



H.B. 467

126th General Assembly
(As Introduced)

Reps. Hughes, Skindell, Miller, Cassell, Calvert, Seitz, Perry, Chandler, Setzer, J. McGregor

BILL SUMMARY

- Requires that state buildings and school buildings, the construction or renovation of which is regulated by the building code adopted by the state Board of Building Standards, must be designed and maintained in accordance with LEED energy efficiency design standards, as specified in rules to be adopted by the Director of Development.

CONTENT AND OPERATION

The bill requires the Director of the Department of Development (DOD) to adopt rules pertaining to state buildings and school buildings the construction or renovation of which is regulated by the state building code adopted by the state Board of Building Standards of the Department of Commerce (R.C. 3781.10(A), not in the bill). The DOD rules must require a building's compliance with the Leadership in Energy and Environmental Design (LEED) Green Building Rating System Silver Certification of the United States Green Building Council.¹ (R.C.

¹ *The LEED Green Building Rating System is described as a voluntary, consensus-based national standard for developing high-performance, sustainable buildings. LEED reportedly emphasizes state of the art strategies for sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality, and is a comprehensive system offering project certification, professional accreditation, training, and practical resources. (<http://www.usgbc.org/>.) Also according to that web site, the U.S. Green Building Council is a coalition representing 5,500 organizations and working to promote buildings that are environmentally responsible, profitable, and healthy places to live and work. Members include building product manufacturers, building owners, managers, users, and brokers, financial and insurance firms, the press, professional societies and trade associations, design, architectural, engineering, and professional firms, contractors and builders, nonprofit organizations, utilities, universities, K-12 school systems, and research institutes, state, local, and federal governments, building control service contractors, and manufacturers.*

1551.17.) Under the bill, the design, construction, renovation, and maintenance of the following must comply with those rules:

(1) Any building owned or operated, in whole or in part, by a department, bureau, board, commission, office, agency, or other organized body established by the Constitution or laws of Ohio for the exercise of any function of state government, including, but not limited to, the General Assembly, legislative agencies, the Supreme Court, the Court of Claims, and state-supported institutions of higher education² (R.C. 153.03);

(2) Any building owned or operated, in whole or in part, by the board of education of any city, local, exempted village, or joint vocational school district or by the governing board of an educational service center; and

(3) Any building owned or operated, in whole or in part, by the governing authority of a community school established under Ohio law (R.C. Chapter 3314.), other than an internet- or computer-based community school.

The bill, however, does not clarify its effect with respect to the current authority of the Board of Building Standards, for example, whether any Board-adopted energy conservation standard inconsistent with the LEED standard is to be preempted by the LEED standard in DOD rule or whether, similar to continuing statute regarding the adoption of certain rules of the Director of Job and Family Services, the Board must "cooperate with" DOD (R.C. 3781.10(I)). Current law requires the Board to adopt a state building code by rule, applicable to, among others, the state and school buildings that the bill subjects to its DOD rules. Among other statutory provisions regarding Board rules, the building code standards must "relate to the conservation of energy." (R.C. 3781.10(A)(1).) Regarding nonresidential buildings, such as the state and school buildings under the bill, current law states that a Board rule specifying a *higher* requirement than one imposed by statute is unenforceable (R.C. 3781.10(A)(2)). The issue of the relationship between the bill's DOD rules and Board rules also extends to the Board's duty to help secure uniformity of state administrative rulings, local legislation, and administrative action to, among others, legislative authorities and

² *The bill uses the definition of "institution of higher education" in university facility bonding law. Accordingly, the term means the University of Akron, Bowling Green, Central State, University of Cincinnati, Cleveland State, Kent State, Miami, Ohio University, Ohio State, Shawnee State, University of Toledo, Wright State, Youngstown State, the Northeastern Ohio Universities College of Medicine, and the Medical University of Ohio at Toledo, and includes their boards of trustees. The term also means any community college, state community college, university branch, or technical college and includes the applicable board of trustees or, in the case of a university branch district, any other managing authority. (R.C. 3345.12, which references R.C. 3345.011.)*

building departments of counties, townships, and municipal corporations, and extends as well to the Board's authority to certify those building departments to enforce the state building code, accept and approve plans and specifications for nonresidential buildings within their jurisdictions, and make inspections (R.C. 3781.10(E)(1) and (2)).

The bill apparently does affect the implied authority of the Ohio School Facilities Commission (OSFC) (R.C. Chapter 3318.) to determine energy conservation specifications for OSFC-funded public school construction, since the bill's requirement of LEED compliance applies to such schools. (Board of building standards' rules apparently also apply to OSFC-constructed schools.)

HISTORY

ACTION	DATE
Introduced	01-10-06

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