

1-1 By: Van de Putte S.B. No. 1879  
1-2 (In the Senate - Filed March 25, 2003; March 26, 2003, read  
1-3 first time and referred to Committee on Government Organization;  
1-4 May 1, 2003, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; May 1, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to certain practices to improve energy conservation in  
1-9 state buildings.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (e), Section 447.004, Government  
1-12 Code, as amended by Chapters 573, 1158, and 1398, Acts of the 77th  
1-13 Legislature, Regular Session, 2001, is reenacted and amended to  
1-14 read as follows:

1-15 (e) A state agency or an institution of higher education may  
1-16 not begin construction of a new state building or a major renovation  
1-17 project before the design architect or engineer for the  
1-18 construction or renovation has:

1-19 (1) certified to the appropriate authority having  
1-20 jurisdiction [~~agency or institution~~] that the construction or  
1-21 renovation complies with:

1-22 (A) the standards established under this  
1-23 section; and

1-24 (B) the alternative energy and energy-efficient  
1-25 architectural and engineering design evaluation requirements under  
1-26 Sections 2166.401, 2166.403, and 2166.408; and

1-27 (2) provided [~~a copy of that certification~~] to the  
1-28 appropriate authority having jurisdiction and the state energy  
1-29 conservation office copies of:

1-30 (A) each certification under Subdivision (1);  
1-31 and

1-32 (B) any written evaluation or detailed economic  
1-33 feasibility study prepared in accordance with Section 2166.401,  
1-34 2166.403, or 2166.408.

1-35 SECTION 2. Subsection (a), Section 2166.153, Government  
1-36 Code, is amended to read as follows:

1-37 (a) A project analysis consists of:

1-38 (1) a complete description of the project and a  
1-39 justification of the project prepared by the using agency;

1-40 (2) a detailed estimate of the amount of space needed  
1-41 to meet the needs of the using agency and to allow for realistic  
1-42 growth;

1-43 (3) a description of the proposed project prepared by  
1-44 a design professional that:

1-45 (A) includes schematic plans and outline  
1-46 specifications describing the type of construction and probable  
1-47 materials to be used; and

1-48 (B) is sufficient to establish the general scope  
1-49 and quality of construction;

1-50 (4) an estimate of the probable cost of construction;

1-51 (5) a description of the proposed site of the project  
1-52 and an estimate of the cost of site preparation;

1-53 (6) an overall estimate of the cost of the project,  
1-54 including necessary funding for life-cycle costing, whole building  
1-55 integrated design, commissioning, and postoccupancy building  
1-56 performance verification;

1-57 (7) information prepared under Section 2166.451 about  
1-58 historic structures considered as alternatives to new  
1-59 construction;

1-60 (8) an evaluation of energy alternatives and  
1-61 energy-efficient architectural and engineering design alternatives  
1-62 as required by Sections [~~Section~~] 2166.401, 2166.403, and 2166.408;  
1-63 and

1-64 (9) other information required by the commission.

2-1 SECTION 3. The section heading to Section 2166.403,  
 2-2 Government Code, is amended to read as follows:

2-3 Sec. 2166.403. ALTERNATIVE ENERGY AND ENERGY-EFFICIENT  
 2-4 ARCHITECTURAL AND ENGINEERING DESIGN IN NEW BUILDING CONSTRUCTION.

2-5 SECTION 4. Section 2166.403, Government Code, is amended by  
 2-6 amending Subsections (b) and (c) and adding Subsections (b-1) and  
 2-7 (b-2) to read as follows:

2-8 (b) During the planning phase of the proposed construction,  
 2-9 the commission, or the governing body of the appropriate agency or  
 2-10 institution that is undertaking a project otherwise exempt from  
 2-11 this chapter under Section 2166.003, must present a detailed  
 2-12 written evaluation at [shall verify in] an open meeting to verify  
 2-13 the economic feasibility of:

2-14 (1) using energy-efficient architectural or  
 2-15 engineering design alternatives; or

2-16 (2) incorporating into the building's design and  
 2-17 proposed energy system alternative energy devices for space heating  
 2-18 and cooling, water heating, electrical loads, and interior  
 2-19 lighting.

2-20 (b-1) A detailed written evaluation under Subsection (b)  
 2-21 must be made available to the public at least 30 days before the  
 2-22 open meeting at which it is presented.

2-23 (b-2) In each detailed written evaluation under Subsection  
 2-24 (b), the [The] commission or governing body shall determine  
 2-25 economic feasibility for each function by comparing the estimated  
 2-26 cost of providing energy for all or part of the function using  
 2-27 conventional design practices and energy systems or operating under  
 2-28 conventional architectural or engineering designs with the  
 2-29 estimated cost of providing energy for all or part of the function  
 2-30 using alternative energy devices or operating under alternative  
 2-31 energy-efficient architectural or engineering designs during the  
 2-32 economic life of the building. The comptroller's state energy  
 2-33 conservation office, or its successor, must approve any methodology  
 2-34 or electronic software used by the commission or governing body, or  
 2-35 an entity contracting with the commission or governing body, to  
 2-36 make a comparison or determine feasibility under this subsection.

2-37 (c) If the use of alternative energy devices or  
 2-38 energy-efficient architectural design alternatives for a  
 2-39 particular function is determined to be economically feasible under  
 2-40 Subsection (b-2) [~~(b)~~], the commission or governing body shall  
 2-41 include the use of alternative energy devices or energy-efficient  
 2-42 architectural design alternatives for that function in the  
 2-43 construction plans.

2-44 SECTION 5. Subdivision (1), Subsection (d), Section  
 2-45 2166.403, Government Code, is amended to read as follows:

2-46 (1) "Alternative energy" means a renewable energy  
 2-47 resource. The term includes solar energy, biomass energy,  
 2-48 geothermal energy, and wind energy.

2-49 SECTION 6. Subchapter I, Chapter 2166, Government Code, is  
 2-50 amended by adding Section 2166.408 to read as follows:

2-51 Sec. 2166.408. EVALUATION OF ARCHITECTURAL AND ENGINEERING  
 2-52 DESIGN ALTERNATIVES. (a) For each project for which a project  
 2-53 analysis is prepared under Subchapter D and for which architectural  
 2-54 or engineering design choices will affect the energy-efficiency of  
 2-55 the building, the commission or the private design professional  
 2-56 retained by the commission shall prepare a written evaluation of  
 2-57 energy-efficient architectural or engineering design alternatives  
 2-58 for the project.

2-59 (b) The evaluation must include information about the  
 2-60 economic and environmental impact of various energy-efficient  
 2-61 architectural or engineering design alternatives, including an  
 2-62 evaluation of economic and environmental costs both initially and  
 2-63 over the life of the architectural or engineering design.

2-64 (c) The evaluation must identify the best architectural and  
 2-65 engineering designs for the project considering both economic and  
 2-66 environmental costs and benefits.

2-67 SECTION 7. This Act takes effect immediately if it receives  
 2-68 a vote of two-thirds of all the members elected to each house, as  
 2-69 provided by Section 39, Article III, Texas Constitution. If this

3-1 Act does not receive the vote necessary for immediate effect, this  
3-2 Act takes effect September 1, 2003.

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