

1 (2) "LEED certified standard" means the current version of the United States Green
2 Building Council Leadership in Energy and Environmental Design green building rating standard
3 referred to as LEED certified.

4 (3) "Equivalent standard" means a high-performance green building standard other than
5 LEED, which provides a rating system or measurement tool, that, when used, leads to outcomes,
6 similar or equivalent to, LEED, outcomes, in terms of green building performance; current
7 accepted equivalent standards include green globes, Northeast collaborative high-performance
8 schools protocol; or other equivalent high-performance green building standard accepted by the
9 department;

10 (4) "Construction" means the process of building, altering, repairing, improving, or
11 demolishing forty percent (40%) or more of any public structures or buildings, or other public
12 improvements of any kind to any public real property; and

13 (5) "Public facility" means any public institution, public facility, public equipment, or
14 any physical asset owned, leased or controlled in whole or in part by this state or any agency or
15 political subdivision thereof;

16 (6) "Major facility project" means:

17 (i) A building construction project larger than five thousand (5,000) gross square feet of
18 occupied or conditioned space; or

19 (ii) A building renovation project is larger than ten thousand (10,000) gross square feet of
20 occupied or conditioned space.

21 (7) "Public agency" means every state office, board, commission, committee, bureau,
22 department or public institution of higher education.

23 **37-24-4. Green building standards.** – (a) All major facility projects of public agencies
24 shall be designed and constructed to at least the LEED certified or an equivalent high
25 performance green building standard. This provision applies to major facility projects that have
26 not entered the design phase prior to January 1, 2010.

27 (b) All major facility projects of a public school district, where the project receives any
28 funding from the state shall be designed, and constructed to at least the LEED certified standard,
29 or the Northeast Collaborative for High-Performance Schools Protocol, Version 1.1 or above.
30 This provision applies to major facility projects that have not entered the design phase prior to
31 January 1, 2010.

32 (c) A major facility project does not have to meet LEED certified standard or an
33 equivalent high-performance green building standard if:

34 (1) There is no appropriate LEED standard or other high-performance green building

1 standard for that type of building or renovation project. In such case, the department will set
2 lesser green building standards that are appropriate to the project.

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

6 **37-24-5. Administration and reports.** – (a) The department shall promulgate such
7 regulations as are necessary to enforce this section. Those regulations shall include how the
8 department will determine whether a project qualifies for an exception from the LEED certified
9 or equivalent high-performance green building standard, and the lesser green building standards
10 that may be imposed on projects that are granted exceptions.

11 (b) The department shall monitor and document ongoing operating savings that result
12 from major facility projects designed, constructed and certified as meeting the LEED certified
13 standard and annually publish a public report of findings and recommended changes in policy.
14 The report shall also include a description of projects that were granted exceptions from the
15 LEED certified standard, the reasons for exception, and the lesser green building standards
16 imposed.

17 (c) The department shall create a green buildings advisory committee composed of
18 representatives from the design, construction, lumber and building materials industries involved
19 in public works contracting, personnel from affected public agencies and school boards that
20 oversee public works projects, and others at the department's discretion to provide advice on
21 implementing this section. The advisory committee shall make recommendations regarding an
22 education and training process and an ongoing evaluation or feedback process to help the
23 department implement this section.

24 **37-24-6. Protection from liability.** – No person, corporation or entity shall be held liable
25 for the failure of a major facility project to meet the LEED certified standard or other standards
26 established for the project as long as a good faith attempt was made to achieve the standard set for
27 the project.

28 SECTION 2. This act shall take effect upon passage.

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LC00984/SUB B
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- ESTABLISHING A GREEN
BUILDINGS ACT

1 This act would require all public buildings, including schools, to be constructed or
2 renovated, to meet standards established by the United States Green Building Council Leadership
3 in Energy and Environmental Design green building rating silver standard.

4 This act would take effect upon passage.

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LC00984/SUB B
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