

## **BILL ANALYSIS**

S.B. 982  
By: Van de Putte  
Government Reform  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, state agencies and institutions of higher education are required to have the design architect and engineer on a construction project certify to the agency or institution that the project complies with the energy and water conservation design standards required under the Texas Government Code. However, the certification may not always reach the appropriate authority with ultimate responsibility.

S.B. 982 requires the conservation design certification to be directed to the appropriate authority having jurisdiction.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Section 447.004(e), Government Code, to amend the existing requirements which must be met by the design architect or engineer before a state agency or an institution of higher education may begin construction of a new state building or a major renovation project.

SECTION 2. Amends Section 2166.153(a), Government Code, to provide that a project analysis consists of an overall estimate of the cost of the project, including necessary funding for life-cycle costing, whole building integrated design, commissioning, and postoccupancy building performance verification and an evaluation of energy alternatives and energy-efficient architectural and engineering design alternatives as required by Sections 2166.401, 2166.403, and 2166.408, rather than Section 2166.401.

SECTION 3. Amends the heading to Section 2166.403, to read as follows:

Sec. 2166.403. ALTERNATIVE ENERGY AND ENERGY-EFFICIENT ARCHITECTURAL AND ENGINEERING DESIGN IN NEW BUILDING CONSTRUCTION.

SECTION 4. Amends Section 2166.403, Government Code, by amending Subsections (b) and (c), and adding Subsections (b-1) and (b-2), as follows:

(b) Requires the Texas Building and Procurement Commission (TBPC), or the governing body of the appropriate agency or institution that is undertaking a project otherwise exempt from this chapter under Section 2166.003, Government Code, during the planning phase of the proposed construction, to present a detailed written evaluation at an open meeting to verify, rather than verify in an open meeting, the economic feasibility of using energy-efficient architectural or engineering design alternatives or incorporating into the building's design and proposed energy system certain alternative energy devices.

(b-1) Requires a detailed written evaluation under Subsection (b) to be made available to the public at least 30 days before the open meeting at which it is presented.

(b-2) Requires TBPC or the governing body, in each detailed written evaluation under Subsection (b), to determine economic feasibility for each function by comparing the estimated cost of providing energy for all or part of the function using conventional design practices and energy systems or operating under conventional architectural or engineering designs with the estimated cost of providing energy for all or part of the function using alternative energy devices or operating under alternative energy-efficient architectural or engineering designs during the economic life of the building. Requires the comptroller's state energy conservation office, or its successor, to approve any methodology or electronic software used by TBPC or the governing body, or an entity contracting with TBPC or the governing body, to make a comparison or determine feasibility under this subsection.

(c) Requires TBPC or the governing body, if the use of alternative energy devices or energy-efficient architectural design alternatives for a particular function is determined to be economically feasible under Subsection (b-2), rather than (b), to include the use of alternative energy devices or energy-efficient architectural design alternatives for that function in the construction plans.

SECTION 5. Amends Section 2166.403(d)(1), Government Code, to redefine "alternative energy."

SECTION 6. Amends Subchapter I, Chapter 2166, Government Code, by adding Section 2166.408, as follows:

Sec. 2166.408. EVALUATION OF ARCHITECTURAL AND ENGINEERING DESIGN ALTERNATIVES. Requires TBPC, or the private design professional retained by TBPC, for each project for which a project analysis is prepared under Subchapter D and for which architectural or engineering design choices will affect the energy-efficiency of the building, to prepare a written evaluation of energy-efficient architectural or engineering design alternatives for the project. Sets forth specific requirements for the information which must be included and identified in the evaluation and the purpose of the evaluation.

SECTION 7. Effective date: upon passage or September 1, 2005.

**EFFECTIVE DATE**

September 1, 2005.