

By: Shapleigh

S.B. No. 670

A BILL TO BE ENTITLED

AN ACT

1
2 relating to design and construction standards for newly constructed
3 state buildings, public school facilities, and higher education
4 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 NEW STATE BUILDING. (a) This
10 section applies to the construction of a state building, including
11 a building construction project otherwise exempt from this chapter
12 under Section 2166.003, except that this section does not apply to a
13 project constructed by and for an institution of higher education
14 as defined by Section 61.003, Education Code.

15 (b) A building to which this section applies must be
16 designed and constructed so that the building may be certified
17 under the United States Green Building Council's Leadership in
18 Energy and Environmental Design (LEED) rating system as that
19 standard exists as of September 1, 2009.

20 (c) The commission shall adopt rules for the administration
21 of this section. The rules may establish an exception to the
22 application of this section for a type of building if the commission
23 determines that:

24 (1) the standards described by Subsection (b) do not

1 apply to that type of building; or

2 (2) there is no practical way to apply the standards
3 described by Subsection (b) to the design and construction of that
4 type of building.

5 (d) The commission shall:

6 (1) monitor and document:

7 (A) each state agency's compliance with this
8 section; and

9 (B) any operating savings resulting from the
10 design and construction of buildings in accordance with this
11 section; and

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

14 (A) the commission's findings under Subdivision
15 (1);

16 (B) any instances in which, and the reasons for
17 which, a state building was not designed and constructed in the
18 manner provided by Subsection (b); and

19 (C) any recommendations the commission considers
20 appropriate.

21 SECTION 2. Subchapter Z, Chapter 44, Education Code, is
22 amended by adding Section 44.904 to read as follows:

23 Sec. 44.904. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND
24 CONSTRUCTION SPECIFICATIONS FOR CERTAIN NEWLY CONSTRUCTED
25 FACILITIES. (a) In this section, "instructional facility" has the
26 meaning assigned by Section 46.001.

27 (b) This section applies to a newly constructed

1 instructional facility of a school district.

2 (c) A facility to which this section applies must be
3 designed and constructed so that the facility may be certified
4 under the United States Green Building Council's Leadership in
5 Energy and Environmental Design (LEED) rating system as that
6 standard exists as of September 1, 2009.

7 (d) The agency 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 agency
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 agency shall:

17 (1) monitor and document:

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

20 (B) any operating savings resulting from the
21 design and construction of facilities in accordance with this
22 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 agency's findings under Subdivision (1);

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

1 provided by Subsection (c); and

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

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

6 Sec. 61.0584. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND
7 CONSTRUCTION SPECIFICATIONS FOR CERTAIN NEWLY CONSTRUCTED
8 FACILITIES. (a) This section applies to a newly constructed
9 facility of an institution of higher education.

10 (b) A facility to which this section applies must be
11 designed and constructed so that the facility may be certified
12 under the United States Green Building Council's Leadership in
13 Energy and Environmental Design (LEED) rating system as that
14 standard exists as of September 1, 2009.

15 (c) The board shall adopt rules for the administration of
16 this section. The rules may establish an exception to the
17 application of this section for a type of facility if the board
18 determines that:

19 (1) the standards described by Subsection (b) do not
20 apply to that type of facility; or

21 (2) there is no practical way to apply the standards
22 described by Subsection (b) to the design and construction of that
23 type of facility.

24 (d) The board shall:

25 (1) monitor and document:

26 (A) each institution's compliance with this
27 section; and

1 (B) any operating savings resulting from the
2 design and construction of facilities in accordance with this
3 section; and

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

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

7 (B) any instances in which, and the reasons for
8 which, a facility was not designed and constructed in the manner
9 provided by Subsection (b); and

10 (C) any recommendations the board considers
11 appropriate.

12 SECTION 4. (a) The Texas Facilities Commission shall
13 establish and appoint members to an advisory committee to make
14 recommendations to and advise the commission on the implementation
15 of the design and construction specifications required by this Act.
16 The advisory committee must include representatives of:

17 (1) the design and construction industry involved in
18 public building contracts;

19 (2) the Texas Education Agency;

20 (3) the Texas Higher Education Coordinating Board;

21 (4) institutions of higher education; and

22 (5) public school districts.

23 (b) This section expires and the advisory committee is
24 abolished September 1, 2011.

25 SECTION 5. (a) The state auditor shall prepare a report
26 concerning the implementation of the design and construction
27 specifications required by this Act and shall present the report to

1 the 83rd Legislature not later than January 15, 2013. The report
2 must include:

3 (1) the costs of implementing the specifications;

4 (2) the operating savings attributable to
5 implementing the specifications, including energy and maintenance
6 savings;

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

9 (4) the effectiveness of the implementation of the
10 specifications; and

11 (5) any recommendations the state auditor considers
12 appropriate.

13 (b) This section expires January 16, 2013.

14 SECTION 6. Sections 44.904 and 61.0584, Education Code, and
15 Section 2166.409, Government Code, as added by this Act, apply only
16 to the construction of a facility or building for which the contract
17 for design services is entered into on or after September 1, 2009.

18 SECTION 7. This Act takes effect September 1, 2009.