

By: Lucio III, Alvarado, et al.

H.B. No. 431

Substitute the following for H.B. No. 431:

By: Oliveira

C.S.H.B. No. 431

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 approved by the commission that:

(1) is developed and revised through a nationally recognized consensus-based process or by a municipally owned utility in this state;

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) requires on-site, third-party, post-construction
6 review and verification for certification; and

7 (5) encourages the use of materials or products
8 manufactured or produced in this state.

9 (c) The commission shall appoint an advisory committee to
10 advise the commission in determining which high-performance
11 building standards to approve for use under Subsection (b). At
12 least once each year the advisory committee shall review available
13 high-performance building standards and make recommendations to
14 the commission. The advisory committee consists of:

15 (1) the director of facilities construction and space
16 management appointed under Section 2152.104, who serves as the
17 presiding officer of the committee;

18 (2) six individuals with experience and expertise in
19 high-performance buildings or related products, including
20 experience and expertise in energy efficiency, water efficiency, or
21 low-impact site development, with one individual selected from each
22 of the following lists of nominees:

23 (A) a list submitted by the president of the
24 Texas Society of Architects;

25 (B) a list submitted by the presidents of the
26 Texas Council of Engineering Companies and Texas Society of
27 Professional Engineers;

1 (C) a list submitted by the president of the
2 Associated Builders and Contractors of Texas and the presiding
3 officer of the executive committee of the Associated General
4 Contractors, Texas Building Branch;

5 (D) a list submitted by the president of the
6 Texas chapter of the Urban Land Institute;

7 (E) a list submitted by the president of the
8 Texas chapter of the American Society of Landscape Architects; and

9 (F) a list submitted by the president of the
10 Texas Chemical Council;

11 (3) one individual appointed by the comptroller who
12 represents the State Energy Conservation Office;

13 (4) one individual representing an institution of
14 higher education, as defined by Section 61.003, Education Code;

15 (5) one individual representing a state agency that
16 has a substantial ongoing construction program; and

17 (6) one individual representing the interests of
18 historically underutilized businesses.

19 (d) In addition to meeting the requirements of Subsection
20 (b), a building to which this section applies must be designed and
21 constructed or renovated so that the building:

22 (1) meets the American Society of Heating,
23 Refrigeration and Air Conditioning Engineers energy standards in
24 effect on September 1, 2009, or the International Energy
25 Conservation Code in effect on September 1, 2009, or an updated
26 version of those standards or that code adopted by the State Energy
27 Conservation Office under Subsection (e), if applicable; and

1 (2) achieves a 15 percent reduction in water use when
2 compared to water use based on plumbing fixtures selected in
3 accordance with the Energy Policy Act of 1992.

4 (e) If the State Energy Conservation Office determines,
5 based on written recommendations from the Energy Systems Laboratory
6 at the Texas Engineering Experiment Station of The Texas A&M
7 University System, that the latest published edition of the
8 Heating, Refrigeration and Air Conditioning Engineers energy
9 standards or the International Energy Conservation Code will result
10 in energy efficiency and air quality that is equivalent to or better
11 than the energy efficiency and air quality achievable under the
12 editions described by Subsection (d)(1), the office by rule shall
13 adopt the equivalent or more stringent editions and substitute them
14 for the standards or code described by Subsection (d)(1). The rule,
15 if adopted, must establish an effective date for the new standards
16 or code but not earlier than nine months after the date of adoption.
17 The laboratory shall make its recommendations not later than six
18 months after the date of publication of the new editions.

19 (f) A contract between the commission and a private design
20 professional relating to services in connection with the
21 construction or renovation of a building to which this section
22 applies must provide that, for billing purposes, any service
23 provided by the private design professional that is necessary to
24 satisfy the requirements of Subsection (b) or (d) is considered an
25 additional service rather than a basic service.

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

1 Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN,
2 CONSTRUCTION, AND RENOVATION STANDARDS FOR CERTAIN FACILITIES. (a)
3 This section applies to the construction of an institution of
4 higher education building, structure, or other facility, or the
5 renovation of a building, structure, or other facility the cost of
6 which is more than 50 percent of the value of the building,
7 structure, or other facility, any part of the construction or
8 renovation of which is financed by revenue bonds issued under this
9 subchapter.

10 (b) A building, structure, or other facility to which this
11 section applies must be designed and constructed or renovated so
12 that the building, structure, or other facility achieves
13 certification under a high-performance building standard approved
14 by the Texas Facilities Commission under Section 2166.409(b),
15 Government Code.

16 (c) In addition to meeting the requirements of Subsection
17 (b), a building, structure, or other facility to which this section
18 applies must be designed and constructed or renovated so that the
19 building:

20 (1) meets the American Society of Heating,
21 Refrigeration and Air Conditioning Engineers energy standards in
22 effect on September 1, 2009, or the International Energy
23 Conservation Code in effect on September 1, 2009, or an updated
24 version of those standards or that code adopted by the State Energy
25 Conservation Office under Section 2166.409(e), Government Code, if
26 applicable; and

27 (2) achieves a 15 percent reduction in water use when

1 compared to water use based on plumbing fixtures selected in
2 accordance with the Energy Policy Act of 1992.

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

12 SECTION 3. Section 55.115, Education Code, and Section
13 2166.409, Government Code, as added by this Act, apply only to an
14 institution of higher education building, structure, or other
15 facility or a state building for which the contract for design
16 services is entered into on or after September 1, 2011.

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