

HOUSE BILL NO. HB0081

Public buildings-energy & environmental design.

Sponsored by: Representative(s) Gingery

A BILL

for

1 AN ACT relating to administration of government; requiring
 2 the review of major facility projects for possible
 3 certification for energy efficiency as specified; requiring
 4 reports; making conforming amendments; providing
 5 applicability; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 9-5-401 and 9-5-402 are created to
 10 read:

11

ARTICLE 4

12

ENERGY & ENVIRONMENTAL DESIGN IN PUBLIC BUILDINGS

13

14 **9-5-401. Definitions.**

15

16 (a) As used in this article:

17

1 (i) "Council" means the Wyoming business
2 council;

3

4 (ii) "Institution of higher education" means the
5 University of Wyoming and any community college;

6

7 (iii) "LEED silver standard" means the United
8 States green building council leadership in energy and
9 environmental design green building rating standard,
10 referred to as the silver standard;

11

12 (iv) "Major facility project" means:

13

14 (A) A construction project larger than five
15 thousand (5,000) gross square feet of occupied or
16 conditioned space; or

17

18 (B) A building renovation project when the
19 cost is greater than fifty percent (50%) of the assessed
20 value and the project is larger than five thousand (5,000)
21 gross square feet of occupied or conditioned space.

22

23 (v) "Major facility project" shall not include:

24

1 (A) Any project for which the council,
2 department of education, institution of higher education,
3 public school district or other applicable agency
4 determines the LEED silver standard to be not practicable;
5 or

6
7 (B) Any transmitter building, pumping
8 station, hospital, research facility primarily used for
9 sponsored laboratory experimentation, laboratory research
10 or laboratory training in research methods, or other
11 similar building type as determined by the council.

12
13 (vi) "Public agency" means any state agency,
14 office, officer, board, commission, committee, bureau,
15 department and public higher education institution.

16
17 **9-5-402. Standards for major facility projects;**
18 **reports required.**

19
20 (a) Any public agency receiving any state funding for
21 any major facility project shall, prior to the commencement
22 of any construction thereon, submit the design of the
23 project to the Wyoming business council for review. Upon
24 receipt of the design, the council shall facilitate the

1 review of the project for possible certification of not
2 less than the LEED silver standard. Upon the certification
3 or noncertification of the project, the council shall
4 report the findings to the public agency. The public
5 agency may then take any action it deems appropriate on the
6 project. Failure to receive the LEED silver standard
7 certification shall not delay or impair the implementation
8 or construction of the project in any manner. If the
9 project is not certified, the public agency shall report to
10 the council in not less than ninety (90) days following
11 notification of the noncertification what, if anything, the
12 agency intends to do as a result of the noncertification.
13 The report shall contain the reasons for the public
14 agency's action or inaction.

15

16 (b) The provisions of subsection (a) of this section
17 shall also apply to any major facility project of any
18 entity other than a public agency or public school district
19 receiving any state funding.

20

21 (c) Annually, on or before December 1, the council
22 shall file a report with the governor and the legislature
23 on the number of major facility projects which were
24 reviewed during the previous calendar year. The report

1 shall include any ongoing operating savings resulting from
2 any major facility project which was designed, constructed
3 and certified to not less than the LEED silver standard.

4

5 **Section 2.** W.S. 9-5-102(a), 9-12-104 by creating a
6 new subsection (c), 21-15-114(a) by creating a new
7 paragraph (xvi) and 21-18-202(d)(v)(intro) are amended to
8 read:

9

10 **9-5-102. State building commission; authority to buy**
11 **and lease property; acceptance of donations, grants and**
12 **devises.**

13

14 (a) In order to obtain building sites for additional
15 office space and state uses and to insure the proper
16 keeping of valuable state records and provide for the
17 expansion of functions of the state, the general services
18 division, with the approval of the state building
19 commission, may buy, take options to buy and lease property
20 to be used for building sites for future state office
21 buildings. The general services division, with the approval
22 of the commission may lease acquired property until it is
23 needed. The general services division, with the approval of
24 the state building commission, in cooperation with the

1 department of employment, may acquire lands and buildings
2 in the name of the state of Wyoming by purchase, lease
3 agreement, gift or devise to provide suitable quarters for
4 the administration of the Wyoming Employment Security Law
5 and to develop improvements, maintain and repair the lands
6 and buildings. The provisions of W.S. 9-5-402 shall apply
7 to this section.

8
9 **9-12-104. General powers and duties of the council.**

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11 (c) In addition to the powers and duties provided in
12 this section, the council shall implement the provisions of
13 W.S. 9-5-402.

14
15 **21-15-114. Powers and duties; school facilities**
16 **office created; director.**

17
18 (a) The school facilities commission shall:

19
20 (xvi) Ensure the provisions of W.S. 9-5-402 are
21 followed.

22
23 **21-18-202. Powers and duties of the commission.**

24

1 (d) The commission shall perform the following
2 approval functions:

3

4 (v) Approve all new capital construction
5 projects in excess of one hundred thousand dollars
6 (\$100,000.00) for which state funds are or could be
7 eventually applied, and that the provisions of W.S. 9-5-402
8 are followed. "New capital construction projects" include:

9

10 **Section 3.** W.S. 9-5-402 shall apply to any major
11 facility project which has not entered the design phase
12 before July 1, 2009, and to the extent appropriate LEED
13 silver standards exist for that type of building or
14 facility.

15

16 **Section 4.** This act is effective July 1, 2009.

17

18

(END)