

By: Ellis

S.B. No. 127

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 building, structure, or other facility, or the  
20 renovation of a building, structure, or other facility the cost of  
21 which is more than 50 percent of the value of the building,  
22 structure, or other facility, any part of the construction or  
23 renovation of which is financed by revenue bonds issued under this  
24 subchapter.

25           (b) A building, structure, or other facility to which this  
26 section applies must be designed and constructed or renovated so  
27 that the building, structure, or other facility achieves

1 certification under a high-performance building standard that:

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

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

6 (3) requires substantiating documentation for  
7 certification;

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

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

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

21 SECTION 3. Section 55.115, Education Code, and Section  
22 2166.409, Government Code, as added by this Act, apply only to an  
23 institution of higher education building, structure, or other  
24 facility or a state building for which the contract for design  
25 services is entered into on or after September 1, 2011.

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