

HOUSEAMENDMENT NO. ____Offered byof

1 AMEND House Committee Substitute for House Bill No. 613, Page 1,
 2 Section A, Line 4, by inserting after all of said line the
 3 following:

4 "8.307. 1. There is hereby established the "Capital Green
 5 Program". Such program shall provide funding to the state:

6 (1) For weatherization and energy efficiency improvements
 7 to the Missouri state capitol building and the governor's
 8 mansion; and

9 (2) For geothermal, wind, and solar energy resources and to
 10 install a network of environmentally friendly free-flow turbine
 11 generators in the Missouri river to provide electrical power for
 12 the Missouri state capitol building and the governor's mansion.
 13 Surplus energy, if generated, may be used to provide power to the
 14 Harry S Truman office building, the Missouri supreme court
 15 building, and the James C. Kirkpatrick state information center.

16 2. There is hereby created in the state treasury the
 17 "Capital Green Program Fund", which shall consist of money
 18 appropriated annually by the general assembly from general
 19 revenue and any gifts, bequests, or donations. The state
 20 treasurer shall be custodian of the fund. In accordance with
 21 sections 30.170 and 30.180, the state treasurer may approve
 22 disbursements. The fund shall be a dedicated fund and, subject
 23 to appropriation, money in the fund shall be used solely for the
 24 administration of this section. Notwithstanding the provisions
 25 of section 33.080 to the contrary, any moneys remaining in the
 26 fund at the end of the biennium shall not revert to the credit of
 27 the general revenue fund. The state treasurer shall invest
 28 moneys in the fund in the same manner as other funds are
 29 invested. Any interest and moneys earned on such investments

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1 shall be credited to the fund.

2 3. Under section 23.253 of the Missouri sunset act:

3 (1) The provisions of the new program authorized under this
4 section shall automatically sunset six years after the effective
5 date of this section unless reauthorized by an act of the general
6 assembly; and

7 (2) If such program is reauthorized, the program authorized
8 under this section shall automatically sunset twelve years after
9 the effective date of the reauthorization of this section; and

10 (3) This section shall terminate on September first of the
11 calendar year immediately following the calendar year in which
12 the program authorized under this section is sunset.

13 8.860. 1. As used in this section, the following words
14 mean:

15 (1) "ASHRAE" or "American Society of Heating,
16 Refrigerating, and Air Conditioning Engineers", an international
17 technical society for all individuals and organizations
18 interested in heating, ventilation, air conditioning, and
19 refrigeration;

20 (2) "Building project", the design, construction,
21 renovation, operation, and maintenance of any inhabited physical
22 structure and its associated project building site;

23 (3) "Commercial interior fit-out", interior design and
24 installation by owners or tenants of new or existing office
25 space, typically exclusive of structural components and core and
26 shell elements;

27 (4) "Energy Star", the most current national energy
28 performance rating system created by the United States
29 Environmental Protection Agency and the United States Department
30 of Energy;

31 (5) "Energy Star rating", the rating achieved on the
32 current Energy Star's current rating system on the one to one
33 hundred scale, which rating evaluates the energy performance of a
34 building;

35 (6) "GBI", Green Building Initiative;

36 (7) "Globes", the level of a building's sustainability and
37 energy efficiency performance as determined by GBI's Green Globes

1 Rating System;

2 (8) "Green Globes Rating System", the most current
3 environmental building rating system established by the Green
4 Building Initiative;

5 (9) "High-performance building", a building designed to
6 achieve integrated systems design, construction, and operation so
7 as to significantly reduce or eliminate the negative impact of
8 the built environment and optimize positive attributes;

9 (10) "LEED", Leadership in Energy and Environmental Design
10 as determined by the current version of the USGBC's Green
11 Building Rating System;

12 (11) "LEED Silver", the current Silver standard as set
13 forth by the USGBC's LEED Green Building Rating System;

14 (12) "Major facility project" or "major facility projects":

15 (a) A state-funded:

16 a. New construction building project in which the
17 building's gross square footage is greater than five thousand;

18 b. Renovation project involving more than fifty percent of
19 the square footage or occupancy displacement; or

20 c. Commercial interior fit-out project that is larger than
21 seven thousand square feet of leasable area;

22 (b) Shall not include:

23 a. A building, regardless of size, that does not have
24 conditioned space as defined by ASHRAE standard 90.1;

25 b. A correctional facility constructed for the department
26 of corrections or the department of mental health;

27 (13) "Qualified existing facility", any existing building
28 over ten thousand square feet that is operated under the Missouri
29 office of administration, but does not include:

30 (a) A building, regardless of size, that does not have
31 conditioned space as defined by ASHRAE standard 90.1;

32 (b) A correctional facility constructed for the department
33 of corrections or the department of mental health;

34 (c) A building not meeting the Environmental Protection
35 Agency Energy Star benchmarking guidelines;

36 (14) "Renovation project", a building project involving the
37 modification or adaptive reuse of an existing facility;

1 (15) "Third-party commissioning agent", a person accredited
2 by the USGBC or GBI with expertise in building system performance
3 who analyzes, evaluates, and confirms proper function and
4 performance of a high-performance building, its systems,
5 equipment, and indoor air quality and who did not participate in
6 the original certification of the major facility project or
7 renovation project;

8 (16) "USGBC", the United States Green Building Council.

9 2. All major facility projects in Missouri under
10 subparagraph a. of paragraph (a) of subdivision (12) of
11 subsection 1 of this section shall be designed, constructed, and
12 at least certified as receiving two Globes using the Green Globes
13 Rating System or receiving the LEED Silver standard. All major
14 facility projects in Missouri as defined under subparagraphs b.
15 and c. of paragraph (a) of subdivision (12) of subsection 1 of
16 this section shall be analyzed using:

17 (1) A life cycle cost analysis comparing the cost and
18 benefits of designing, constructing, maintaining, and operating
19 the facility at the LEED Silver standard or two Globes standard,
20 or better, with certification;

21 (2) Normal industry and regulatory standards, as
22 applicable; or

23 (3) Some standard between subdivisions (1) and (2) of this
24 subsection that causes the project to be designed, constructed,
25 and operated in a manner that achieves the lowest thirty-year
26 life cycle cost.

27 3. In obtaining certification as receiving two Globes using
28 the Green Globes Rating System, a major facility project shall
29 earn at least twenty percent of the available points for energy
30 performance under C.1.1 energy consumption. In obtaining
31 certification as meeting the LEED Silver standard, a major
32 facility project shall reduce energy use twenty-four percent for
33 new buildings or twenty percent for existing buildings over
34 ASHRAE standard 90.1-2007. The office of administration may
35 waive the requirements of this subsection for a proposed major
36 facility project if it determines that the cost of meeting the
37 requirements under this subsection are not economically feasible.

1 4. The office of administration may petition the general
2 assembly to require all major facility projects be certified to a
3 high-performance building rating system standard in addition to
4 or in lieu of the systems provided in this section. However, any
5 alternate rating system adopted by the general assembly shall be
6 no less stringent than the systems provided in this section.

7 5. All major facility projects that were certified at the
8 LEED Silver or two Globe standard or higher shall be inspected by
9 a third-party commissioning agent, at a minimum, in the fifth,
10 tenth, and fifteenth year following certification. The third-
11 party commissioning agent shall determine whether the building is
12 operating at the standard to which it was originally designed and
13 certified. The third-party commissioning agent shall report its
14 findings to the office of administration and the respective state
15 department or departments occupying the facility. The report
16 shall include but not be limited to the facility's savings on
17 energy and water, the level of its indoor air quality, the
18 existing system's function and performance, problems with the
19 system, and whether the system's performance meets the facility's
20 requirements. If the office of administration determines the
21 building is not operating within the spirit of this section, the
22 office of administration may take appropriate measures to bring
23 the building into compliance.

24 6. The office of administration shall develop and implement
25 a process to monitor and evaluate the energy and environmental
26 benefits associated with each major facility project designed,
27 constructed, and renovated under this section. The monitoring
28 and evaluation of each major facility project shall commence one
29 year after occupancy or use and shall continue for fifteen years
30 thereafter. All data concerning energy, operational, and
31 environmental benefits collected under this section shall be made
32 available to the office of administration to be compiled and
33 submitted to the general assembly under subsection 8 of this
34 section. The recommendation of incorporation of the Energy Star
35 rating system to fulfill the requirements of this subsection
36 shall be made.

37 7. All qualified existing facilities in the state of

1 Missouri shall meet the energy performance goals of the Energy
2 Star program and shall try to earn minimum Energy Star rating of
3 seventy within the following periods of time:

4 (1) (a) First Energy Star rating of less than forty shall
5 achieve a rating increase of thirty points or greater within five
6 years;

7 (b) First Energy Star rating of forty-one points to fifty
8 points shall achieve an Energy Star rating to seventy points
9 within four years;

10 (c) First Energy Star rating of fifty-one points to sixty
11 points shall achieve a rating increase to seventy points within
12 three years;

13 (d) First Energy Star rating of greater than sixty points
14 shall achieve a rating increase to seventy points within two
15 years; or

16 (2) Achieve the highest possible rating within a ten-year
17 payback period within five years of the first Energy Star rating.

18 8. The office of administration shall submit a report
19 regarding major facility projects and Energy Star data of
20 qualified existing building to the house committee on energy and
21 environment and the senate committee on energy and environment
22 that includes:

23 (1) The number and types of buildings designed and
24 constructed;

25 (2) The level of certification of each building designed,
26 constructed, or renovated;

27 (3) The average Energy Star rating per department;

28 (4) Actual savings in energy costs;

29 (5) A description of all potential environmental benefits,
30 including but not limited to, water savings and the reduction of
31 waste generation;

32 (6) The ability of building to continue to operate at the
33 standard to which it was originally certified;

34 (7) In the event of a waiver by the office of
35 administration to not pursue certification, reasons for the
36 waiver;

37 (8) Any conflicts or barriers that hinder the effectiveness

1 of this section.

2 9. The office of administration shall promulgate rules to
3 implement the provisions of this section. Any rule or portion of
4 a rule, as that term is defined in section 536.010, that is
5 created under the authority delegated in this section shall
6 become effective only if it complies with and is subject to all
7 of the provisions of chapter 536 and, if applicable, section
8 536.028. This section and chapter 536 are nonseverable and if
9 any of the powers vested with the general assembly pursuant to
10 chapter 536 to review, to delay the effective date, or to
11 disapprove and annul a rule are subsequently held
12 unconstitutional, then the grant of rulemaking authority and any
13 rule proposed or adopted after August 28, 2011, shall be invalid
14 and void."; and

15 Further amend said bill, Page 16, Section 393.1445, Line 4,
16 by inserting after all of said line the following:

17 "640.950. 1. This section shall be known and may be cited
18 as "The Renewable Energy Pilot Program for State Parks".

19 2. The department of natural resources shall, in
20 consultation with the public service commission, develop and
21 implement a pilot program in which renewable energy technology is
22 used to operate a state park.

23 3. The commission shall retain authority to regulate the
24 rates and cost recovery for electric utilities under its
25 jurisdiction that enter into a contractual agreement to provide
26 renewable energy resources for the department. The department
27 may also contract with those electric utilities that are
28 unregulated by the commission.

29 4. The pilot program shall begin with the department's
30 selection of a suitable state park by August 28, 2012. The
31 department shall set a goal of achieving the one hundred percent
32 use of renewable energy resources, as defined in section
33 393.1025, within the boundaries of the park.

34 5. The pilot program shall involve the department's use of
35 as many energy-efficient products as possible within the
36 boundaries of the park.

37 6. The department shall set a goal of completing such

1 renewable energy pilot program by August 28, 2017.

2 7. Beginning August 28, 2011, the department shall annually
3 report to the general assembly if the goal of this section has
4 been met. If the goal provided in this section is not achieved,
5 then such report shall explain why such goal is not feasible at
6 the current time and develop alternative suggestions. If the
7 goal in subsection 6 of this section is not met, then such report
8 shall continue indefinitely on an annual basis.

9 8. The department shall promulgate rules to implement the
10 provisions of this section. Any rule or portion of a rule, as
11 that term is defined in section 536.010, that is created under
12 the authority delegated in this section shall become effective
13 only if it complies with and is subject to all of the provisions
14 of chapter 536 and, if applicable, section 536.028. This section
15 and chapter 536 are nonseverable and if any of the powers vested
16 with the general assembly under chapter 536 to review, to delay
17 the effective date, or to disapprove and annul a rule are
18 subsequently held unconstitutional, then the grant of rulemaking
19 authority and any rule proposed or adopted after August 28, 2011,
20 shall be invalid and void."; and

21 Further amend said title, enacting clause and intersectional
22 references accordingly.