

1-1 By: Van de Putte S.B. No. 982  
1-2 (In the Senate - Filed March 4, 2005; March 14, 2005, read  
1-3 first time and referred to Committee on Government Organization;  
1-4 April 20, 2005, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; April 20, 2005, 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, is amended to read as follows:

1-13 (e) A state agency or an institution of higher education may  
1-14 not begin construction of a new state building or a major renovation  
1-15 project before the design architect or engineer for the  
1-16 construction or renovation has:

1-17 (1) certified to the appropriate authority having  
1-18 jurisdiction [~~agency or institution~~] that the construction or  
1-19 renovation complies with:

1-20 (A) the standards established under this  
1-21 section; and

1-22 (B) the alternative energy and energy-efficient  
1-23 architectural and engineering design evaluation requirements under  
1-24 Sections 2166.401, 2166.403, and 2166.408; and

1-25 (2) provided [~~a copy of that certification~~] to the  
1-26 appropriate authority having jurisdiction and the state energy  
1-27 conservation office copies of:

1-28 (A) each certification under Subdivision (1);  
1-29 and

1-30 (B) any written evaluation or detailed economic  
1-31 feasibility study prepared in accordance with Section 2166.401,  
1-32 2166.403, or 2166.408.

1-33 SECTION 2. Subsection (a), Section 2166.153, Government  
1-34 Code, is amended to read as follows:

1-35 (a) A project analysis consists of:

1-36 (1) a complete description of the project and a  
1-37 justification of the project prepared by the using agency;

1-38 (2) a detailed estimate of the amount of space needed  
1-39 to meet the needs of the using agency and to allow for realistic  
1-40 growth;

1-41 (3) a description of the proposed project prepared by  
1-42 a design professional that:

1-43 (A) includes schematic plans and outline  
1-44 specifications describing the type of construction and probable  
1-45 materials to be used; and

1-46 (B) is sufficient to establish the general scope  
1-47 and quality of construction;

1-48 (4) an estimate of the probable cost of construction;

1-49 (5) a description of the proposed site of the project  
1-50 and an estimate of the cost of site preparation;

1-51 (6) an overall estimate of the cost of the project,  
1-52 including necessary funding for life-cycle costing, whole building  
1-53 integrated design, commissioning, and postoccupancy building  
1-54 performance verification;

1-55 (7) information prepared under Section 2166.451 about  
1-56 historic structures considered as alternatives to new  
1-57 construction;

1-58 (8) an evaluation of energy alternatives and  
1-59 energy-efficient architectural and engineering design alternatives  
1-60 as required by Sections [~~Section~~] 2166.401, 2166.403, and 2166.408;  
1-61 and

1-62 (9) other information required by the commission.

1-63 SECTION 3. The section heading to Section 2166.403,  
1-64 Government Code, is amended to read as follows:

2-1           Sec. 2166.403. ALTERNATIVE ENERGY AND ENERGY-EFFICIENT  
 2-2 ARCHITECTURAL AND ENGINEERING DESIGN IN NEW BUILDING CONSTRUCTION.

2-3           SECTION 4. Section 2166.403, Government Code, is amended by  
 2-4 amending Subsections (b) and (c) and adding Subsections (b-1) and  
 2-5 (b-2) to read as follows:

2-6           (b) During the planning phase of the proposed construction,  
 2-7 the commission, or the governing body of the appropriate agency or  
 2-8 institution that is undertaking a project otherwise exempt from  
 2-9 this chapter under Section 2166.003, must present a detailed  
 2-10 written evaluation at [shall verify in] an open meeting to verify  
 2-11 the economic feasibility of:

2-12           (1) using energy-efficient architectural or  
 2-13 engineering design alternatives; or

2-14           (2) incorporating into the building's design and  
 2-15 proposed energy system alternative energy devices for space heating  
 2-16 and cooling, water heating, electrical loads, and interior  
 2-17 lighting.

2-18           (b-1) A detailed written evaluation under Subsection (b)  
 2-19 must be made available to the public at least 30 days before the  
 2-20 open meeting at which it is presented.

2-21           (b-2) In each detailed written evaluation under Subsection  
 2-22 (b), the [The] commission or governing body shall determine  
 2-23 economic feasibility for each function by comparing the estimated  
 2-24 cost of providing energy for all or part of the function using  
 2-25 conventional design practices and energy systems or operating under  
 2-26 conventional architectural or engineering designs with the  
 2-27 estimated cost of providing energy for all or part of the function  
 2-28 using alternative energy devices or operating under alternative  
 2-29 energy-efficient architectural or engineering designs during the  
 2-30 economic life of the building. The comptroller's state energy  
 2-31 conservation office, or its successor, must approve any methodology  
 2-32 or electronic software used by the commission or governing body, or  
 2-33 an entity contracting with the commission or governing body, to  
 2-34 make a comparison or determine feasibility under this subsection.

2-35           (c) If the use of alternative energy devices or  
 2-36 energy-efficient architectural design alternatives for a  
 2-37 particular function is determined to be economically feasible under  
 2-38 Subsection (b-2) [~~(b)~~], the commission or governing body shall  
 2-39 include the use of alternative energy devices or energy-efficient  
 2-40 architectural design alternatives for that function in the  
 2-41 construction plans.

2-42           SECTION 5. Subdivision (1), Subsection (d), Section  
 2-43 2166.403, Government Code, is amended to read as follows:

2-44           (1) "Alternative energy" means a renewable energy  
 2-45 resource. The term includes solar energy, biomass energy,  
 2-46 geothermal energy, and wind energy.

2-47           SECTION 6. Subchapter I, Chapter 2166, Government Code, is  
 2-48 amended by adding Section 2166.408 to read as follows:

2-49           Sec. 2166.408. EVALUATION OF ARCHITECTURAL AND ENGINEERING  
 2-50 DESIGN ALTERNATIVES. (a) For each project for which a project  
 2-51 analysis is prepared under Subchapter D and for which architectural  
 2-52 or engineering design choices will affect the energy-efficiency of  
 2-53 the building, the commission or the private design professional  
 2-54 retained by the commission shall prepare a written evaluation of  
 2-55 energy-efficient architectural or engineering design alternatives  
 2-56 for the project.

2-57           (b) The evaluation must include information about the  
 2-58 economic and environmental impact of various energy-efficient  
 2-59 architectural or engineering design alternatives, including an  
 2-60 evaluation of economic and environmental costs both initially and  
 2-61 over the life of the architectural or engineering design.

2-62           (c) The evaluation must identify the best architectural and  
 2-63 engineering designs for the project considering both economic and  
 2-64 environmental costs and benefits.

2-65           SECTION 7. This Act takes effect immediately if it receives  
 2-66 a vote of two-thirds of all the members elected to each house, as  
 2-67 provided by Section 39, Article III, Texas Constitution. If this  
 2-68 Act does not receive the vote necessary for immediate effect, this  
 2-69 Act takes effect September 1, 2005.

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