

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3485/P3dn

JTK:cjs:ph

October 16, 2009

Representative Molepske:

1. This draft now contains items (1) a., b. i., ii., and iii., c., and d. and (2), (3), and (4) except as they apply to local governments other than schools. Other segments will follow shortly.

2. The instructions specified that this state must achieve compliance with LEED minimum performance standards for the operation and maintenance of existing buildings in 15 percent of its gross square footage of owned or leased conditioned office space as of January 1, 2015. This draft, in proposed s. 13.48 (2) (jm) 3., requires the Building Commission to apply all moneys available for its use under the Authorized State Building Program to achieve compliance with these standards for not less than 15 percent of the gross square footage of conditioned office space owned or leased by state agencies on January 1, 2015. The draft reads this way because there is no appropriation in the draft that will provide the necessary funding to guarantee full compliance as of January 1, 2015. Therefore, compliance is dependent upon legislative decisions to allocate sufficient moneys to achieve compliance in the subsequent biennial budget acts. Generally, there is money in the all-agency project funding allocation within the Authorized State Building Program that is potentially available to use for the purpose of achieving compliance. However, there are other demands on this money, much of which is used for critical repairs to old buildings. If you would like to guarantee full compliance by January 1, 2015, we would need to include sum sufficient funding in this draft.

3. Application of the LEED performance standards for the operation and maintenance of existing buildings to leased facilities is problematic because commercial leases generally run for ten years and these leases are continually expiring. This means that state moneys may be invested in a facility that the state ceases to occupy within a relatively short period and the percentage of square footage in compliance with the standards could fluctuate up or down as new facilities are leased and existing leases are not renewed. On the other hand, if we don't apply the standards to leased facilities, we may be setting up a means to evade the standards by encouraging the transfer of state office space to lower-cost, noncompliant facilities.

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