

By: Lucio III, Cook, et al.

H.B. No. 51

A BILL TO BE ENTITLED

AN ACT

1
2 relating to energy efficiency standards for certain buildings and
3 to high-performance design, construction, and renovation standards
4 for certain government buildings and 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,
9 CONSTRUCTION, AND RENOVATION STANDARDS FOR STATE BUILDINGS. (a)

10 This section applies to the construction of a state building, or the
11 renovation of a state building the cost of which is more than 50
12 percent of the value of the building, including a building for
13 education, assembly, or office occupancy under the charge and
14 control of the Texas Department of Transportation, the Parks and
15 Wildlife Department, the Texas Department of Housing and Community
16 Affairs, the Texas State Affordable Housing Corporation, or the
17 Veterans' Land Board that is otherwise exempt from this chapter
18 under Section 2166.003. This section does not apply to a facility
19 under the charge and control of the Texas Department of Criminal
20 Justice or the Texas Youth Commission.

21 (b) A building to which this section applies must be
22 designed and constructed or renovated so that the building achieves
23 certification under a high-performance building standard approved
24 by the commission that:

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

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) requires on-site, third-party, post-construction
9 review and verification for certification, or a third-party,
10 post-construction, rigorous review of documentation and
11 verification for certification; and

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

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

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

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

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

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

6 (C) a list submitted by the president of the
7 Associated Builders and Contractors of Texas and the presiding
8 officer of the executive committee of the Associated General
9 Contractors, Texas Building Branch;

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

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

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

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

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

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

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

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

1 (1) meets the American Society of Heating,
2 Refrigerating and Air-Conditioning Engineers energy standards in
3 effect on September 1, 2011, or the International Energy
4 Conservation Code in effect on September 1, 2011, or an updated
5 version of those standards or that code adopted by the State Energy
6 Conservation Office under Subsection (e), if applicable; and

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

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

26 (f) A contract between the commission and a private design
27 professional relating to services in connection with the

1 construction or renovation of a building to which this section
2 applies must provide that, for billing purposes, any service
3 provided by the private design professional that is necessary to
4 satisfy the requirements of Subsection (b) or (d) is considered an
5 additional service rather than a basic service.

6 SECTION 2. The heading to Chapter 46, Education Code, is
7 amended to read as follows:

8 CHAPTER 46. [~~ASSISTANCE WITH~~] INSTRUCTIONAL FACILITIES AND
9 ASSISTANCE WITH PAYMENT OF EXISTING DEBT

10 SECTION 3. Chapter 46, Education Code, is amended by adding
11 Subchapter D to read as follows:

12 SUBCHAPTER D. STANDARDS FOR INSTRUCTIONAL FACILITIES

13 Sec. 46.101. DEFINITION. In this subchapter,
14 "instructional facility" has the meaning assigned by Section
15 46.001.

16 Sec. 46.102. ENERGY EFFICIENCY AND CONSERVATION STANDARDS
17 FOR INSTRUCTIONAL FACILITIES. (a) In this section, "energy
18 office" means the State Energy Conservation Office.

19 (b) The energy office shall adopt energy efficiency and
20 conservation standards for the design, construction, and major
21 renovation of instructional facilities that school districts may
22 adopt or use to achieve long-term savings in energy and water costs
23 through innovative building techniques.

24 (c) The standards adopted under Subsection (b) must match
25 high-performance building certification standards that:

26 (1) are developed and revised through a
27 consensus-based process or by a municipally owned utility in this

1 state;

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

4 (3) require substantiating documentation for
5 certification;

6 (4) employ third-party, post-construction review and
7 verification for certification; and

8 (5) the energy office determines are nationally
9 recognized in the building industry, such as:

10 (A) the Texas Collaborative for High Performance
11 Schools (TX-CHPS) Criteria;

12 (B) the Green Building Initiative's Green Globes
13 program;

14 (C) the Leadership in Energy and Environmental
15 Design (LEED) Green Building Rating System; or

16 (D) the Austin Energy Green Building Program.

17 (d) The energy office may update the standards adopted under
18 this section not more frequently than once every three years.

19 (e) The energy office shall prepare an analysis of the
20 typical initial building costs and projected energy and other
21 savings associated with the implementation of the standards adopted
22 by the energy office under this section. The office shall publish
23 the analysis and make copies available to all school districts in
24 this state.

25 (f) The energy office shall adopt rules necessary to
26 administer this section.

27 Sec. 46.103. STATE AND FEDERAL FUNDS. The energy office

1 shall, to the extent possible, assist school districts to obtain
2 state and federal funding for implementing the standards adopted
3 under this subchapter.

4 SECTION 4. Subchapter B, Chapter 55, Education Code, is
5 amended by adding Section 55.115 to read as follows:

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

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

26 (c) In addition to meeting the requirements of Subsection
27 (b), a building, structure, or other facility to which this section

1 applies must be designed and constructed or renovated to comply
2 with the applicable energy and water conservation design standards
3 established by the State Energy Conservation Office under Section
4 447.004, Government Code.

5 SECTION 5. Chapter 2311, Government Code, as added by
6 Chapter 1408 (H.B. 4409), Acts of the 81st Legislature, Regular
7 Session, 2009, is repealed.

8 SECTION 6. Not later than July 1, 2012, the State Energy
9 Conservation Office shall adopt rules establishing energy
10 efficiency, conservation, and indoor air quality standards for the
11 design, construction, and renovation of public school
12 instructional facilities as required by Section 46.102, Education
13 Code, as added by this Act.

14 SECTION 7. Section 55.115, Education Code, and Section
15 2166.409, Government Code, as added by this Act, apply only to an
16 institution of higher education building, structure, or other
17 facility or a state building for which the contract for design
18 services is entered into on or after September 1, 2013.

19 SECTION 8. This Act takes effect September 1, 2011.