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S.B. No. 445

A BILL TO BE ENTITLED

AN ACT

relating to design, construction, and renovation standards for state buildings and facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 2166, Government Code, is amended by adding Section 2166.409 to read as follows:

Sec. 2166.409. HIGH-PERFORMANCE, SUSTAINABLE DESIGN, CONSTRUCTION, AND RENOVATION STANDARDS FOR STATE BUILDINGS.

(a) This section applies to the construction of a state building, or the renovation of a state building the cost of which is more than 50 percent of the value of the building, including a building for education, assembly, or office occupancy under the charge and control of the Texas Department of Transportation, the Parks and Wildlife Department, the Texas Department of Housing and Community Affairs, the Texas State Affordable Housing Corporation, or the Veterans' Land Board that is otherwise exempt from this chapter under Section 2166.003.

(b) A building to which this section applies must be designed and constructed or renovated so that the building achieves certification under a high-performance building standard that:

(1) is developed and revised through a consensus-based process;

(2) provides minimum requirements for energy use, natural resources use, and indoor air quality;

1 (3) requires substantiating documentation for
2 certification;

3 (4) employs third-party, post-construction review and
4 verification for certification; and

5 (5) is determined by the state energy conservation
6 office to be nationally recognized in the building industry.

7 (c) A contract between the commission and a private design
8 professional relating to services in connection with the
9 construction or renovation of a building to which this section
10 applies must provide that, for billing purposes, any service
11 provided by the private design professional that is necessary to
12 satisfy the requirements of Subsection (b) is considered an
13 additional service rather than a basic service.

14 SECTION 2. Subchapter B, Chapter 55, Education Code, is
15 amended by adding Section 55.115 to read as follows:

16 Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN,
17 CONSTRUCTION, AND RENOVATION STANDARDS FOR CERTAIN FACILITIES.

18 (a) This section applies to the construction of an institution of
19 higher education facility, or the renovation of a facility the cost
20 of which is more than 50 percent of the value of the facility, any
21 part of the construction or renovation of which is financed by
22 revenue bonds issued under this subchapter.

23 (b) A facility to which this section applies must be
24 designed and constructed or renovated so that the facility achieves
25 certification under a high-performance building standard that:

26 (1) is developed and revised through a consensus-based
27 process;

1 (2) provides minimum requirements for energy use,
2 natural resources use, and indoor air quality;

3 (3) requires substantiating documentation for
4 certification;

5 (4) employs third-party, post-construction review and
6 verification for certification; and

7 (5) is determined by the state energy conservation
8 office to be nationally recognized in the building industry.

9 (c) A contract between an institution of higher education
10 and a private design professional, as defined by Section 2166.001,
11 Government Code, relating to services in connection with the
12 construction or renovation of a facility to which this section
13 applies must provide that, for billing purposes, any service
14 provided by the private design professional that is necessary to
15 satisfy the requirements of Subsection (b) is considered an
16 additional service rather than a basic service.

17 SECTION 3. Section 55.115, Education Code, and Section
18 2166.409, Government Code, as added by this Act, apply only to a
19 facility or building for which the contract for design services is
20 entered into on or after September 1, 2009.

21 SECTION 4. This Act takes effect September 1, 2009.