

BILL ANALYSIS

Senate Research Center
78R9519 KEG-F

S.B. 1879
By: Van de Putte
Government Organization
4/21/2003
As Filed

DIGEST 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 hands that most appropriately ought to receive it, and the agency or institution for which the project is being constructed may not be the entity with ultimate responsibility. As proposed, S.B. 1879 requires the conservation design certification to be directed to the appropriate authority having jurisdiction.

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. Reenacts and amends Section 447.004(e), Government Code, as amended by Chapters 573, 1158, and 1398, Acts of the 77th Legislature, Regular Session, 2001, to prohibit a state agency or an institution of higher education from beginning construction of a new state building or a major renovation project before the design architect or engineer for the construction or renovation has performed certain acts.

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

SECTION 3. Amends the heading to Section 2166.403, Government Code, 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 Building and Procurement Commission (BPC) or the governing body of the appropriate agency or institution that is undertaking a project otherwise exempt from this chapter under Section 2166.003, during the planning phase of the proposed construction, to present a detailed written evaluation at an open meeting to verify the economic feasibility of certain acts, including using energy-efficient architectural or engineering design alternatives.

(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 the BPC 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 BPC or the governing body, or an entity contracting with the commission or governing body, to make a comparison or determine feasibility under this subsection.

(c) Requires BPC 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. (a) Requires BPC or the private design professional retained by BPC, 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.

(b) Requires the evaluation to include information about the economic and environmental impact of various energy-efficient architectural or engineering design alternatives, including an evaluation of economic and environmental costs both initially and over the life of the architectural or engineering design.

(c) Requires the evaluation to identify the best architectural and engineering designs for the project considering both economic and environmental costs and benefits.

SECTION 7. Effective date: upon passage or September 1, 2003.