

BILL ANALYSIS

Senate Research Center
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S.B. 670
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Natural Resources
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Protecting our environment for future generations to enjoy is an important and often difficult task to accomplish. When constructing new buildings, the fact that areas surrounding the construction site will be permanently changed and harmed seems unavoidable. However, with certification from the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, builders can be sure they have created buildings that not only are easier on the environment but will also be less costly to operate and more sustainable for many years to come.

The LEED Green Building Rating System was created by the U.S. Green Building Council to provide standards for environmentally sustainable construction. LEED certified buildings have proven to have lower energy and water costs than typical industry standards and as a result mitigate initial construction costs several times over. Studies of LEED buildings in California have shown that more than 10 times the costs of initial investments can be saved over the life cycle of a certified building. Constructing a LEED certified building can also help construction professionals avoid legal charges stemming from environmental harm. The actual process of LEED certification has recently become available electronically, so it is easily accessible.

As proposed, S.B. 670 requires that every new state building, instructional facility, and facility of an institution of higher education be designed and constructed so that the facility will be certified under the U.S. Green Building Council's LEED rating system as that standard exists as of September 1, 2009.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Facilities Commission in SECTION 1 (Section 2166.409, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 2 (Section 44.904, Education Code) of this bill.

Rulemaking authority is expressly granted to 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 NEW STATE BUILDING. (a) Provides that this section applies to the construction of a state building, including a building construction project otherwise exempt from this chapter under Section 2166.003 (Exceptions), 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 (Definitions), Education Code.

(b) Requires that a building to which this section applies be designed and constructed so that the building is authorized to be certified 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, 2009.

(c) Requires the Texas Facilities Commission (TFC) 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 TFC determines that the standards described by Subsection (b) do not apply to that type of building or there is no practical way to apply the standards described by Subsection (b) to the design and construction of that type of building.

(d) Requires TFC to monitor and document each state agency's compliance with this section and any operating savings resulting from the design and construction of buildings in accordance with this section and to submit to the legislature and governor a report regarding certain information not later than September 1 of each even-numbered year.

SECTION 2. Amends Subchapter Z, Chapter 44, Education Code, by adding Section 44.904, as follows:

Sec. 44.904. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND CONSTRUCTION SPECIFICATIONS FOR CERTAIN NEWLY CONSTRUCTED FACILITIES. (a) Defines "instructional facility."

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

(c) Requires that a facility to which this section applies be designed and constructed so that the facility is authorized to be certified under the LEED rating system as that standard exists as of September 1, 2009.

(d) Requires the Texas Education Agency (TEA) to adopt rules for the administration of this section. Authorizes the rules to establish an exception to the application of this section for a certain type of facility.

(e) Requires TEA to monitor and document each district's compliance with this section and any operating savings resulting from the design and construction of facilities in accordance with this section and to submit to the legislature and governor a report regarding certain information not later than September 1 of each even-numbered year.

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 NEWLY CONSTRUCTED FACILITIES. (a) Provides that this section applies to a newly constructed facility of an institution of higher education.

(b) Requires that a facility to which this section applies be designed and constructed so that the facility is authorized to be certified under the LEED rating system as that standard exists as of September 1, 2009.

(c) Requires the Texas Higher Education Coordinating Board (THECB) to adopt rules for the administration of this section. Authorizes the rules to establish an exception to the application of this section for a certain type of facility.

(d) Requires THECB to monitor and document each state institution's compliance with this section and any operating savings resulting from the design and construction of facilities in accordance with this section and to submit to the legislature and governor a report regarding certain information not later than September 1 of each even-numbered year.

SECTION 4. (a) Requires TFC to establish and appoint members to an advisory committee to make recommendations to and advise TFC on the implementation of the design and construction specifications required by this Act. Requires the advisory committee to include representatives of the design and construction industry involved in public building contracts, TEA, THECB, institutions of higher education, and public school districts.

(b) Provides that this section expires and the advisory committee is abolished September 1, 2011.

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 present the report to the 83rd Legislature not later than January 15, 2013. Requires the report to include the costs of implementing the specifications; the operating savings attributable to implementing the specifications, including energy and maintenance savings; any impact on employee productivity and student performance resulting from implementing the specifications; the effectiveness of the implementation of the specifications; and any recommendations the state auditor considers appropriate.

(b) Provides that this section expires January 16, 2013.

SECTION 6. Makes application of Sections 44.904 and 61.0584, Education Code, and Section 2166.409, Government Code, of this Act prospective to September 1, 2009.

SECTION 7. Effective date: September 1, 2009.