

By: Ellis

S.B. No. 899

A BILL TO BE ENTITLED

AN ACT

1
2 relating to design and construction standards for newly constructed
3 or renovated state buildings, public school facilities, and higher
4 education facilities.

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

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

8 Sec. 2166.409. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND
9 CONSTRUCTION SPECIFICATIONS FOR RENOVATED OR NEW STATE BUILDING.

10 (a) In this section, "renovation" or "renovated" means a building
11 renovation project in which the cost of the renovation is more than
12 50 percent of the value of the building.

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

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

1 (d) The commission shall adopt rules for the administration
2 of this section. The rules may establish an exception to the
3 application of this section for a type of building if the commission
4 determines that:

5 (1) the standards described by Subsection (c) do not
6 apply to that type of building; or

7 (2) there is no practical way to apply the standards
8 described by Subsection (c) to the design and construction of that
9 type of building.

10 (e) The commission shall:

11 (1) monitor and document:

12 (A) each state agency's compliance with this
13 section; and

14 (B) any operating savings resulting from the
15 design and construction or renovation of buildings in accordance
16 with this section; and

17 (2) not later than September 1 of each even-numbered
18 year, submit to the legislature and governor a report regarding:

19 (A) the commission's findings under Subdivision
20 (1);

21 (B) any instances in which, and the reasons for
22 which, a state building was not designed and constructed or
23 renovated in the manner provided by Subsection (c); and

24 (C) any recommendations the commission considers
25 appropriate.

26 (f) Subsection (e) and this subsection expire September 2,
27 2016.

1 SECTION 2. Subchapter Z, Chapter 44, Education Code, is
2 amended by adding Section 44.902 to read as follows:

3 Sec. 44.902. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND
4 CONSTRUCTION SPECIFICATIONS FOR CERTAIN RENOVATED OR NEWLY
5 CONSTRUCTED FACILITIES. (a) In this section:

6 (1) "Instructional facility" has the meaning assigned
7 by Section 46.001.

8 (2) "Renovation" or "renovated" means a facility
9 renovation project in which the cost of the renovation is more than
10 50 percent of the value of the facility.

11 (b) This section applies to a newly constructed or renovated
12 instructional facility of a school district.

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

19 (d) The agency shall adopt rules for the administration of
20 this section. The rules may establish an exception to the
21 application of this section for a type of facility if the agency
22 determines that:

23 (1) the standards described by Subsection (c) do not
24 apply to that type of facility; or

25 (2) there is no practical way to apply the standards
26 described by Subsection (c) to the design and construction of that
27 type of facility.

1 (e) The agency shall:

2 (1) monitor and document:

3 (A) each district's compliance with this
4 section; and

5 (B) any operating savings resulting from the
6 design and construction or renovation of facilities in accordance
7 with this section; and

8 (2) not later than September 1 of each even-numbered
9 year, submit to the legislature and governor a report regarding:

10 (A) the agency's findings under Subdivision (1);

11 (B) any instances in which, and the reasons for
12 which, a facility was not designed and constructed or renovated in
13 the manner provided by Subsection (c); and

14 (C) any recommendations the agency considers
15 appropriate.

16 (f) Subsection (e) and this subsection expire September 2,
17 2016.

18 SECTION 3. Subchapter C, Chapter 61, Education Code, is
19 amended by adding Section 61.0584 to read as follows:

20 Sec. 61.0584. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND
21 CONSTRUCTION SPECIFICATIONS FOR CERTAIN RENOVATED OR NEWLY
22 CONSTRUCTED FACILITIES. (a) In this section, "renovation" or
23 "renovated" means a facility renovation project in which the cost
24 of the renovation is more than 50 percent of the value of the
25 facility.

26 (b) This section applies to a newly constructed or renovated
27 facility of an institution of higher education.

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

7 (d) The board shall adopt rules for the administration of
8 this section. The rules may establish an exception to the
9 application of this section for a type of facility if the board
10 determines that:

11 (1) the standards described by Subsection (c) do not
12 apply to that type of facility; or

13 (2) there is no practical way to apply the standards
14 described by Subsection (c) to the design and construction of that
15 type of facility.

16 (e) The board shall:

17 (1) monitor and document:

18 (A) each institution's compliance with this
19 section; and

20 (B) any operating savings resulting from the
21 design and construction or renovation of facilities in accordance
22 with this section; and

23 (2) not later than September 1 of each even-numbered
24 year, submit to the legislature and governor a report regarding:

25 (A) the board's findings under Subdivision (1);

26 (B) any instances in which, and the reasons for
27 which, a facility was not designed and constructed or renovated in

1 the manner provided by Subsection (c); and

2 (C) any recommendations the board considers
3 appropriate.

4 (f) Subsection (e) and this subsection expire September 2,
5 2016.

6 SECTION 4. (a) The Texas Building and Procurement
7 Commission shall establish and appoint members to an advisory
8 committee to make recommendations to and advise the commission on
9 the implementation of the design and construction specifications
10 required by this Act. The advisory committee must include
11 representatives of:

12 (1) the design and construction industry involved in
13 public building contracts;

14 (2) the Texas Education Agency;

15 (3) the Texas Higher Education Coordinating Board;

16 (4) institutions of higher education; and

17 (5) public school districts.

18 (b) This section expires and the advisory committee is
19 abolished September 1, 2009.

20 SECTION 5. (a) The state auditor shall prepare a report
21 concerning the implementation of the design and construction
22 specifications required by this Act and shall present the report to
23 the 82nd Legislature not later than January 15, 2011. The report
24 must include:

25 (1) the costs of implementing the specifications;

26 (2) the operating savings attributable to
27 implementing the specifications, including energy and maintenance

1 savings;

2 (3) any impact on employee productivity and student
3 performance resulting from implementing the specifications;

4 (4) the effectiveness of the implementation of the
5 specifications; and

6 (5) any recommendations the state auditor considers
7 appropriate.

8 (b) This section expires January 16, 2011.

9 SECTION 6. Sections 44.902 and 61.0584, Education Code, and
10 Section 2166.409, Government Code, as added by this Act, apply only
11 to the construction or renovation of a facility or building for
12 which the contract for design services is entered into on or after
13 September 1, 2007.

14 SECTION 7. This Act takes effect September 1, 2007.