

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 35**

---

---

**Introduced by Assembly Member Ruskin  
(Principal coauthor: Assembly Member Lieu)**

December 4, 2006

---

---

An act to *amend Section 15770 of the Government Code, and to add Part 3.1 (commencing with Section 71117) to Division 34 of the Public Resources Code, relating to the environment.*

LEGISLATIVE COUNSEL'S DIGEST

AB 35, as amended, Ruskin. Environment: state buildings: sustainable building standards.

**Existing**

(1) *Existing* law sets forth various requirements for energy and design efficiency in construction and renovation ~~in~~ of state buildings.

This bill would enact the Sustainable Building Act of 2007 and would require the ~~California Integrated Waste Management~~ *State Public Works* Board, by July 1, 2009, to adopt regulations for sustainable building standards for the construction or renovation of state buildings, as defined. The bill would require the ~~board, when adopting the regulations;~~ to *incorporate specified standards described in the United States Green Building Council's Leadership in Energy and Environmental Design, including a certification system based on attaining credits. The bill would require the regulations to also consider existing relevant information and guidelines, ~~as specified,~~ that maximize specified sustainability measures and methods and to provide for credits for the use of specified products. The bill would require the State Energy Resources Conservation and Development Commission, the Department*

of General Services, and the California Integrated Waste Management Board to develop the regulations, which would be adopted by the board and would require those developing entities to consult with appropriate state agencies, and specified private and public sector organizations and the public, and to hold at least 2 public workshops. The bill would require, on and after July 1, 2010, that a state building for which development of ~~capital~~ capital plans commences after that date, and a renovation commencing on or after that date, be built, designed, and operated in accordance with those regulations.

(2) Existing law provides that the State Public Works Board consists of the Director of Finance, the Director of Transportation, and the Director of General Services, and under specified conditions, the Treasurer and the Controller.

The bill would also require the State Public Works Board to include the Treasurer and the Controller for purposes of the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 15770 of the Government Code is  
 2 amended to read:  
 3 15770. (a) There is in the state government the State Public  
 4 Works Board. The board consists of the Director of Finance, the  
 5 Director of Transportation, and the Director of General Services.  
 6 For  
 7 (b) For the purpose of hearing and deciding upon matters related  
 8 to the issuance of revenue bonds pursuant to the State Building  
 9 Construction Act of 1955 (Part 10b (commencing with Section  
 10 15800)), or any other law authorizing the issuance of revenue  
 11 bonds, or for the purpose of adopting regulations pursuant to the  
 12 Sustainable Building Act of 2007 (Part 3.1 (commencing with  
 13 Section 71117) of Division 34 of the Public Resources Code), the  
 14 Treasurer and the Controller shall be members of the board. Three  
 15 (c) Three Members of the Senate, appointed by the Senate  
 16 Committee on Rules, and three Members of the Assembly,  
 17 appointed by the Speaker, shall meet with and participate in the  
 18 work of the board to the extent that ~~such~~ their participation is not  
 19 incompatible with their positions as Members of the Legislature.  
 20 The appointed Members of the Legislature constitute a legislative

1 interim committee on the subject of this part with all the powers  
2 and duties imposed upon ~~such~~ *those* committees by the Joint Rules  
3 of the Legislature.

4 ~~The amendments made to this section at the 1981–82 Regular~~  
5 ~~Session of the Legislature shall become operative on January 1,~~  
6 ~~1983.~~

7 SECTION 1.

8 SEC. 2. Part 3.1 (commencing with Section 71117) is added  
9 to Division 34 of the Public Resources Code, to read:

10

11

PART 3.1. SUSTAINABLE BUILDING ACT OF 2007

12

13 71117. The Legislature finds and declares all of the following:

14 (a) California is committed to providing leadership on energy,  
15 environmental, and public health issues by implementing  
16 innovative and resource-efficient public building design practices  
17 and other state government programs that improve the lives of  
18 California's 35 million residents.

19 (b) The state invests approximately two billion dollars  
20 (\$2,000,000,000) annually for design, construction, and renovation,  
21 and more than six hundred million dollars (\$600,000,000) annually  
22 for energy, water, and waste disposal at state-funded facilities.

23 (c) A building's energy, water, and waste disposal costs are  
24 computed over a 25-year period, or for the life of the building, and  
25 far exceed the cost of design and construction.

26 (d) An opportunity exists for the state to foster continued  
27 economic growth and provide environmental leadership by  
28 incorporating sustainable building practices into the state capital  
29 outlay and building management processes.

30 (e) Sustainable building practices utilize energy, water, and  
31 materials efficiently throughout the building's life cycle; enhance  
32 indoor air quality; improve employees' health, comfort, and  
33 productivity; incorporate environmentally preferable products, and  
34 thereby substantially reduce the costs and environmental impacts  
35 associated with long-term building operations, without  
36 compromising building performance or the needs of future  
37 generations.

38 (f) The widespread adoption of sustainable building principles  
39 would result in significant long-term benefits to *the* California  
40 environment, including reductions in smog generation, runoff of

1 water pollutants to surface water and groundwater sources, and  
 2 the demand for energy, water, and sewage treatment services, and  
 3 the fiscal and environmental impacts resulting from the expansion  
 4 of these infrastructures.

5 (g) It is critical that the state provides leadership to both the  
 6 private and public sectors in the sustainable building arena.

7 (h) It is the policy of the state to site, design, deconstruct,  
 8 construct, renovate, operate, and maintain state buildings that are  
 9 models of energy, water, and material efficiency, while providing  
 10 healthy, productive, and comfortable indoor environments and  
 11 long-term benefits to Californians.

12 (i) The Climate Action Team’s report, Climate Action Team  
 13 Report to the Governor and the Legislature, identifies strategies  
 14 to reduce greenhouse gas emissions, which include continued  
 15 implementation of the Green Building Initiative and energy  
 16 efficiency standards for state buildings.

17 (j) *The Climate Action Team has reported to the Governor and*  
 18 *the Legislature an expected savings of 6.5 million tons of*  
 19 *greenhouse gas emissions annually by 2015 due to the continued*  
 20 *implementation of the Green Building Initiative.*

21 (j)  
 22 (k) It is the intent of the Legislature, in enacting this part, to  
 23 recognize that no one set of existing “green” building guidelines  
 24 may encompass the state’s unique economic and natural  
 25 resources-related environment. It is further the intent of the  
 26 Legislature to ensure that the guidelines adopted pursuant to this  
 27 part recognize California’s leadership in environmental  
 28 sustainability practices and include the most rigorous measures  
 29 and methods possible with regard to the factors specified in  
 30 subdivision (a) of Section 71117.2.

31 71117.1. For purposes of this part, the following terms have  
 32 the following meanings:

33 ~~(a) “Board” means the California Integrated Waste Management~~  
 34 ~~Board.~~

35 (a) “Board” means the State Public Works Board.

36 (b) “Developing entities” means the State Energy Resources  
 37 Conservation and Development Commission, the Department of  
 38 General Services, and the California Integrated Waste  
 39 Management Board.

40 (b)

1 (c) “Sustainable building” means a project designed to reduce  
2 both direct and indirect environmental consequences associated  
3 with its construction, use, operation, maintenance, and eventual  
4 decommissioning, the design of which is evaluated for cost,  
5 quality-of-life impacts, future flexibility, ease of maintenance,  
6 energy and resource efficiency, and overall environmental impact,  
7 with an emphasis on life-cycle cost analysis.

8 (e)

9 (d) “State building” means a building owned or leased by the  
10 state.

11 71117.2. (a) On or before July 1, 2009, the board shall adopt  
12 regulations for sustainable building standards for the construction  
13 or renovation of state buildings regarding all of the following:

- 14 (1) Sustainability of the site.
- 15 (2) Water efficiency.
- 16 (3) Energy and atmosphere.
- 17 (4) Materials and resources *and sustainable wood*.
- 18 (5) Indoor environmental quality.
- 19 (6) Innovation and design process.
- 20 (7) *Nonmotorized transportation*.

21 ~~(b) When adopting regulations pursuant to this section, the board~~  
22 ~~shall~~

23 (b) (1) *The regulations adopted pursuant to this section shall*  
24 *incorporate, at a minimum, the standards described in the United*  
25 *States Green Building Council’s (USGBC) Leadership in Energy*  
26 *and Environmental Design (LEED) silver rating, as set forth in*  
27 *“Version 2.2” of LEED, as published by the USGBC in November*  
28 *of 2005, including a system for the certification of building projects*  
29 *based on attaining credits by complying with specified prerequisites*  
30 *and benchmarks.*

31 (2) *The regulations shall also consider those aspects of existing*  
32 *relevant information and guidelines that maximize the measures*  
33 *and methods identified in subdivision (a) and shall allow for*  
34 *flexibility to meet California’s building standards. These existing*  
35 *relevant guidelines and information shall include, but are not*  
36 *limited to, all of the following:*

37 ~~(1) The United States Green Building Council’s Leadership in~~  
38 ~~Energy and Environmental Design.~~

39 (2)

1 (A) The Green Building Initiative’s “Green Globes” rating  
2 system.

3 ~~(3)~~

4 (B) The federal Environmental Protection Agency’s “Federal  
5 Green Construction Guide for Specifiers.”

6 ~~(4)~~

7 (C) The federal Department of Energy’s—~~Green~~ “Greening  
8 Federal Facilities.”

9 ~~(5)~~

10 (D) The state’s Building Better Buildings: An Update on State  
11 Sustainable Building Initiatives (Blueprint 2003).

12 ~~(6)~~

13 (E) The Governor’s Executive Order S-20-04.

14 (3) *The regulations adopted pursuant to this section shall*  
15 *require, for purposes of achieving certification, that credits be*  
16 *provided to those projects that use wood products with a credible*  
17 *third-party sustainable forest certification, as determined by the*  
18 *board. The regulations shall also provide credit for the use of*  
19 *California-based resources, including building materials, products,*  
20 *industries, manufacturers, and other businesses, to promote the*  
21 *economic development of this state.*

22 ~~(e) In adopting regulations pursuant to this part, the board shall~~  
23 ~~take all of the following actions:~~

24 (c) *The developing entities shall develop regulations pursuant*  
25 *to this part, to be adopted by the board, and shall take all of the*  
26 *following actions during the development of the regulations:*

27 (1) Consult with appropriate state agencies, the building and  
28 construction industry, the building and construction supplies  
29 industry, recognized environmental advocacy groups, ~~the League~~  
30 ~~of California Cities, the California State Association of Counties,~~  
31 *sustainable building groups, other interested organizations, and*  
32 *the public.*

33 (2) Hold at least two public workshops to discuss the regulations  
34 and gather input from interested parties.

35 (d) The board, in consultation with the ~~entities set forth in~~  
36 ~~paragraph (1) of subdivision (e), may revise, if deemed necessary~~  
37 *developing entities, may revise, if deemed necessary* by the board,  
38 the regulations developed pursuant to this section.

39 (e) The board shall consult with the California Building  
40 Standards Commission to ensure that the regulations developed

1 pursuant to this section are not in conflict with the California  
 2 Building Standards Code. *The requirements of Part 2.5*  
 3 *(commencing with Section 18901) of Division 13 of the Health*  
 4 *and Safety Code do not apply to a regulation developed or adopted*  
 5 *pursuant to this section.*

6 (f) *The board shall consult with the advisory members of the*  
 7 *State Public Works Board before adopting regulations pursuant*  
 8 *to this part.*

9 71117.3. On and after July 1, 2010, a state building for which  
 10 development of capital plans commences on ~~and~~ *or* after that date,  
 11 and a renovation to a building owned by the state that commences  
 12 on or after that date, shall be built, designed, and operated in  
 13 accordance with the regulations adopted pursuant to this part.

14  
 15 \_\_\_\_\_  
 16 **CORRECTIONS:**  
 17 **Text—Page 7.**  
 18 \_\_\_\_\_