility project shall commence
15 one year after certification of the major facility project and
16 shall continue for 19 years thereafter. All data concerning
17 energy and environmental benefits collected pursuant to this
18 section shall be made available to the board to be compiled
19 and submitted to the Legislature.

20 Section 6. (a) In order to become certified using a
21 Green Globes Rating System, a major facility project shall
22 register with GBI prior to filing the first building
23 construction permit application. GBI shall have the sole
24 discretion in determining whether a major facility project
25 receives certification.

26 (b) All major facility projects that were first
27 certified as receiving two globes using the Green Globes

1 Rating System must be inspected by a third-party commissioning
2 agent in the fifth, tenth, and fifteenth year following
3 certification. The third-party commissioning agent shall
4 determine whether the building is operating at the standard to
5 which it was originally designed and certified. The
6 third-party commissioning agent shall report its findings to
7 the commission. The report must include, but is not limited
8 to, the building's savings on energy and water, the level of
9 its indoor air quality, the existing system's function and
10 performance, problems with the system, and whether the
11 system's performance meets the facility's requirements. If the
12 commission determines that the building is not operating
13 within the requirements of this act, the commission may take
14 appropriate measures to bring the building into compliance.

15 (c) The commission shall develop and implement
16 process to monitor and evaluate the energy and environmental
17 benefits associated with each major facility project designed,
18 constructed, or renovated pursuant to this act. The monitoring
19 and evaluation of each major facility project shall commence
20 one year after certification of the major facility project and
21 shall continue for 19 years thereafter. All data concerning
22 energy and environmental benefits collected pursuant to this
23 section shall be made available to the board to be compiled
24 and submitted to the Legislature.

25 Section 7. The commission annually shall submit a
26 report regarding major facility projects to the Legislature
27 that includes the following:

1 (1) The number and types of buildings designed and
2 constructed.

3 (2) The level of certification of each building
4 designed, constructed, or renovated.

5 (3) Actual savings in energy costs.

6 (4) A description of all potential environmental
7 benefits, including, but not limited to, water resources
8 savings and the reduction of waste generation.

9 (5) The ability of buildings to continue to operate
10 at the standard to which it was originally certified.

11 (6) The reason for any waiver granted by the
12 commission.

13 (7) Any conflicts or barriers that hinder the
14 effectiveness of this act.

15 Section 8. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.