

2009 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1212

# 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1212

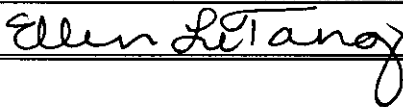
House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: January 19, 2009

Recorder Job Number: 7166

Committee Clerk Signature



**Chairman Keiser: Opened the hearing on HB 1212 relating to public building efficiency standards, and amend & reenact duties of the division of community services.**

Mary Ekstrom~Representative District 11 in Fargo. This bill purposes to do is set a silver standard for energy conservation.

Representative Ruby: Give us some example of the requirement imposed?

Ekstrom: Gives examples.

Vice Chairman Kasper: I'm concerned on line 12 where standard set by the green building council? Have you checked on the constitutionality of this bill?

Ekstrom: Defer to Representative Klein.

Matt Klein~Representative District 40 from Minot. Interim committee wanted to speed up thing the industry wanted to do to help the energy situation of everything. We dropped down to silver rating. Simple bill modeled from several states.

Representative Ruby: Mainly dealing with insulation. Can we get the standards that are required under this silver rating? Main question is, isn't this a shift in directions. Normally the standards were for safety, is this the first time with regulation of efficiency level?

Klein: I don't believe so. It starts with the state with the buildings we can control. I don't have the green rating but our commerce department will have the information available.

Vice Chairman Kasper: Have you checked the constitutionality of delegating the authority of the North Dakota Legislature to establish guidelines based upon line 12.

Klein: No I have not.

Chairman Keiser: We will have Representative Boe check with Legislative Council to check with the specific date and that will take constitutionality.

Vice Chairman Kasper: What is the US Green Council? Who makes it up, appoints it and how do they determine their standards?

Klein: It came about 10 years and it's a combination of various groups and interests. I don't know who is on that one.

Representative Boe: We are going to develop our own rules based on their template and I think that makes it constitutional.

Representative Gruchalla: Line 16-17, why is it in there?

Ekstrom: Inaudible.

Representative Gruchalla: Wouldn't it be in a higher level?

Ekstrom: Absolutely, they would be approaching platinum level.

Representative Vigesaa: These standards would add approximately 2% to the cost of the construction. Do you know the percent of the higher levels?

Klein: I don't know exactly, some could run into 10 to 15%.

Vice Chairman Kasper: I would like to see a copy of those standards and make up the green council.

Mary Mitchell~Dakota Research Council. We have a green building in Billings, Montana.

Anyone in opposition, neutral?

Paul Golvig~Director of Division of Community Services. The Department is neutral on this bill. I can offer this that by implementing this bill will not need additional people.

Representative Thorpe: Do you have any answers of past questions.

Paul: I do not have but I can provide some of the answers.

Vice Chairman Kasper: Asks the question again about who information on the Green Council.

Closes the hearing on HB 1212.

# 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1212

## House Industry, Business and Labor Committee

Check here for Conference Committee

**Hearing Date:** January 27, 2009

**Recorder Job Number:** 7877

Committee Clerk Signature

*Ellen Letang*

**Chairman Keiser: Opened the committee work session on HB 1212.**

Representative N Johnson: We were waiting for information that was on the green building code.

Vice Chairman Kasper: Talks about the memo Chamber of Commerce sent on Green Building Code. See attachment. This is a nonprofit organization started by its own members. It has nothing to do with government appoint. It's a self sustaining entity. I very reluctant to put into North Dakota statute that we abide by the standards that this organization set.

Chairman Keiser: Given the constitutionality issue, we can designate any group to set standards, but we have to make a time constraint and this doesn't.

Vice Chairman Kasper: There is definite disagreement on global warming in the United States and around the world. I've been to two conferences conducted by scientists about global warming and they believe there is no global warming. The green movement could be very costly.

What are the wishes of the committee?

Representative Ruby: I move a Do Not Pass.

Vice Chairman Kasper: Second.

Representative Schneider: I'm going to support the Do Not Pass but I want to clear that green living is not necessarily about global warming. The intent of the bill is about energy conservation.

Representative N Johnson: I'm going to support the Do Not Pass and for two reasons.

Representative Ruby: We do this already. This is the first step in the door and they move up from there. I support a Do Not Pass.

Chairman Keiser: When you think about this, we are legislating a statute of common sense.

Voting roll call was taken for a No Not Pass on HB 1212 with 9 yea's, 2 nay's, 2 absent and Vice Chairman Kasper is the carrier.

Date: Jan 27, 2009  
Roll Call Vote # \_\_\_\_\_

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1212

House House, Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  As Amended

Motion Made By Ruby Seconded By Kasper

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	1		Representative Amerman	1	
Vice Chairman Kasper	1		Representative Boe		
Representative Clark	1		Representative Gruchalla		1
Representative N Johnson	1		Representative Schneider	1	
Representative Nottestad	1		Representative Thorpe		1
Representative Ruby	1				
Representative Sukut	1				
Representative Vigesaa					

Total (Yes) 9 No 2

Absent 2

Floor Assignment Kasper

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1212: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO NOT PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING).  
HB 1212 was placed on the Eleventh order on the calendar.



2009 TESTIMONY

HB 1212

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## LEED Steering Committee

The LEED Steering Committee (LSC) is a standing committee of the Board of Directors. It has the principal responsibility for developing and implementing LEED, both in the U.S. and internationally. It fulfills this responsibility by coordinating and integrating policy; addressing technical, market, and branding issues across the range of LEED markets; and by establishing the Foundations for LEED and the processes for protecting and enhancing the LEED brand. The LEED Steering Committee is also the governing body of all LEED committees.

The LSC's principal roles are to

1. Set the direction and strategy for LEED
2. Delegate responsibility for the implementation of LEED
3. Provide oversight and support for the implementation of LEED
4. Effectively manage communication with the USGBC Board, Executive Committee, LEED committees and USGBC staff.

### LSC Meeting Minutes

In accordance with USGBC policies and procedures, [a full archive of LSC meeting minutes is available for public download.](#)

### Committee Membership:

Chair: Scot Horst, Horst, Inc.

Vice-Chair: Joel Ann Todd, Joel Ann Todd

Muscoe Martin, M2 Architecture

Stu Carron, Johnson Diversity

Holley Henderson, H2 Ecodesign

Christine Magar, Greenform

Kristin Shewfelt, E-Star Colorado

Doug Farr, Farr Associates

Bryna Dunn, Mosley Architects

Neal Billetdeaux, JJR

Greg Kats, Good Energies

Nadav Malin, BuildingGreen, Inc

Bob Thompson, EPA, Indoor Environmental Management Branch

Malcolm Lewis, Constructive Technologies Group

John Boecker, 7Group

Sara O'Mara, Choate Construction Company

Rick Fedrizzi, U.S. Green Building Council

Lauren Yarmuth, Yarmuth Radoff Green Sustainability Consultants

Alex Zimmerman, Canada Green Building Council (Invited Committee Guest)

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## About USGBC

The U.S. Green Building Council (USGBC) is a non-profit organization committed to expanding sustainable building practices. USGBC is composed of more than 15,000 organizations from across the building industry that are working to advance structures that are environmentally responsible, profitable, and healthy places to live and work. Members includes building owners and end-users, real estate developers, facility managers, architects, designers, engineers, general contractors, subcontractors, product and building system manufacturers, government agencies, and nonprofits.

### USGBC's Mission

To transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy, and prosperous environment that improves the quality of life.

### USGBC's Vision

Buildings and communities will regenerate and sustain the health and vitality of all life within a generation.

### USGBC's Guiding Principles

USGBC's Board of Directors has articulated "guiding principles" that will help us all with the decisions we make every day about USGBC and its programs. In an industry predicated on innovation, the principles provide us with clarity and continuity, while also giving us the flexibility to grow and respond to a rapidly changing market. [Learn more about USGBC's Guiding Principles.](#)

### USGBC's Headquarters

USGBC's Platinum LEED-certified headquarters are located in Dupont Circle, a vibrant and historic neighborhood in downtown Washington, DC. The office earned certification under the LEED for Commercial Interiors Rating System, and is located within a Gold-rated LEED for New Construction building. [Tour the office's green features](#) and view [the project profile](#).

### USGBC Programs

The annual U.S. market in green building products and services was more than \$7 billion in 2005, \$12 billion in 2007 and projected to increase to \$60 billion by 2010. USGBC supports this effort with the following programs:

#### LEED® Green Building Rating System™

LEED (Leadership in Energy and Environmental Design) is a voluntary, consensus-based national rating system for developing high-performance, sustainable buildings. Developed by USGBC, LEED addresses all building types and emphasizes state-of-the-art strategies for sustainable site development, water savings, energy efficiency, materials and resources selection, and indoor environmental quality. LEED is a practical rating tool for green building design and construction that provides immediate and measurable results for building owners and occupants.

#### Chapter Programs

There are more than 70 regional USGBC chapters nationwide providing green building resources, education, and networking opportunities in their communities.

#### Education

USGBC provides top quality educational programs on green design, construction, and operations for professionals from all sectors of the building industry. More than 54,500 designers, builders, suppliers, and managers have attended USGBC educational programs to gain practical knowledge, explore new business opportunities, and learn how to create healthier, more productive and more efficient places to live and work. USGBC also hosts Greenbuild, the largest international conference and expo focused on green building.

#### Emerging Green Builders

USGBC's Emerging Green Builders program provides educational opportunities and resources to students and young professionals with the goal of integrating these future leaders into the green building movement.

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## Board of Directors

The USGBC Board of Directors is responsible for articulating and upholding the vision, values and mission of USGBC. They meet in-person three times each year and by teleconference regularly throughout the year. Board composition, as described in the USGBC Bylaws includes: the President /CEO, representatives from USGBC's membership categories/member communities, "at-large" directors, representatives from the Regional Councils of USGBC chapters, and directors representing special perspectives.

Directors are either elected or appointed. The USGBC membership elects representatives from member categories/member communities; Regional Council directors are elected by the Regional Councils; and the Board may appoint directors who represent unique perspectives. The Board has the following officers: Chair, Chair-elect, Immediate Past Chair, Treasurer and Secretary.

Board of Directors elections occur annually according to a schedule determined by the Board. Elected directors serve three-year terms (and may serve up to two terms consecutively). Appointed directors serve two-year terms (and may serve up to three terms consecutively). Of the officers, the Chair, Chair-elect, and Immediate Past Chair each serve one-year terms that total three years of leadership. The Treasurer and Secretary each serve two-year terms. Officers are elected by members of the Board.

The Board of Directors' composition will transition between 2009 and 2011 to: 8-12 Member Community directorships to be selected from among perspectives agreed to be the Board, 8 Chapter Community directorships, and up to 5 appointed directorships.

To view Board of Directors meeting minutes, [click here](#)

To find out more about USGBC's Board of Directors, please [contact us](#)

### Executive Committee

Seat/Title	Name	Affiliation	Location
Chair	Gail Vittori	Center for Maximum Potential Building Systems	Austin, TX
Chair-elect	Tim Cole	Forbo Linoleum Inc.	Hazleton, PA
President, CEO & Founding Chairman**	S. Richard Fedrizzi	U.S. Green Building Council	Washington, DC
Treasurer/ At Large (Professional Firms)	Anthony Bernheim	HDR Architecture	San Francisco, CA
Secretary	Richard Graves	Perkins+Will	Minneapolis, MN

### Directors

Name	Seat/Title	Affiliation	Location
Anthony Bernheim	Treasurer/ At Large (Professional Firms)	HDR Architecture	San Francisco, CA
Tim Cole	Chair-elect	Forbo Linoleum Inc.	Hazleton, PA
Jim D'Aloisio	Upper Northeast Regional Council	Klepper, Hahn & Hyatt	Syracuse, NY
Mick Dalrymple	West Regional Council	Desert Moon Productions	Phoenix, AZ
S. Richard Fedrizzi	President, CEO & Founding Chairman	U.S. Green Building Council	Washington, DC
Tony Gale	Corporate & Retail	Starbucks Coffee Company	Seattle, WA
Richard Graves	Secretary	Perkins+Will	Minneapolis, MN
Bob Harris	South Central Regional Council	Lake/Flato Architects	San Antonio, TX
Elizabeth J. Heider	Contractors & Builders	Skanska USA Building, Inc.	Alexandria, VA
Mike Hess	Florida/Caribbean Regional Council	X-nth	Maitland, FL
Punit Jain	Heartland Regional Council	Cannon Design	St. Louis, MO
Vivian Loftness	Educational Institutions	Carnegie Mellon University	Pittsburgh, PA
Mark MacCracken	Energy Services	CALMAC Manufacturing Corporation	Fair Lawn, NJ
Dennis Maloskey	State and Local Government	Pennsylvania Governor's Green Government Council	Harrisburg, PA
Kim Shinn	Southeast Regional Council	TLC Engineering for Architecture	Brentwood, TN
Lisa Shpritz	Finance, Surety & Corporate Real Estate	Bank of America	Charlotte, NC

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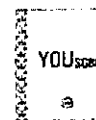
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### Green building goes high tech (Video)

CNN learns about the latest innovations in sustainable construction at Greenbuild 2008 in Boston.

Charlie Tomlinson	Northeast Corridor Regional Council	WRT Architects	Philadelphia, PA
Ted van der Linden	Pacific Regional Council	DPR Construction	Redwood City, CA
Gail Vittori	Chair	Center for Maximum Potential Building Systems	Austin, TX
Paul von Paumgarten	Prof. Societies/ Trade Associations	Alliance for a Sustainable Built Environment	Milwaukee, WI
Elizabeth Whalen	Product Manufacturers	Columbia Forest Products	Portland, OR
Lauren Yarmuth	Professional Firms	YRG Sustainability Consultants	New York, NY

\* denotes a non-voting member of the Board

\*\* denotes a non-voting member of the Board and a voting member of the Executive Committee

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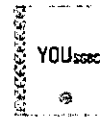
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**Green building goes high tech (Video)**

CNN learns about the latest innovations in sustainable construction at Greenbuild 2008 in Boston.

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## LEED Rating Systems

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is a third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED provides building owners and operators with the tools they need to have an immediate and measureable impact on their buildings' performance.

## Project Certification

LEED certification provides independent, third-party verification that a building project is environmentally responsible, profitable and a healthy place to live and work.

## Professional Accreditation

LEED Accredited Professionals are professionals who have demonstrated a thorough understanding of green building practices and principles and familiarity with LEED requirements, resources and processes.

## LEED Resources

Find all the resources you need to help you achieve LEED certification, including reference guides and templates for submitting your project's documentation.

### LEED Brochure

Introduction to the LEED Rating System for distribution to clients. more...

**\$0.68 each**  
**(Members \$0.59)**



### Green building goes high tech (Video)

CNN learns about the latest innovations in sustainable construction at Greenbuild 2008 in Boston.

### Opening Plenary Remarks by Rick Fedrizzi

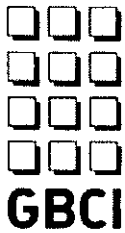
Read the Opening Plenary Remarks by President, CEO & Founding Chairman.

### New Certification Bodies will Expand Service, Eliminate Backlogs

As administration of the LEED certification process moves to the Green Building Certification Institute in January 2009, the selected certification bodies will help deliver a substantially improved, ISO-compliant certification process. Find out who they are.

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# FAQ

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## FREQUENTLY ASKED QUESTIONS

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F: 202 828-5110  
[www.gbci.org](http://www.gbci.org)

### Green Building Certification Institute

#### **What is the Green Building Certification Institute?**

The Green Building Certification Institute is a newly incorporated entity established with the support of the U.S. Green Building Council to administer credentialing programs related to green building practice and standards. The Green Building Certification Institute oversees the development and delivery of the LEED Professional Accreditation Exam, and serves as a resource for the building industry providing access to tools, directories and information.

#### **Why was GBCI created?**

The Green Building Certification Institute was incorporated to establish an independent organization responsible for administering credentialing programs related to green building practice and standards. Administrative independence is a requirement for all credentialing programs seeking ANSI Accreditation of Personnel Certification Programs under ISO Standard 17024. The transfer of responsibility for the LEED AP program to GBCI is one example of the continuous improvement efforts to ensure the ongoing value and integrity of the LEED AP credential.

#### **What will change for Green Building Professionals?**

LEED Accredited Professionals will not have to do anything and their credential will not be affected with this change. Candidates for LEED Professional Accreditation will be able to access information and resources readily at [www.gbci.org](http://www.gbci.org).

**MEMORANDUM**

Date: January 21, 2009

To: North Dakota House Industry and Business Labor Committee Members

From: Paul Govig  
North Dakota Department of Commerce

Re: Information Request

On Monday, January 19, 2009 Vice Chairman Jim Kasper asked me to provide you with some information concerning the U.S. Green Building Council (USGBC) and LEED Certification. I pulled the attached information off the internet in response to that request.

Please let me know if you would like additional information or would like to discuss this information in greater detail. I can be reached at 328-4499 or at [pgovig@nd.gov](mailto:pgovig@nd.gov).





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[www.usgbc.org](http://www.usgbc.org)

## ***FREQUENTLY ASKED QUESTIONS***

### **About the LEED® Green Building Certification System**

#### **What is LEED?**

LEED is a third party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. Developed by the U.S. Green Building Council in 2000 through a consensus based process, LEED serves as a tool for buildings of all types and sizes. LEED certification offers third party validation of a project's green features and verifies that the building is operating exactly the way it was designed to.

#### **What types of buildings can use LEED?**

LEED certification is available for all building types including new construction and major renovation; existing buildings; commercial interiors; core & shell; schools and homes. LEED systems for neighborhood development, retail and healthcare are currently pilot testing. To date, there is over 3 billion square feet of construction space involved with the LEED system.

#### **How does LEED work?**

LEED is a point based system where projects earn LEED points for satisfying specific green building criteria. Within each of the six LEED credit categories, projects must satisfy particular prerequisites and earn points. The six categories include Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, Indoor Environmental Quality and Innovation in Design (projects can earn ID points for green building innovations). The number of points the project earns determines the level of LEED Certification the project receives. LEED certification is available in four progressive levels: Certified, Silver, Gold and Platinum.

#### **Is LEED training available?**

Yes, USGBC offers a variety of LEED training workshops and online educational webinars including a basic introduction, technical reviews, and advanced application-oriented sessions. Workshops are available nationally in conjunction with local chapters, at industry tradeshow, and at Greenbuild. Private workshops can also be scheduled for your company.

#### **Can products be certified under LEED?**

No, LEED applies to green building projects. Individual products can contribute to points under the certification system; LEED criteria are performance-based. In attempting to meet these requirements, LEED practitioners identify products that have desired attributes. However, some LEED criteria do require specific product data as a part of a successful submittal.

#### **How much does it cost to register a project?**

The registration fee for a project is \$450 for USGBC members and \$600 for non-members.

#### **What is the average LEED certification fee?**

LEED for Green Building Certification System  
Frequently Asked Questions

LEED certification fees vary by project size but the average certification cost is \$2000.

**What is a LEED Accredited Professional™ and how do I become one?**

LEED Accredited Professionals are experienced building industry practitioners who have demonstrated their knowledge of integrated design and their capacity to facilitate the LEED certification process. To become an Accredited Professional you must take the exam. The exam tests an individual's understanding of green building practices and principles, and familiarity with LEED requirements, resources, and processes. For more information: [www.gbci.org](http://www.gbci.org).

**Does green building cost more?**

No, green buildings do not have to cost a penny more. LEED certified projects to date demonstrate that you can achieve LEED certification and reap its many benefits with a common-sense approach to design with no additional dollars. Depending on your green building strategy and the level of certification your project is targeting, there may be mid- and long-term ROI associated with additional green features that merits an investment in first costs.

**What are the benefits of LEED certification?**

LEED certification is third-party validation of a building's performance. LEED certified projects blend environmental, economic, and occupant-oriented performance. They cost less to operate and maintain; are energy- and water-efficient; have higher lease-up rates than conventional buildings in their markets; are healthier and safer for occupants; and are a physical demonstration of the values of the organizations that own and occupy them. For more information: [www.usgbc.org](http://www.usgbc.org).