

BILL ANALYSIS

Senate Research Center
80R4698 TAD-F

S.B. 899
By: Ellis
Government Organization
3/15/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the energy and water conservation design standards for new construction or major renovation projects are adopted by the State Energy Conservation Office, but the continued lack of high performance buildings necessitates different standards to be set forth.

As proposed, S.B. 899 requires state buildings, school district facilities, and higher education facilities being renovated or constructed to meet the silver standard under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system. In addition, S.B. 899 requires the Texas Building and Procurement Commission to establish an advisory committee responsible for making recommendations and providing guidance on the implementation of the design and construction specifications of the Act, and the state auditor is charged with preparing a report concerning the implementation of the design and construction specifications of the Act.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Building and Procurement Commission in SECTION 1 (Section 2166.409, Government Code), the Texas Education Agency in SECTION 2 (Section 44.902, Education Code), and the Texas Higher Education Coordinating Board in SECTION 3 (Section 61.0584, Education Code) of this bill.

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 AND CONSTRUCTION SPECIFICATIONS FOR RENOVATED OR NEW STATE BUILDING. (a) Defines "renovation" and "renovated."

(b) Provides that this section applies to the construction or renovation of a state building, including a building construction project otherwise exempt from this chapter under Section 2166.003 (Exception), except that this section does not apply to a project constructed by and for an institution of higher education as defined by Section 61.003, Education Code.

(c) Requires that a building to which this section applies that is being constructed or renovated be designed and constructed or renovated so that the building may be certified to meet or exceed the silver standard under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system as that standard exists as of September 1, 2007.

(d) Requires the Texas Building and Procurement Commission (commission) to adopt rules for the administration of this section. Authorizes the rules to establish an exception to the application of this section for a type of building if the commission determines that certain standards described by Subsection (c) do not apply to that type of building; or there is no practical way to apply those standards to the design and construction of that type of building.

(e) Requires the commission to monitor and document each state agency's compliance with this section, and any operating savings resulting from the design and construction or renovation of the buildings in accordance with this section. Requires the commission, not later than September 1 of each even-numbered year, to submit to the legislature and governor a report regarding the commission's findings; any instances in which, and the reasons for which, a state building was not designed and constructed or renovated in the manner provided by Subsection (c); and any recommendations the commission considers appropriate.

(f) Provides that Subsection (e) and this subsection expire September 2, 2016.

SECTION 2. Amends Subchapter Z, Chapter 44, Education Code, by adding Section 44.902, as follows:

Sec. 44.902. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND CONSTRUCTION SPECIFICATIONS FOR CERTAIN RENOVATED OR NEWLY CONSTRUCTED FACILITIES. (a) Defines "instructional facility," "renovation," and "renovated."

(b) Provides that this section applies to a newly constructed or renovated instructional facility of a school district (district).

(c) Requires that a facility to which this section applies that is being constructed or renovated be designed and constructed or renovated so that the building may be certified to meet or exceed the silver standard under the LEED rating system as that standard exists as of September 1, 2007.

(d) Requires the Texas Education Agency (agency) to adopt rules for the administration of this section. Authorizes the rules to establish an exception to the application of this section for a type of building if the agency determines that certain standards described by Subsection (c) do not apply to that type of building or in no practical way apply to the design and construction of that type of building.

(e) Requires the agency to monitor and document each district's compliance with this section, and any operating savings resulting from the design and construction or renovation of the buildings in accordance with this section. Requires the agency, not later than September 1 of each even-numbered year, to submit to the legislature and governor a report regarding the agency's findings; any instances in which, and the reasons for which, a state building was not designed and constructed or renovated in the manner provided by Subsection (c); and any recommendations the agency considers appropriate.

(f) Provides that Subsection (e) and this subsection expire September 2, 2016.

SECTION 3. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.0584, as follows:

Sec. 61.0584. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND CONSTRUCTION SPECIFICATIONS FOR CERTAIN RENOVATED OR NEWLY CONSTRUCTED FACILITIES. (a) Defines "renovation" and "renovated."

(b) Provides that this section applies to a newly constructed or renovated facility of an institution of higher education (institution).

(c) Requires that a facility to which this section applies that is being constructed or renovated be designed and constructed or renovated so that the building may be certified to meet or exceed the silver standard under the LEED rating system as that standard exists as of September 1, 2007.

(d) Requires the Texas Higher Education Coordinating Board (board) to adopt rules for the administration of this section. Authorizes the rules to establish an exception to the application of this section for a type of building if the board determines that certain standards described by Subsection (c) do not apply to that type of building or in no practical way apply to the design and construction of that type of building.

(e) Requires the board to monitor and document each institution's compliance with this section, and any operating savings resulting from the design and construction or renovation of the buildings in accordance with this section. Requires the board, not later than September 1 of each even-numbered year, to submit to the legislature and governor a report regarding the board findings; any instances in which, and the reasons for which, a state building was not designed and constructed or renovated in the manner provided by Subsection (c); and any recommendations the board considers appropriate.

(f) Provides that Subsection (e) and this subsection expire September 2, 2016.

SECTION 4. (a) Requires commission to establish and appoint members to an advisory committee to make recommendations to and advise the commission on the implementation of the design and construction specifications required by this Act. Requires the advisory committee to include representatives of certain entities.

(b) Provides that this section expires and the advisory committee is abolished September 1, 2009.

SECTION 5. (a) Requires the state auditor to prepare a report concerning the implementation of the design and construction specifications required by this Act and to present the report to the 82nd Legislature not later than January 15, 2011. Requires the report to include certain information.

(b) Provides that this section expires January 16, 2011.

SECTION 6. Makes application of the changes to Sections 44.902 and 61.0584, Education Code, and Section 2166.409, Government Code, as added by this Act, prospective.

SECTION 7. Effective date: September 1, 2007.