

By: Van de Putte

S.B. No. 1879

A BILL TO BE ENTITLED

AN ACT

relating to certain practices to improve energy conservation in state buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 447.004(e), Government Code, as amended by Chapters 573, 1158, and 1398, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(e) A state agency or an institution of higher education may not begin construction of a new state building or a major renovation project before the design architect or engineer for the construction or renovation has:

(1) certified to the appropriate authority having jurisdiction [~~agency or institution~~] that the construction or renovation complies with:

(A) the standards established under this section; and

(B) the alternative energy and energy-efficient architectural and engineering design evaluation requirements under Sections 2166.401, 2166.403, and 2166.408; and

(2) provided [~~a copy of that certification~~] to the appropriate authority having jurisdiction and the state energy conservation office copies of:

(A) each certification under Subdivision (1); and

1                    (B) any written evaluation or detailed economic  
2 feasibility study prepared in accordance with Section 2166.401,  
3 2166.403, or 2166.408.

4            SECTION 2. Section 2166.153(a), Government Code, is amended  
5 to read as follows:

6            (a) A project analysis consists of:

7                    (1) a complete description of the project and a  
8 justification of the project prepared by the using agency;

9                    (2) a detailed estimate of the amount of space needed  
10 to meet the needs of the using agency and to allow for realistic  
11 growth;

12                    (3) a description of the proposed project prepared by  
13 a design professional that:

14                            (A) includes schematic plans and outline  
15 specifications describing the type of construction and probable  
16 materials to be used; and

17                            (B) is sufficient to establish the general scope  
18 and quality of construction;

19                    (4) an estimate of the probable cost of construction;

20                    (5) a description of the proposed site of the project  
21 and an estimate of the cost of site preparation;

22                    (6) an overall estimate of the cost of the project,  
23 including necessary funding for life-cycle costing, whole building  
24 integrated design, commissioning, and postoccupancy building  
25 performance verification;

26                    (7) information prepared under Section 2166.451 about  
27 historic structures considered as alternatives to new

1 construction;

2 (8) an evaluation of energy alternatives and  
3 energy-efficient architectural and engineering design alternatives  
4 as required by Sections [~~Section~~] 2166.401, 2166.403, and 2166.408;  
5 and

6 (9) other information required by the commission.

7 SECTION 3. The section heading to Section 2166.403,  
8 Government Code, is amended to read as follows:

9 Sec. 2166.403. ALTERNATIVE ENERGY AND ENERGY-EFFICIENT  
10 ARCHITECTURAL AND ENGINEERING DESIGN IN NEW BUILDING CONSTRUCTION.

11 SECTION 4. Section 2166.403, Government Code, is amended by  
12 amending Subsections (b) and (c) and adding Subsections (b-1) and  
13 (b-2) to read as follows:

14 (b) During the planning phase of the proposed construction,  
15 the commission, or the governing body of the appropriate agency or  
16 institution that is undertaking a project otherwise exempt from  
17 this chapter under Section 2166.003, must present a detailed  
18 written evaluation at [~~shall verify in~~] an open meeting to verify  
19 the economic feasibility of:

20 (1) using energy-efficient architectural or  
21 engineering design alternatives; or

22 (2) incorporating into the building's design and  
23 proposed energy system alternative energy devices for space heating  
24 and cooling, water heating, electrical loads, and interior  
25 lighting.

26 (b-1) A detailed written evaluation under Subsection (b) must  
27 be made available to the public at least 30 days before the open

1 meeting at which it is presented.

2 (b-2) In each detailed written evaluation under Subsection  
3 (b), the [The] commission or governing body shall determine  
4 economic feasibility for each function by comparing the estimated  
5 cost of providing energy for all or part of the function using  
6 conventional design practices and energy systems or operating under  
7 conventional architectural or engineering designs with the  
8 estimated cost of providing energy for all or part of the function  
9 using alternative energy devices or operating under alternative  
10 energy-efficient architectural or engineering designs during the  
11 economic life of the building. The comptroller's state energy  
12 conservation office, or its successor, must approve any methodology  
13 or electronic software used by the commission or governing body, or  
14 an entity contracting with the commission or governing body, to  
15 make a comparison or determine feasibility under this subsection.

16 (c) If the use of alternative energy devices or  
17 energy-efficient architectural design alternatives for a  
18 particular function is determined to be economically feasible under  
19 Subsection (b-2) [~~(b)~~], the commission or governing body shall  
20 include the use of alternative energy devices or energy-efficient  
21 architectural design alternatives for that function in the  
22 construction plans.

23 SECTION 5. Section 2166.403(d)(1), Government Code, is  
24 amended to read as follows:

25 (1) "Alternative energy" means a renewable energy  
26 resource. The term includes solar energy, biomass energy,  
27 geothermal energy, and wind energy.

1 SECTION 6. Subchapter I, Chapter 2166, Government Code, is  
2 amended by adding Section 2166.408 to read as follows:

3 Sec. 2166.408. EVALUATION OF ARCHITECTURAL AND ENGINEERING  
4 DESIGN ALTERNATIVES. (a) For each project for which a project  
5 analysis is prepared under Subchapter D and for which architectural  
6 or engineering design choices will affect the energy-efficiency of  
7 the building, the commission or the private design professional  
8 retained by the commission shall prepare a written evaluation of  
9 energy-efficient architectural or engineering design alternatives  
10 for the project.

11 (b) The evaluation must include information about the  
12 economic and environmental impact of various energy-efficient  
13 architectural or engineering design alternatives, including an  
14 evaluation of economic and environmental costs both initially and  
15 over the life of the architectural or engineering design.

16 (c) The evaluation must identify the best architectural and  
17 engineering designs for the project considering both economic and  
18 environmental costs and benefits.

19 SECTION 7. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2003.