

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 445
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Government Organization
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over a 20-year life cycle of a high-performance building, building owners and governmental entities will see a significant return on their initial investment in such a building. These buildings are generally recognized as using key resources like energy, water, materials, and land much more efficiently than buildings that are simply built to code. They also provide a potentially promising way to help address a range of challenges, such as rising electric costs, pending water shortages and waste disposal issues, continued federal pressure to cut pollutants, the rising incidence of allergies and asthma, the health and productivity of workers, and the increasing expenses of maintaining and operating state facilities over time. Current law, however, provides no performance standards for the construction of buildings for the state or for an institution of higher education.

C.S.S.B. 445 creates and defines a high-performance standard for the construction and renovation of state and higher education buildings. The bill requires the standard to be developed and revised through a consensus-based process, provide minimum requirements for energy and natural resource use and indoor air quality, require substantiating documentation for certification, employ third-party, post-construction review and verification for certification, and be determined by the state energy conservation office to be nationally recognized in the building industry. The bill requires such buildings be designed and constructed or renovated so as to achieve certification under the standard. The bill also provides that any necessary services to meet the standards provided by a design professional to the Texas Building and Procurement Commission are considered additional services under contract for purposes of compensation.

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 Subchapter I, Chapter 2166, Government Code, by adding Section 2166.409, as follows:

Sec. 2166.409. HIGH-PERFORMANCE, SUSTAINABLE DESIGN, CONSTRUCTION, AND RENOVATION STANDARDS FOR STATE BUILDINGS.
(a) Sets forth the construction projects to which this section applies.

(b) Requires a building to which this section applies to be designed and constructed or renovated so that it achieves certification under a high-performance building standard as set forth in this subsection.

(c) Requires a contract between the Texas Building and Procurement Commission and a private design professional relating to the construction or renovation of a building under this section to provide that, for billing purposes, any necessary services provided by the professional to satisfy the requirements of Subsection (b) be considered an additional rather than a basic service.

SECTION 2. Amends Subchapter B, Chapter 55, Education Code, by adding Section 55.115, as follows:

Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN, CONSTRUCTION, AND RENOVATION STANDARDS FOR CERTAIN FACILITIES. (a) Sets forth the construction projects to which this section applies.

(b) Requires a facility to which this section applies to be designed and constructed or renovated so that it achieves certification under a high-performance building standard as set forth in this subsection.

(c) Requires a contract between the Texas Building and Procurement Commission and a private design professional, as defined by Section 2166.001, Government Code, relating to the construction or renovation of a facility under this section to provide that, for billing purposes, any necessary services provided by the professional to satisfy the requirements of Subsection (b) be considered an additional rather than a basic service.

SECTION 3. Makes application of Section 55.115, Education Code, as added by this Act, prospective to September 1, 2009.

SECTION 4. Effective date: September 1, 2009.