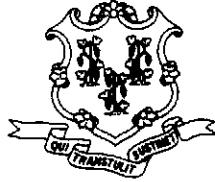


# The Connecticut General Assembly

## Legislative Commissioners' Office

Max S. Case  
*Commissioner*  
Edwin J. Maley, Jr.  
*Commissioner*

Larry G. J. Shapiro  
*Director*



Legislative Office Building  
Suite 5500  
Hartford, Connecticut  
06106-1591  
(860) 240-8410  
fax (860) 240-8414  
e-mail: lco@cga.ct.gov

## Memorandum

**To:** Legislative Regulation Review Committee  
**From:** Legislative Commissioners' Office  
**Committee Meeting Date:** August 25, 2009

|  |  |
|--|--|
| <b>Regulation No:</b>                          | 2009-20a   |
| <b>Agency:</b>                                 | Office of Policy and Management                            |
| <b>Subject Matter:</b>                         | Building Construction Standards for State-Funded Buildings |
| <b>Statutory Authority:</b><br>(copy attached) | 16a-38k  |

|                            | Yes or No |
|----------------------------|-----------|
| <b>Mandatory</b>           | Y         |
| <b>Federal Requirement</b> | N         |
| <b>Permissive</b>          | N         |

### For the Committee's Information:

This is a resubmittal of regulations that were rejected without prejudice at the committee's meeting on June 9, 2009. The resubmittal addresses the substantive concerns and technical corrections noted in the June 9, 2009 report, except as noted below.

### Substantive Concerns:

**Technical Corrections:**

1. On page 8, in section 16a-38k-4(c) (2) and (4), and on page 14, in section 16a-38k-6(c) (2) and (4), the sentence "This strategy only applies to renovation projects." should be inserted after the last word in each of said subdivisions for accuracy and consistency. The provisions of said subdivisions only apply to renovation projects. The agency indicates it has made these changes in its "Summary of Changes..." but the changes have not been made in the proposed regulations.

2. On page 10, in the third line of section 16a-38k-4(e) (9), "design storm" should be changed to "storm design" for accuracy.

**Recommendation:**

|                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Approval in whole   |
| <input checked="" type="checkbox"/> | with technical corrections<br>with deletions<br>with substitute pages |
|                                     | Disapproval in whole or in part                                       |
|                                     | Rejection without prejudice   |

**Reviewed by:** Jenna Padula / Richard Hanratty

**Date:** 8/6/2009

**Sec. 16a-38k. Building construction standards for new construction of certain state facilities.** (a) Notwithstanding any provision of the general statutes, any (1) new construction of a state facility that is projected to cost five million dollars, or more, and for which all budgeted project bond funds are allocated by the State Bond Commission on or after January 1, 2008, (2) renovation of a state facility that is projected to cost two million dollars or more, of which two million dollars or more is state funding, approved and funded on or after January 1, 2008, (3) new construction of a facility that is projected to cost five million dollars, or more, of which two million dollars or more is state funding, and is authorized by the General Assembly pursuant to chapter 173 on or after January 1, 2009, and (4) renovation of a public school facility as defined in subdivision (18) of section 10-282 that is projected to cost two million dollars or more, of which two million dollars or more is state funding, and is authorized by the General Assembly pursuant to chapter 173 on or after January 1, 2009, shall comply with or exceed compliance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program until the regulations described in subsection (b) of this section are adopted. The Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Works and the Institute for Sustainable Energy, shall exempt any facility from complying with said regulations if said secretary finds, in a written analysis, that the cost of such compliance significantly outweighs the benefits. Nothing in this section shall be construed to require the redesign of any new construction of a state facility that is designed in accordance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, provided the design for such facility was initiated or completed prior to the adoption of the regulations described in subsection (b) of this section.

(b) Not later than January 1, 2007, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Works, the Commissioner of Environmental Protection and the Commissioner of Public Safety, shall adopt regulations, in accordance with the provisions of chapter 54, to adopt state building construction standards that are consistent with or exceed the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, including energy standards that exceed those set forth in the 2004

edition of the American Society of Heating, Ventilating and Air Conditioning Engineers (ASHRAE) Standard 90.1 by no less than twenty per cent, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, and thereafter update such regulations as the secretary deems necessary.