

By: Lucio III

H.B. No. 431

A BILL TO BE ENTITLED

AN ACT

relating to design and construction standards for newly constructed or renovated state buildings.

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

SECTION 1. Subchapter I, Chapter 2166, Government Code, is amended by adding Section 2166.409 to read as follows:

Sec. 2166.409. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND CONSTRUCTION SPECIFICATIONS FOR RENOVATED OR NEW STATE BUILDING.

(a) In this section, "renovation" or "renovated" means a building renovation project in which:

(1) the cost of the renovation is more than 50 percent of the value of the building; or

(2) the area of the building being renovated, measured in square feet, is more than 50 percent of the total area of the building.

(b) This section applies to the construction of a state building larger than 10,000 square feet or to the renovation of such a state building, including a building construction project involving a state building larger than 10,000 square feet that is otherwise exempt from this chapter under Section 2166.003, except that this section does not apply to a project constructed by and for an institution of higher education as defined by Section 61.003, Education Code.

(c) A building to which this section applies that is being

1 constructed or renovated must be designed and constructed or  
2 renovated so that the building may be certified under the United  
3 States Green Building Council's Leadership in Energy and  
4 Environmental Design (LEED) rating system as that standard exists  
5 as of September 1, 2009.

6 (d) The commission shall adopt rules for the administration  
7 of this section. The rules may establish an exception to the  
8 application of this section for a type of building if the commission  
9 determines that:

10 (1) the standards described by Subsection (c) do not  
11 apply to that type of building; or

12 (2) there is no practical way to apply the standards  
13 described by Subsection (c) to the design and construction of that  
14 type of building.

15 (e) The commission shall:

16 (1) monitor and document:

17 (A) each state agency's compliance with this  
18 section; and

19 (B) any operating savings resulting from the  
20 design and construction or renovation of buildings in accordance  
21 with this section; and

22 (2) not later than September 1 of each even-numbered  
23 year, submit to the legislature and governor a report regarding:

24 (A) the commission's findings under Subdivision  
25 (1);

26 (B) any instances in which, and the reasons for  
27 which, a state building was not designed and constructed or

1 renovated in the manner provided by Subsection (c); and

2 (C) any recommendations the commission considers  
3 appropriate.

4 (f) Subsection (e) and this subsection expire September 2,  
5 2018.

6 SECTION 2. (a) The state auditor shall prepare a report  
7 concerning the implementation of the design and construction  
8 specifications required by this Act and shall present the report to  
9 the 83rd Legislature not later than January 15, 2013. The report  
10 must include:

11 (1) the costs of implementing the specifications;

12 (2) the operating savings attributable to  
13 implementing the specifications, including energy and maintenance  
14 savings;

15 (3) any impact on employee productivity resulting from  
16 implementing the specifications;

17 (4) the effectiveness of the implementation of the  
18 specifications; and

19 (5) any recommendations the state auditor considers  
20 appropriate.

21 (b) This section expires January 16, 2013.

22 SECTION 3. Section 2166.409, Government Code, as added by  
23 this Act, applies only to the construction or renovation of a  
24 building for which the contract for design services is entered into  
25 on or after September 1, 2009.

26 SECTION 4. This Act takes effect September 1, 2009.