

By: Puente

H.B. No. 3467

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Section 447.004(e), Government Code, is amended  
6 to read as follows:

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

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

14 (A) the standards established under this  
15 section; and

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

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

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

24 (B) any written evaluation or detailed economic

1        feasibility study prepared in accordance with Section 2166.401,  
2        2166.403, or 2166.408.

3            SECTION 2. Section 2166.153(a), Government Code, is amended  
4 to read as follows:

5            (a) A project analysis consists of:

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

8                (2) a detailed estimate of the amount of space needed  
9 to meet the needs of the using agency and to allow for realistic  
10 growth;

11                (3) a description of the proposed project prepared by  
12 a design professional that:

13                    (A) includes schematic plans and outline  
14 specifications describing the type of construction and probable  
15 materials to be used; and

16                    (B) is sufficient to establish the general scope  
17 and quality of construction;

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

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

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

25                (7) information prepared under Section 2166.451 about  
26 historic structures considered as alternatives to new  
27 construction;

H.B. No. 3467

1 (8) an evaluation of energy alternatives and  
2 energy-efficient architectural and engineering design alternatives  
3 as required by Sections [Section] 2166.401, 2166.403, and 2166.408;  
4 and

5 (9) other information required by the commission.

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

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

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

13 (b) During the planning phase of the proposed construction,  
14 the commission, or the governing body of the appropriate agency or  
15 institution that is undertaking a project otherwise exempt from  
16 this chapter under Section 2166.003, must present a detailed  
17 written evaluation at ~~[shall verify in]~~ an open meeting to verify  
18 the economic feasibility of:

19 (1) using energy-efficient architectural or  
20 engineering design alternatives; or

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

1                 (b-2) In each detailed written evaluation under Subsection  
2         (b), the [The] commission or governing body shall determine  
3         economic feasibility for each function by comparing the estimated  
4         cost of providing energy for all or part of the function using  
5         conventional design practices and energy systems or operating under  
6         conventional architectural or engineering designs with the  
7         estimated cost of providing energy for all or part of the function  
8         using alternative energy devices or operating under alternative  
9         energy-efficient architectural or engineering designs during the  
10         economic life of the building. The comptroller's state energy  
11         conservation office, or its successor, must approve any methodology  
12         or electronic software used by the commission or governing body, or  
13         an entity contracting with the commission or governing body, to  
14         make a comparison or determine feasibility under this subsection.

15                 (c) If the use of alternative energy devices or  
16         energy-efficient architectural design alternatives for a  
17         particular function is determined to be economically feasible under  
18         Subsection (b-2) [b], the commission or governing body shall  
19         include the use of alternative energy devices or energy-efficient  
20         architectural design alternatives for that function in the  
21         construction plans.

22                 SECTION 5. Section 2166.403(d)(1), Government Code, is  
23         amended to read as follows:

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

27                 SECTION 6. Subchapter I, Chapter 2166, Government Code, is

1 amended by adding Section 2166.408 to read as follows:

2 Sec. 2166.408. EVALUATION OF ARCHITECTURAL AND ENGINEERING

3 DESIGN ALTERNATIVES. (a) For each project for which a project  
4 analysis is prepared under Subchapter D and for which architectural  
5 or engineering design choices will affect the energy-efficiency of  
6 the building, the commission or the private design professional  
7 retained by the commission shall prepare a written evaluation of  
8 energy-efficient architectural or engineering design alternatives  
9 for the project.

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

15 (c) The evaluation must identify the best architectural and  
16 engineering designs for the project considering both economic and  
17 environmental costs and benefits.

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