

HOUSE BILL No. 6088

December 10, 2014, Introduced by Reps. Switalski, Roberts, Driskell, Lamonte and Yanez
and referred to the Committee on Energy and Technology.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding sections 241c and 241d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 241C. (1) SUBJECT TO SUBSECTION (3), THE DESIGN,
2 CONSTRUCTION, AND MAJOR RENOVATION OF A COVERED BUILDING SHALL BE
3 PERFORMED TO ACHIEVE LEED CERTIFICATION AT THE LEED SILVER LEVEL
4 WITHIN THE APPLICABLE LEED GREEN BUILDING RATING SYSTEM OR TO
5 ACHIEVE A COMPARABLE RATING UNDER A GREEN BUILDING RATING SYSTEM
6 THAT IS AT LEAST AS STRINGENT. THE OWNER SHALL APPLY FOR RATING
7 CERTIFICATION BY A QUALIFIED THIRD PARTY. FOR LEED CERTIFICATION,
8 THE QUALIFIED THIRD PARTY IS THE GREEN BUILDING CERTIFICATION
9 INSTITUTE.

1 (2) THE DEPARTMENT SHALL STUDY THE FEASIBILITY AND
2 APPROPRIATENESS OF THE U.S. GREEN BUILDING COUNCIL'S LEED VOLUME
3 PROGRAM AND CAMPUS PROGRAM TO SATISFY THE REQUIREMENTS OF
4 SUBSECTION (1) .

5 (3) THE DEPARTMENT MAY EXEMPT A COVERED BUILDING FROM THE
6 REQUIREMENTS OF SUBSECTION (1) IF, AFTER REVIEWING THE RESULTS OF A
7 LIFE CYCLE COST ASSESSMENT, THE DEPARTMENT FINDS THAT THE
8 REQUIREMENTS POSE AN UNREASONABLE BURDEN ON STATE RESOURCES. THE
9 OWNER AND MANAGER OF AN EXEMPT PROJECT SHALL USE THE APPROPRIATE
10 LEED GREEN BUILDING RATING SYSTEM AS A GUIDE FOR THE PROJECT TO THE
11 GREATEST EXTENT PRACTICABLE.

12 (4) A GOVERNMENT AGENCY SUBJECT TO THIS SECTION SHALL ANNUALLY
13 SUBMIT TO THE LEGISLATURE AND POST ON ITS WEBSITE A REPORT ON
14 PROGRESS IN IMPLEMENTING THIS SECTION.

15 (5) AS USED IN THIS SECTION:

16 (A) "COVERED BUILDING" MEANS ANY OF THE FOLLOWING, SUBJECT TO
17 SUBDIVISION (B) :

18 (i) A STATE-OWNED BUILDING IN EXCESS OF 10,000 SQUARE FEET.

19 (ii) COMMERCIAL REAL ESTATE THAT IS PROCURED FOR LEASE BY THIS
20 STATE.

21 (iii) A BUILDING FOR THE CONSTRUCTION OR RENOVATION OF WHICH
22 THIS STATE PROVIDES A MAJORITY OF FUNDS.

23 (B) "COVERED BUILDING" DOES NOT INCLUDE A BUILDING OWNED OR
24 LEASED BY A UNIT OF LOCAL GOVERNMENT OR AN INSTITUTION OF HIGHER
25 EDUCATION AS DESCRIBED IN SECTION 5 OR 6 OF ARTICLE VIII OF THE
26 STATE CONSTITUTION OF 1963.

27 (C) "LEED" MEANS LEADERSHIP IN ENERGY AND ENVIRONMENTAL

1 DESIGN, VERSION 4 (2013), A GREEN BUILDING CERTIFICATION PROGRAM
2 DEVELOPED AND MANAGED BY U.S. GREEN BUILDING COUNCIL, INC.

3 (D) "LEED CERTIFICATION" MEANS CERTIFICATION UNDER LEED USING
4 THE MOST APPROPRIATE RATING SYSTEM AS DETERMINED BY BUILDING TYPE
5 AND USE.

6 (E) "LIFE CYCLE COST ASSESSMENT" MEANS A COMPREHENSIVE
7 ASSESSMENT OF THE TOTAL COST OF ACQUIRING, OPERATING, MAINTAINING,
8 AND DISPOSING OF A BUILDING, PRODUCT, OR SYSTEM OVER A SPECIFIED
9 LENGTH OF TIME IN ACCORDANCE WITH THE NATIONAL INSTITUTE OF
10 TECHNOLOGY'S "HANDBOOK #135: LIFE-CYCLE COSTING MANUAL" (1995, WITH
11 2013 SUPPLEMENT).

12 (6) THE DEPARTMENT MAY BY RULE ADOPT AN UPDATED EDITION OF
13 LEED OR OF THE NATIONAL INSTITUTE OF TECHNOLOGY'S "HANDBOOK #135:
14 LIFE-CYCLE COSTING MANUAL" FOR THE PURPOSES OF THIS SECTION IF
15 DOING SO WILL COST-EFFECTIVELY DECREASE ENERGY CONSUMPTION AND
16 REDUCE THE ADVERSE IMPACTS OF BUILDINGS ON THEIR OCCUPANTS AND THE
17 ENVIRONMENT.

18 SEC. 241D. (1) SUBJECT TO SUBSECTION (3), BY 10 YEARS AFTER
19 THE EFFECTIVE DATE OF THIS SECTION, THE MAINTENANCE AND RENOVATION
20 OF 25% OF OCCUPIED SPACES SHALL BE PERFORMED TO ACHIEVE LEED
21 CERTIFICATION AT THE LEED SILVER LEVEL OR TO ACHIEVE A COMPARABLE
22 RATING UNDER A GREEN BUILDING RATING SYSTEM THAT IS AT LEAST AS
23 STRINGENT. THE OWNER SHALL APPLY FOR RATING CERTIFICATION BY A
24 QUALIFIED THIRD PARTY. FOR LEED CERTIFICATION, THE QUALIFIED THIRD
25 PARTY IS THE GREEN BUILDING CERTIFICATION INSTITUTE.

26 (2) THE DEPARTMENT SHALL STUDY THE FEASIBILITY AND
27 APPROPRIATENESS OF THE U.S. GREEN BUILDING COUNCIL'S LEED VOLUME

1 PROGRAM AND CAMPUS PROGRAM TO SATISFY THE REQUIREMENTS OF
2 SUBSECTION (1) .

3 (3) THE DEPARTMENT MAY EXEMPT AN OCCUPIED SPACE FROM THE
4 REQUIREMENTS OF SUBSECTION (1) IF, AFTER REVIEWING THE RESULTS OF A
5 LIFE CYCLE COST ASSESSMENT, THE DEPARTMENT FINDS THAT THE
6 REQUIREMENTS POSE AN UNREASONABLE BURDEN ON STATE RESOURCES. THE
7 OWNER AND MANAGER OF AN EXEMPT PROJECT SHALL USE THE APPROPRIATE
8 LEED GREEN BUILDING RATING SYSTEM AS A GUIDE FOR THE PROJECT TO THE
9 GREATEST EXTENT PRACTICABLE.

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15 DESIGN, VERSION 4 (2013), A GREEN BUILDING CERTIFICATION PROGRAM
16 DEVELOPED AND MANAGED BY U.S. GREEN BUILDING COUNCIL, INC.

17 (B) "LEED CERTIFICATION" MEANS CERTIFICATION UNDER LEED USING
18 THE MOST APPROPRIATE RATING SYSTEM AS DETERMINED BY BUILDING TYPE
19 AND USE, SUCH AS "LEED FOR EXISTING BUILDINGS: OPERATIONS &
20 MAINTENANCE".

21 (C) "LIFE CYCLE COST ASSESSMENT" MEANS A COMPREHENSIVE
22 ASSESSMENT OF THE TOTAL COST OF ACQUIRING, OPERATING, MAINTAINING,
23 AND DISPOSING OF A BUILDING, PRODUCT, OR SYSTEM OVER A SPECIFIED
24 LENGTH OF TIME IN ACCORDANCE WITH THE NATIONAL INSTITUTE OF
25 TECHNOLOGY'S "HANDBOOK #135: LIFE-CYCLE COSTING MANUAL" (1995, WITH
26 2013 SUPPLEMENT) .

27 (D) "OCCUPIED SPACE" MEANS ANY OF THE FOLLOWING:

1 (i) AN EXISTING BUILDING IN EXCESS OF 10,000 SQUARE FEET THAT
2 IS OWNED AND OCCUPIED BY THIS STATE.

3 (ii) COMMERCIAL REAL ESTATE THAT IS LEASED AND OCCUPIED BY THIS
4 STATE.

5 (E) "OCCUPIED SPACE" DOES NOT INCLUDE A BUILDING OWNED OR
6 LEASED BY AN INSTITUTION OF HIGHER EDUCATION AS DESCRIBED IN
7 SECTION 5 OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963.

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12 REDUCE THE ADVERSE IMPACTS OF BUILDINGS ON THEIR OCCUPANTS AND THE
13 ENVIRONMENT.