

AN ACT

relating to certain practices to improve energy conservation in state buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 447.004, Government Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) A state agency [~~or an institution of higher education~~] may not begin construction of a new state building or a major renovation project before the design architect or engineer for the construction or renovation has:

(1) certified to the appropriate authority having jurisdiction [~~agency or institution~~] that the construction or renovation complies with:

(A) the standards established under this section; and

(B) the alternative energy and energy-efficient architectural and engineering design evaluation requirements under Sections 2166.401, 2166.403, and 2166.408; and

(2) provided [~~a copy of that certification~~] to the appropriate authority having jurisdiction and the state energy conservation office copies of:

(A) each certification under Subdivision (1);
and

1 (B) any written evaluation or detailed economic
2 feasibility study prepared in accordance with Section 2166.401,
3 2166.403, or 2166.408.

4 (f) An institution of higher education may not begin
5 construction of a new state building or a major renovation project
6 before the design architect or engineer for the construction or
7 renovation has:

8 (1) certified to the institution of higher education
9 that the construction or renovation complies with the standards
10 established under this section; and

11 (2) provided to the state energy conservation office a
12 copy of that certification.

13 SECTION 2. Subsection (a), Section 2166.153, Government
14 Code, is amended to read as follows:

15 (a) A project analysis consists of:

16 (1) a complete description of the project and a
17 justification of the project prepared by the using agency;

18 (2) a detailed estimate of the amount of space needed
19 to meet the needs of the using agency and to allow for realistic
20 growth;

21 (3) a description of the proposed project prepared by
22 a design professional that:

23 (A) includes schematic plans and outline
24 specifications describing the type of construction and probable
25 materials to be used; and

26 (B) is sufficient to establish the general scope
27 and quality of construction;

1 (4) an estimate of the probable cost of construction;

2 (5) a description of the proposed site of the project
3 and an estimate of the cost of site preparation;

4 (6) an overall estimate of the cost of the project,
5 including necessary funding for life-cycle costing, whole building
6 integrated design, commissioning, and postoccupancy building
7 performance verification;

8 (7) information prepared under Section 2166.451 about
9 historic structures considered as alternatives to new
10 construction;

11 (8) an evaluation of energy alternatives and
12 energy-efficient architectural and engineering design alternatives
13 as required by Sections [~~Section~~] 2166.401, 2166.403, and 2166.408;
14 and

15 (9) other information required by the commission.

16 SECTION 3. The section heading to Section 2166.403,
17 Government Code, is amended to read as follows:

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

20 SECTION 4. Section 2166.403, Government Code, is amended by
21 amending Subsections (b) and (c) and adding Subsections (b-1),
22 (b-2), (c-1), and (c-2) to read as follows:

23 (b) Except as provided by Subsection (c-1), during [~~During~~]
24 the planning phase of the proposed construction, the commission, or
25 the governing body of the appropriate agency [~~or institution~~] that
26 is undertaking a project otherwise exempt from this chapter under
27 Section 2166.003, must present a detailed written evaluation at

1 ~~[shall verify in]~~ an open meeting to verify the economic
2 feasibility of:

3 (1) using energy-efficient architectural or
4 engineering design alternatives; or

5 (2) incorporating into the building's design and
6 proposed energy system alternative energy devices for space heating
7 and cooling, water heating, electrical loads, and interior
8 lighting.

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

12 (b-2) In each detailed written evaluation under Subsection
13 (b), the [The] commission or governing body shall determine
14 economic feasibility for each function by comparing the estimated
15 cost of providing energy for all or part of the function using
16 conventional design practices and energy systems or operating under
17 conventional architectural or engineering designs with the
18 estimated cost of providing energy for all or part of the function
19 using alternative energy devices or operating under alternative
20 energy-efficient architectural or engineering designs during the
21 economic life of the building. The comptroller's state energy
22 conservation office, or its successor, must approve any methodology
23 or electronic software used by the commission or governing body, or
24 an entity contracting with the commission or governing body, to
25 make a comparison or determine feasibility under this subsection.

26 (c) If the use of alternative energy devices or
27 energy-efficient architectural design alternatives for a

1 particular function is determined to be economically feasible under
2 Subsection (b-2) [~~(b)~~], the commission or governing body shall
3 include the use of alternative energy devices or energy-efficient
4 architectural design alternatives for that function in the
5 construction plans.

6 (c-1) For a project constructed by and for a state
7 institution of higher education, the governing body of the
8 institution shall, during the planning phase of the proposed
9 construction for the project, verify in an open meeting the
10 economic feasibility of incorporating into the building's design
11 and proposed energy system alternative energy devices for space
12 heating and cooling functions, water heating functions, electrical
13 load functions, and interior lighting functions. The governing
14 body of the institution shall determine the economic feasibility of
15 each function listed in this subsection by comparing the estimated
16 cost of providing energy for the function, based on the use of
17 conventional design practices and energy systems, with the
18 estimated cost of providing energy for the function, based on the
19 use of alternative energy devices, during the economic life of the
20 building.

21 (c-2) If the use of alternative energy devices for a
22 specific function is determined to be economically feasible under
23 Subsection (c-1), the governing body shall include the use of
24 alternative energy devices for that function in the construction
25 plans for the project.

26 SECTION 5. Subdivision (1), Subsection (d), Section
27 2166.403, Government Code, is amended to read as follows:

1 (1) "Alternative energy" means a renewable energy
2 resource. The term includes solar energy, biomass energy,
3 geothermal energy, and wind energy.

4 SECTION 6. Subchapter I, Chapter 2166, Government Code, is
5 amended by adding Section 2166.408 to read as follows:

6 Sec. 2166.408. EVALUATION OF ARCHITECTURAL AND ENGINEERING
7 DESIGN ALTERNATIVES. (a) For each project for which a project
8 analysis is prepared under Subchapter D and for which architectural
9 or engineering design choices will affect the energy-efficiency of
10 the building, the commission or the private design professional
11 retained by the commission shall prepare a written evaluation of
12 energy-efficient architectural or engineering design alternatives
13 for the project.

14 (b) The evaluation must include information about the
15 economic and environmental impact of various energy-efficient
16 architectural or engineering design alternatives, including an
17 evaluation of economic and environmental costs both initially and
18 over the life of the architectural or engineering design.

19 (c) The evaluation must identify the best architectural and
20 engineering designs for the project considering both economic and
21 environmental costs and benefits.

22 SECTION 7. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 982 passed the Senate on April 28, 2005, by the following vote: Yeas 31, Nays 0; May 26, 2005, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2005, House granted request of the Senate; May 29, 2005, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 982 passed the House, with amendments, on May 25, 2005, by the following vote: Yeas 143, Nays 0, two present not voting; May 27, 2005, House granted request of the Senate for appointment of Conference Committee; May 29, 2005, House adopted Conference Committee Report by the following vote: Yeas 137, Nays 0, three present not voting.

Chief Clerk of the House

Approved:

Date

Governor