

BILL ANALYSIS

Senate Research Center
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S.B. 267
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Natural Resources
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over a 20-year life cycle of a high-performance building, building owners and governmental entities will see a significant return on their initial investment in such a building. These buildings are generally recognized as using key resources like energy, water, materials, and land much more efficiently than buildings that are simply built to code. They also provide a potentially promising way to help address a range of challenges, such as rising electric costs, pending water shortages and waste disposal issues, continued federal pressure to cut pollutants, the rising incidence of allergies and asthma, the health and productivity of workers, and the increasing expense of maintaining and operating state facilities over time. Current law, however, provides no performance standards for the construction of buildings for the state or for an institution of higher education.

As proposed, S.B. 267 creates and defines a high-performance standard for the construction and renovation of state and institution of higher education buildings. S.B. 267 requires that the standard be developed and revised through a consensus-based process; provide minimum requirements for energy and natural resource use and indoor air quality; require substantiating documentation for certification; employ third-party, post-construction review and verification for certification; and be determined by the State Energy Conservation Office to be nationally recognized in the building industry. S.B. 267 requires such buildings to be designed and constructed so as to achieve certification under the standard.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter I, Chapter 2166, Government Code, by adding Section 2166.409, as follows:

Sec. 2166.409. HIGH-PERFORMANCE, SUSTAINABLE DESIGN, CONSTRUCTION, AND RENOVATION STANDARDS FOR STATE BUILDINGS.

(a) Provides that 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 (Exceptions).

(b) Requires that a building to which this section applies be designed and constructed or renovated so that the building achieves certification under a high-performance building standard that meets certain requirements.

(c) Requires that a contract between the Texas Facilities Commission and a private design professional relating to services in connection with the construction or renovation of a building provide that, for billing purposes, any service provided by the private design professional that is necessary to satisfy the requirements of Subsection (b) is considered an additional service rather than a basic service.

SECTION 2. Amends Subchapter B, Chapter 55, Education Code, by adding Section 55.115, as follows:

Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN, CONSTRUCTION, AND RENOVATION STANDARDS FOR CERTAIN FACILITIES. (a) Provides that 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) Requires that a building, structure, or other facility to which this section applies be designed and constructed or renovated so that the building, structure, or other facility achieves certification under a high-performance building standard that meets certain requirements.

(c) Requires that a contract between an institution of higher education and a private design professional, as defined by Section 2166.001, Government Code, relating to services in connection with the construction or renovation of a building, structure, or other facility to which this section applies provide that, for billing purposes, any service provided by the private design professional that is necessary to satisfy the requirements of Subsection (b) is considered an additional service rather than a basic service.

SECTION 3. Makes application of Section 55.115, Education Code, and Section 2166.409, Government Code, as added by this Act, prospective to September 1, 2011.

SECTION 4. Effective date: September 1, 2009.