

1-1 By: Lucio III, et al. (Senate Sponsor - Hinojosa) H.B. No. 431
1-2 (In the Senate - Received from the House May 12, 2009;
1-3 May 13, 2009, read first time and referred to Committee on
1-4 Government Organization; May 21, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; May 21, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 431 By: Lucio

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to design, construction, and renovation standards for
1-11 state buildings and facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter I, Chapter 2166, Government Code, is
1-14 amended by adding Section 2166.409 to read as follows:

1-15 Sec. 2166.409. HIGH-PERFORMANCE, SUSTAINABLE DESIGN,
1-16 CONSTRUCTION, AND RENOVATION STANDARDS FOR STATE BUILDINGS. (a)
1-17 This section applies to the construction of a state building, or the
1-18 renovation of a state building the cost of which is more than 50
1-19 percent of the value of the building, including a building for
1-20 education, assembly, or office occupancy under the charge and
1-21 control of the Texas Department of Transportation, the Parks and
1-22 Wildlife Department, the Texas Department of Housing and Community
1-23 Affairs, the Texas State Affordable Housing Corporation, or the
1-24 Veterans' Land Board that is otherwise exempt from this chapter
1-25 under Section 2166.003. This section does not apply to a facility
1-26 under the charge and control of the Texas Department of Criminal
1-27 Justice or the Texas Youth Commission.

1-28 (b) A building to which this section applies must be
1-29 designed and constructed or renovated so that the building achieves
1-30 certification under a high-performance building standard approved
1-31 by the commission that:

1-32 (1) is developed and revised through a nationally
1-33 recognized consensus-based process or by a municipally owned
1-34 utility in this state;

1-35 (2) provides minimum requirements for energy use,
1-36 natural resources use, and indoor air quality;

1-37 (3) requires substantiating documentation for
1-38 certification;

1-39 (4) requires on-site, third-party, post-construction
1-40 review and verification for certification, or a third-party,
1-41 post-construction, rigorous review of documentation and
1-42 verification for certification; and

1-43 (5) encourages the use of materials or products
1-44 manufactured or produced in this state.

1-45 (c) The commission shall appoint an advisory committee to
1-46 advise the commission in determining which high-performance
1-47 building standards to approve for use under Subsection (b). At
1-48 least once each year the advisory committee shall review available
1-49 high-performance building standards and make recommendations to
1-50 the commission. The advisory committee consists of:

1-51 (1) the director of facilities construction and space
1-52 management appointed under Section 2152.104, who serves as the
1-53 presiding officer of the committee;

1-54 (2) six individuals with experience and expertise in
1-55 high-performance buildings or related products, including
1-56 experience and expertise in energy efficiency, water efficiency, or
1-57 low-impact site development, with one individual selected from each
1-58 of the following lists of nominees:

1-59 (A) a list submitted by the president of the
1-60 Texas Society of Architects;

1-61 (B) a list submitted by the presidents of the
1-62 Texas Council of Engineering Companies and Texas Society of
1-63 Professional Engineers;

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

2-5 (D) a list submitted by the president of the
 2-6 Texas chapter of the Urban Land Institute;

2-7 (E) a list submitted by the president of the
 2-8 Texas chapter of the American Society of Landscape Architects; and

2-9 (F) a list submitted by the president of the
 2-10 Texas Chemical Council;

2-11 (3) one individual appointed by the comptroller who
 2-12 represents the State Energy Conservation Office;

2-13 (4) one individual representing a state agency that
 2-14 has a substantial ongoing construction program; and

2-15 (5) one individual representing the interests of
 2-16 historically underutilized businesses.

2-17 (d) In addition to meeting the requirements of Subsection
 2-18 (b), a building to which this section applies must be designed and
 2-19 constructed or renovated so that the building:

2-20 (1) meets the American Society of Heating,
 2-21 Refrigeration and Air Conditioning Engineers energy standards in
 2-22 effect on September 1, 2009, or the International Energy
 2-23 Conservation Code in effect on September 1, 2009, or an updated
 2-24 version of those standards or that code adopted by the State Energy
 2-25 Conservation Office under Subsection (e), if applicable; and

2-26 (2) achieves a 15 percent reduction in water use when
 2-27 compared to water use based on plumbing fixtures selected in
 2-28 accordance with the Energy Policy Act of 1992 (Pub. L. No. 102-486).

2-29 (e) If the State Energy Conservation Office determines,
 2-30 based on written recommendations from the Energy Systems Laboratory
 2-31 at the Texas Engineering Experiment Station of The Texas A&M
 2-32 University System, that the latest published edition of the
 2-33 Heating, Refrigeration and Air Conditioning Engineers energy
 2-34 standards or the International Energy Conservation Code will result
 2-35 in energy efficiency and air quality that is equivalent to or better
 2-36 than the energy efficiency and air quality achievable under the
 2-37 editions described by Subsection (d)(1), the office by rule shall
 2-38 adopt the equivalent or more stringent editions and substitute them
 2-39 for the standards or code described by Subsection (d)(1). The rule,
 2-40 if adopted, must establish an effective date for the new standards
 2-41 or code but not earlier than nine months after the date of adoption.
 2-42 The laboratory shall make its recommendations not later than six
 2-43 months after the date of publication of the new editions.

2-44 (f) A contract between the commission and a private design
 2-45 professional relating to services in connection with the
 2-46 construction or renovation of a building to which this section
 2-47 applies must provide that, for billing purposes, any service
 2-48 provided by the private design professional that is necessary to
 2-49 satisfy the requirements of Subsection (b) or (d) is considered an
 2-50 additional service rather than a basic service.

2-51 SECTION 2. Subchapter B, Chapter 55, Education Code, is
 2-52 amended by adding Section 55.115 to read as follows:

2-53 Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN,
 2-54 CONSTRUCTION, AND RENOVATION STANDARDS FOR CERTAIN FACILITIES. (a)
 2-55 This section applies to the construction of an institution of
 2-56 higher education building, structure, or other facility, or the
 2-57 renovation of a building, structure, or other facility the cost of
 2-58 which is more than 50 percent of the value of the building,
 2-59 structure, or other facility, any part of the construction or
 2-60 renovation of which is financed by revenue bonds issued under this
 2-61 subchapter.

2-62 (b) A building, structure, or other facility to which this
 2-63 section applies must be designed and constructed or renovated so
 2-64 that the building, structure, or other facility complies with
 2-65 high-performance building standards, approved by the board of
 2-66 regents of the institution, that provide minimum requirements for
 2-67 energy use, natural resources use, and indoor air quality. In
 2-68 approving high-performance building standards, a board of regents
 2-69 shall consider the standards approved by the Texas Facilities

3-1 Commission under Section 2166.409, Government Code, and may solicit
3-2 and consider recommendations from the advisory committee appointed
3-3 under that section.

3-4 (c) In addition to meeting the requirements of Subsection
3-5 (b), a building, structure, or other facility to which this section
3-6 applies must be designed and constructed or renovated to comply
3-7 with the applicable energy and water conservation design standards
3-8 established by the State Energy Conservation Office under Section
3-9 447.004, Government Code.

3-10 SECTION 3. Section 55.115, Education Code, and Section
3-11 2166.409, Government Code, as added by this Act, apply only to an
3-12 institution of higher education building, structure, or other
3-13 facility or a state building for which the contract for design
3-14 services is entered into on or after September 1, 2011.

3-15 SECTION 4. This Act takes effect September 1, 2009.

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