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No equivalent provision.

SECTION __. Chapter 447, Government Code, is amended by adding Section 447.015 to read as follows:
Sec. 447.015. ALLOCATION OF FEDERAL QUALIFIED ENERGY CONSERVATION BONDS.
(a) The comptroller may allocate to eligible issuers of bonds a portion of this state's allocation of federal qualified energy conservation bonds:
(1) in accordance with the federal law that establishes the federal subsidy for which the national limitation on qualified energy conservation bonds is established; and
(2) to the extent consistent with federal law, on receiving assurance from the issuer or other proper official that the issuance of the bond will achieve a purpose for which the federal subsidy is authorized.
(b) The state energy conservation office may administer programs established by the comptroller for:
(1) allocating federal qualified energy conservation bonds; or
(2) designating bonds entitled to the federal subsidy for qualified energy conservation bonds, as limited by the federal limitation on the issuance of the bonds.
(c) The comptroller may adopt rules as necessary for the comptroller or the state energy conservation office to administer effectively programs for allocating this state's allocation of the qualified energy conservation bonds.
Rules adopted under this subsection:
(1) must be consistent with federal requirements and goals; and
(2) may include any necessary forms or procedures.

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(d) The comptroller may charge a fee for each application the comptroller or the state energy conservation office receives under a program implemented under this section.

No equivalent provision.

SECTION __. Section 2158.301, Government Code, as added by Chapter 939 (H.B. 3693), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 2158.301. ENERGY CONSERVATION; APPLIANCES, PRINTERS, AND PHOTOCOPY

MACHINES. (a) Unless the comptroller approves a written request from a state agency for an exemption from the requirements of this subsection [If available and cost effective], a state agency shall purchase equipment and appliances, including printers and photocopy machines, for state use that meet or exceed[:

(1) the federal energy conservation standards under Section 325, Energy Policy and Conservation Act (42 U.S.C. Section 6295), or a federal regulation adopted under that Act; or

(2) the federal Energy Star standards designated by the United States Environmental Protection Agency and the United States Department of Energy.

(b) A printer or photocopy machine purchased by a state agency must have duplexing capability and the ability to be programmed to default to double-sided printing or copying.

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(c) A state agency printer or photocopy machine that has duplexing capability shall be programmed to default to double-sided printing or copying.

(d) The comptroller shall collect data on appliances purchased by state agencies and on the energy efficiency of the appliances.

No equivalent provision.

SECTION __. Chapter 2158, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. LANDSCAPING EQUIPMENT

Sec. 2158.351. PURCHASE OF LANDSCAPING EQUIPMENT. (a) Except as provided by Subsection (b), a state agency may not purchase a lawnmower or other landscaping equipment unless the lawnmower or equipment is powered by propane or natural gas or is electrically powered.

(b) The comptroller may exempt from the requirements of this section a state agency that submits written justification demonstrating the reasons a propane, natural gas, or electrically powered lawnmower or other landscaping equipment does not fulfill the required functionality of a gasoline or diesel-powered lawnmower or other landscaping equipment.

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

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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. This section does not apply to a facility under the charge and control of the Texas Department of Criminal Justice or the Texas Youth Commission.

(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;

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

(3) requires substantiating documentation for certification;

(4) requires on-site, third-party, post-construction

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review and verification for certification, or a third-party, post-construction, rigorous review of documentation and verification for certification; and

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

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

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

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

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

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

(C) a list submitted by the president of the Associated Builders and Contractors of Texas and the presiding officer of the executive committee of the Associated

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General Contractors, Texas Building Branch;

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

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

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

(G) a list of registered interior designers submitted by the president of the Texas Association of Interior Design;

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

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

(5) one individual representing the interests of historically underutilized businesses.

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

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

(2) achieves a 15 percent reduction in water use when compared to water use based on plumbing fixtures

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selected in accordance with the Energy Policy Act of 1992 (Pub. L. No. 102-486).

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

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

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

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

(b) A building, structure, or other facility to which this section applies must be designed and constructed or renovated so that the building, structure, or other facility complies with high-performance building standards, approved by the board of regents of the institution, that provide minimum requirements for energy use, natural resources use, and indoor air quality. In approving high-performance building standards, a board of regents shall consider the standards approved by the Texas Facilities Commission under Section 2166.409, Government Code, and may solicit and consider recommendations from the advisory committee appointed under that section.

(c) In addition to meeting the requirements of Subsection (b), a building, structure, or other facility to which this section applies must be designed and constructed or renovated to comply with the applicable

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energy and water conservation design standards established by the State Energy Conservation Office under Section 447.004, Government Code.

No equivalent provision.

No equivalent provision.

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SECTION __. Chapter 2166, Government Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. BUILDING ACCESSORIES

Sec. 2166.601. PAINT. A state agency in the executive branch of state government that owns, operates, maintains, or has charge and control of a building shall, when feasible, require paint purchased for a new facility or for a remodel, repair, or renovation project to be a zero or low volatile organic compound paint.

Sec. 2166.602. CARPET, CARPET BACKING, AND CARPET TILES. A state agency that owns, operates, maintains, or has charge and control of a building shall, when feasible, require carpet, carpet backing, and carpet tiles purchased for a new facility or for a remodel, repair, or renovation project to contain postconsumer recycled content that meets the Carpet and Rug Institute's Green Label standard.

SECTION __. Subchapter D, Chapter 2305, Government Code, is amended by adding Section 2305.0321 to read as follows:

Sec. 2305.0321. PILOT REVOLVING LOAN PROGRAM FOR SOLAR ENERGY FOR SCHOOL

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BUILDINGS. (a) The energy office shall establish a pilot program under the loanstar revolving loan program to provide loans to pay the cost of installing photovoltaic solar panels on public school buildings and the cost of associated energy efficiency improvements to the buildings. The energy office shall allocate to the pilot program at least \$4 million from the funds available to the loanstar revolving loan program.

(b) The energy office by rule shall establish the terms under which a loan may be made under the pilot program, including the interest rate for repayment of pilot program loans.

(c) Through the pilot program, the energy office shall offer to each school district the opportunity to apply for a loan to pay the cost of installing photovoltaic solar panels on at least one school building of the school district's choice and the cost of associated energy efficiency improvements to that building. The energy office by rule shall establish a procedure for determining which school districts qualify for a loan under the pilot program, including rules for selecting the school districts that will receive a loan if there is not sufficient money set aside for pilot program improvements at all school districts.

(d) Each school district that receives a loan shall pay for the principal of and interest on the loan for each school building improvement primarily from the amount budgeted for the energy costs of the school at which the solar panels are installed. The school district may make

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additional payments of the principal of or interest on a loan from money rebated to it as compensation for electric energy generated by the solar panels or money received as a gift or grant for the purpose of paying the loan.

(e) This section expires September 1, 2011, and the pilot program established under this section is dissolved on that date.

No equivalent provision.

SECTION __. Subtitle G, Title 10, Government Code, is amended by adding Chapter 2311 to read as follows:

CHAPTER 2311. ENERGY SECURITY TECHNOLOGIES FOR CRITICAL GOVERNMENTAL FACILITIES

Sec. 2311.001. DEFINITIONS. In this chapter:

(1) "Combined heating and power system" means a system that:

(A) is located on the site of a facility;

(B) is the primary source of both electricity and thermal energy for the facility;

(C) can provide all of the electricity needed to power the facility's critical emergency operations for at least 14 days; and

(D) has an overall efficiency of energy use that exceeds 60 percent.

(2) "Critical governmental facility" means a building owned by the state or a political subdivision of the state that is expected to:

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(A) be continuously occupied;
(B) maintain operations for at least 6,000 hours each year;
(C) have a peak electricity demand exceeding 500 kilowatts; and
(D) serve a critical public health or public safety function during a natural disaster or other emergency situation that may result in a widespread power outage, including a:
(i) command and control center;
(ii) shelter;
(iii) prison or jail;
(iv) police or fire station;
(v) communications or data center;
(vi) water or wastewater facility;
(vii) hazardous waste storage facility;
(viii) biological research facility;
(ix) hospital; or
(x) food preparation or food storage facility.

Sec. 2311.002. COMBINED HEATING AND POWER SYSTEMS. When constructing or extensively renovating a critical governmental facility or replacing major heating, ventilation, and air-conditioning equipment for a critical governmental facility, the entity with charge and control of the facility shall evaluate whether equipping the facility with a combined heating and power system would result in expected energy savings that would exceed the expected costs of purchasing, operating, and maintaining the system over a 20-year period.

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Notwithstanding Chapter 2302, the entity may equip the facility with a combined heating and power system if the expected energy savings exceed the expected costs.

No equivalent provision.

SECTION __. Section 2158.301, Government Code, as added by Chapter 262 (S.B. 12), Acts of the 80th Legislature, Regular Session, 2007, is repealed.

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

Same as House version.

No equivalent provision.

SECTION __. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

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

Same as House version.