

BILL ANALYSIS

Senate Research Center

S.B. 982
By: Van de Putte
Government Organization
7/19/2005
Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, state agencies and institutions of higher education are required to have the design architect and engineer on a construction project certify to the agency or institution that the project complies with the energy and water conservation design standards required under the Texas Government Code. However, the certification may not always reach the appropriate authority with ultimate responsibility.

S.B. 982 requires the conservation design certification to be directed to the appropriate authority having jurisdiction.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 447.004, Government Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Deletes existing text prohibiting an institution of higher education from beginning construction of a new state building or a major renovation project before the design architect or engineer for the construction or renovation has completed certain requirements.

(f) Prohibits an institution of higher education from beginning construction of a new state building or a major renovation project before the design architect or engineer for the construction or renovation has completed certain requirements.

SECTION 2. Amends Section 2166.153(a), Government Code, to provide that a project analysis consists of an overall estimate of the cost of the project, including necessary funding for life-cycle costing, whole building integrated design, commissioning, and postoccupancy building performance verification and an evaluation of energy alternatives and energy-efficient architectural and engineering design alternatives as required by Sections 2166.401, 2166.403, and 2166.408, rather than Section 2166.401.

SECTION 3. Amends the heading to Section 2166.403, to read as follows:

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

SECTION 4. Amends Section 2166.403, Government Code, by amending Subsections (b) and (c), and adding Subsections (b-1), (b-2), (c-1), and (c-2), as follows:

(b) Requires the Texas Building and Procurement Commission (TBPC), or the governing body of the appropriate agency that is undertaking a project otherwise exempt from this chapter under Section 2166.003, Government Code, except as provided by Subsection (c-1), during the planning phase of the proposed construction to present a detailed written evaluation at an open meeting to verify, rather than verify in an open meeting, the

economic feasibility of using energy-efficient architectural or engineering design alternatives or incorporating into the building's design and proposed energy system certain alternative energy devices.

(b-1) Requires a detailed written evaluation under Subsection (b) to be made available to the public at least 30 days before the open meeting at which it is presented.

(b-2) Requires TBPC or the governing body, in each detailed written evaluation under Subsection (b), to determine economic feasibility for each function by comparing the estimated cost of providing energy for all or part of the function using conventional design practices and energy systems or operating under conventional architectural or engineering designs with the estimated cost of providing energy for all or part of the function using alternative energy devices or operating under alternative energy-efficient architectural or engineering designs during the economic life of the building. Requires the comptroller's state energy conservation office, or its successor, to approve any methodology or electronic software used by TBPC or the governing body, or an entity contracting with TBPC or the governing body, to make a comparison or determine feasibility under this subsection.

(c) Requires TBPC or the governing body, if the use of alternative energy devices or energy-efficient architectural design alternatives for a particular function is determined to be economically feasible under Subsection (b-2), rather than (b), to include the use of alternative energy devices or energy-efficient architectural design alternatives for that function in the construction plans.

(c-1) Requires the governing body of a state institution of higher education, for a project constructed by and for the institution, during the planning phase of the proposed construction for the project, to verify the economic feasibility of incorporating certain devices into the building's design and proposed energy system in an open meeting. Requires the governing body of the institution to determine the economic feasibility of each function by making certain comparisons.

(c-2) Requires the governing body, if the use of alternative energy devices for a specific function is determined to be economically feasible under Subsection (c-1), to include the use of alternative energy devices for that function in the construction plans for the project.

SECTION 5. Amends Section 2166.403(d)(1), Government Code, to redefine "alternative energy."

SECTION 6. Amends Subchapter I, Chapter 2166, Government Code, by adding Section 2166.408, as follows:

Sec. 2166.408. EVALUATION OF ARCHITECTURAL AND ENGINEERING DESIGN ALTERNATIVES. Requires TBPC, or the private design professional retained by TBPC, for each project for which a project analysis is prepared under Subchapter D and for which architectural or engineering design choices will affect the energy-efficiency of the building, to prepare a written evaluation of energy-efficient architectural or engineering design alternatives for the project. Sets forth specific requirements for the information which must be included and identified in the evaluation and the purpose of the evaluation.

SECTION 7. Effective date: upon passage or September 1, 2005.