

BILL ANALYSIS

H.B. 51
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State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Buildings in the United States account for approximately 40 percent of all energy usage and approximately 30 percent of waste output. Therefore, energy efficient performance standards for the construction of state buildings need to be developed.

High-performance buildings are generally recognized for using key resources, such as energy, water, materials, and land, much more efficiently than buildings that are simply built to meet the current code regulations. Over the estimated 20-year life cycle of a high-performance building, building owners and governmental entities will see a significant return on the initial investment in such a building. H.B. 51 requires the establishment of energy efficiency standards for certain buildings and high-performance design, construction, and renovation standards for certain government buildings and facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Energy Conservation Office in SECTIONS 1, 3, and 6 of this bill.

ANALYSIS

H.B. 51 amends the Government Code to require a state building to be designed and constructed or renovated so that the building achieves certification under a high-performance building standard approved by the Texas Facilities Commission (TFC) that meets certain specified criteria. The bill makes its provisions relating to a high-performance building standard applicable 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 provisions of the Government Code relating to building construction and acquisition, but makes these provisions inapplicable to a facility under the charge and control of the Texas Department of Criminal Justice or the Texas Youth Commission.

H.B. 51 requires the TFC to appoint an advisory committee to advise the commission in determining which high-performance building standards to approve for use and requires the advisory committee to review available high-performance building standards and make recommendations to the commission at least once each year. The bill provides for the presiding officer and membership of the advisory committee.

H.B. 51 requires a state building to which the bill's provisions apply, in addition to being certified under the high-performance building standard approved by the TFC, to be designed and constructed or renovated so that the building achieves a 15 percent reduction in water use when compared to water use based on plumbing fixtures selected in accordance with federal law and the building meets certain national energy standards or a certain energy conservation code in

effect on September 1, 2011, or an updated version of such standards or code adopted by the State Energy Conservation Office (SECO). The bill requires SECO, by rule, to adopt equivalent or more stringent editions of the standards or code as a substitute for those in effect on September 1, 2011, under certain conditions. The bill requires such a rule, if adopted, to establish an effective date for the new standards or code but not earlier than nine months after the date of adoption. The bill requires the laboratory to make its recommendations not later than six months after the date of publication of the new editions.

H.B. 51 requires a contract between the TFC and a private design professional relating to services in connection with the construction or renovation of a state building to provide that, for billing purposes, any service provided by the private design professional that is necessary to satisfy the design, construction, or renovation requirements described by the bill is considered an additional service rather than a basic service.

H.B. 51 amends the Education Code to require SECO to adopt energy efficiency and conservation standards for the design, construction, and major renovation of instructional facilities that public school districts may adopt or use to achieve long-term savings in energy and water costs through innovative building techniques. The bill requires such standards to meet certain specified criteria. The bill authorizes SECO to update the energy efficiency and conservation standards for instructional facilities not more frequently than once every three years. The bill requires SECO to prepare an analysis of the typical initial building costs and projected energy and other savings associated with the implementation of the adopted standards, to publish the analysis and make copies available to all public school districts in Texas, and, to the extent possible, to assist such school districts to obtain state and federal funding for implementing the adopted standards. The bill requires SECO to adopt rules, not later than July 1, 2012, necessary to administer provisions of the bill relating to energy efficiency and conservation standards for public school instructional facilities.

H.B. 51 makes its provisions relating to high-performance, sustainable design, construction, and renovation standards for certain instructional facilities applicable to the construction of an institution of higher education building, structure, or other facility or the renovation of a such a facility the cost of which is more than 50 percent of the value of the facility, and any part of the construction or renovation of which is financed by revenue bonds. The bill requires such a facility, in addition to meeting the high-performance building standards approved by the board of regents of the institution, to be designed and constructed or renovated so that the facility complies with high-performance building standards approved by the board of regents that provide minimum requirements for energy use, natural resources use, and indoor air quality. The bill requires a board of regents, in approving high-performance building standards, to consider the standards approved by the TFC relating to high-performance, sustainable design, construction, and renovation standards for state buildings and authorizes a board of regents to solicit and consider recommendations from the TFC advisory committee. The bill requires such an institution of higher education facility to be designed and constructed or renovated to comply with the applicable energy and water conservation design standards established by SECO.

H.B. 51 makes its provisions relating to high-performance, sustainable design, construction, and renovation standards for state buildings or certain instructional facilities applicable only to a state building or an institution of higher education building, structure, or other facility for which the contract for design services is entered into on or after September 1, 2013.

H.B. 51 provides for the meaning of "instructional facility" for purposes of its provisions relating to energy efficiency and conservation standards. The bill provides for the meaning of "energy office" for purposes of its provisions relating to energy efficiency and conservation standards for instructional facilities.

H.B. 51 repeals Chapter 2311, Government Code, as added by Chapter 1408 (H.B. 4409), Acts of the 81st Legislature, Regular Session, 2009, relating to energy security technologies for

critical governmental facilities to make a nonsubstantive change.

EFFECTIVE DATE

September 1, 2011.