

By: Hinojosa

S.B. No. 1318

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. The purpose of this Act is to implement high-performance building standards in the design and construction or renovation of state buildings in order to realize utility cost savings and operating cost savings to the state.

SECTION 2. Subchapter I, Chapter 2166, Government Code, is amended by adding Section 2166.407 to read as follows:

Sec. 2166.407. 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

1 designed and constructed or renovated so that the building meets a  
2 high-performance building standard approved by the commission  
3 that:

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

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

9 (3) requires substantiating documentation for  
10 certification;

11 (4) requires an on-site, third-party,  
12 post-construction review and verification for certification or a  
13 third-party, post-construction, rigorous review of documentation  
14 and verification for certification; and

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

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

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

26 (2) six individuals with experience and expertise in  
27 high-performance buildings or related products, including

1 experience and expertise in energy efficiency, water efficiency, or  
2 low-impact site development, with one individual selected from each  
3 of the following lists of nominees:

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

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

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

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

15 (E) a list submitted by the president of the  
16 Texas Chemical Council; and

17 (F) a list of registered interior designers  
18 submitted by the president of the Texas Association for Interior  
19 Design;

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

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

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

26 (d) In addition to meeting the requirements of Subsection  
27 (b), a building to which this section applies must be designed and

1 constructed or renovated so that the building:

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

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

11 (e) If the State Energy Conservation Office determines,  
12 based on written recommendations from the Energy Systems Laboratory  
13 at the Texas Engineering Experiment Station of The Texas A&M  
14 University System, that the latest published edition of the  
15 Heating, Refrigerating and Air-Conditioning Engineers energy  
16 standards or the International Energy Conservation Code will result  
17 in energy efficiency and air quality that is equivalent to or better  
18 than the energy efficiency and air quality achievable under the  
19 editions described by Subsection (d)(1), the office by rule shall  
20 adopt the equivalent or more stringent editions and substitute them  
21 for the standards or code described by Subsection (d)(1). The rule,  
22 if adopted, must establish an effective date for the new standards  
23 or code but not earlier than nine months after the date of adoption.  
24 The laboratory shall make its recommendations not later than six  
25 months after the 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 3. Subchapter B, Chapter 55, Education Code, is  
7 amended by adding Section 55.115 to read as follows:

8 Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN,  
9 CONSTRUCTION, AND RENOVATION STANDARDS FOR CERTAIN FACILITIES.

10 (a) This section applies to the construction of an institution of  
11 higher education building, structure, or other facility, or the  
12 renovation of a building, structure, or other facility the cost of  
13 which is more than 50 percent of the value of the building,  
14 structure, or other facility, any part of the construction or  
15 renovation of which is financed by revenue bonds issued under this  
16 subchapter.

17 (b) A building, structure, or other facility to which this  
18 section applies must be designed and constructed or renovated so  
19 that the building, structure, or other facility complies with  
20 high-performance building standards, approved by the board of  
21 regents of the institution, that provide minimum requirements for  
22 energy use, natural resources use, and indoor air quality in order  
23 to realize savings to the institution in utility costs and other  
24 operating costs. In approving high-performance building  
25 standards, a board of regents shall consider the standards approved  
26 by the Texas Facilities Commission under Section 2166.407,  
27 Government Code, and may solicit and consider recommendations from

1 the advisory committee appointed under that section.

2 (c) In addition to meeting the requirements of Subsection  
3 (b), a building, structure, or other facility to which this section  
4 applies must be designed and constructed or renovated to comply  
5 with the applicable energy and water conservation design standards  
6 established by the State Energy Conservation Office under Section  
7 447.004, Government Code.

8 SECTION 4. Section 55.115, Education Code, and Section  
9 2166.407, Government Code, as added by this Act, apply only to an  
10 institution of higher education building, structure, or other  
11 facility or a state building for which the contract for design  
12 services is entered into on or after September 1, 2013.

13 SECTION 5. This Act takes effect September 1, 2011.