

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas


Date

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 982 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Senator Van de Hulle



Representative Puente



Senator Ellis


Representative Cortez



Senator Armbrister

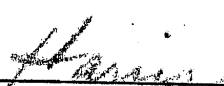


Representative Hunter

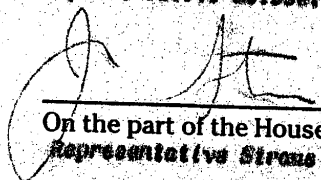


Senator Eliffe

Representative Leibowitz



On the part of the Senate
Senator Harris



On the part of the House
Representative Strauss

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 982

A BILL TO BE ENTITLED

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-1)~~], 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.

Senate Bill 982
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Amends Section 447.004(e), Government Code, to prohibit a state agency or institution of higher education from beginning construction of a new state building or major renovation project before the design architect or engineer for the construction or renovation has certified to the appropriate authority having jurisdiction that the construction or renovation complies with the standards established under this section and the alternative energy and energy-efficient architectural and engineering design evaluation requirements under Sections 2166.401, 2166.403, and 2166.408, and has provided to the appropriate authority having jurisdiction and the state energy conservation office copies of each certification under Subdivision (1) and any written evaluation or detailed economic feasibility study prepared in accordance with Sections 2166.401, 2166.403, and 2166.408.

SECTION 2. Amends Section 2166.153(a), Government Code, relating to a project analysis.

SECTION 3. Amends heading for Section 2166.403, Government Code.

SECTION 4. Amends Sections 2166.403(b) and (c) and adds (b-1) and (b-2), Government Code, as follows:

(b) Requires the Texas Building and Procurement Commission or the governing body of the appropriate

HOUSE VERSION

SECTION 1. Amends Section 447.004(e) and adds (f), Government Code. Similar to the Senate version. (e) Removes reference to institutions of higher education. (f) Addresses these institutions separately. Prohibits 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 certified to the institution of higher education that the construction or renovation complies with the standards established under this section and provided to the state energy conservation office a copy of that certification. (A1)

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

SECTION 4. Amends Sections 2166.403(b) and (c) and adds (b-1), (b-2), (c-1), and (c-2), Government Code, as follows:

(b) Same as Senate version except makes conforming changes to reflect separate treatment of institutions of

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SECTION 1. Same as House version.

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

SECTION 4. Same as House version.

(b) Same as House version.

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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 using energy-efficient architectural or engineering alternatives.

(b-1) Relates to availability of a written evaluation.

(b-2) Relates to the content of a written evaluation.

(c) Relates to implementing energy-efficient architectural design alternatives.

No equivalent provision.

HOUSE VERSION

higher education in Subsection (c-1). (A2)

(b-1) Same as Senate version.

(b-2) Same as Senate version.

(c) Same as Senate version.

(c-1) For a project constructed by and for a state institution of higher education, requires the governing body of the institution during the planning phase of the proposed construction for the project to verify in an open meeting the economic feasibility of incorporating into the building's design and proposed energy system alternative energy devices for space heating and cooling functions, water heating functions, electrical load functions, and interior lighting functions. Requires the governing body of the institution to determine the economic feasibility of each function listed in this subsection by comparing the estimated cost of providing energy for the function, based on the use of conventional design practices and energy systems, with the estimated cost of providing energy for the function, based on the use of alternative energy devices,

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(b-1) Same as Senate version.

(b-2) Same as Senate version.

(c) Same as Senate version.

(c-1) Same as House version.

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SENATE VERSION

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during the economic life of the building. (A2)

No equivalent provision.

(c-2) Provides that if the use of alternative energy devices for a specific function is determined to be economically feasible under Subsection (c-1), the governing body is required to include the use of alternative energy devices for that function in the construction plans for the project. (A2)

(c-2) Same as House version.

SECTION 5. Amends Section 2166.403(d)(1), Government Code, relating to the definition of "alternative energy."

SECTION 5. Same as Senate version.

SECTION 5. Same as Senate version.

SECTION 6. Adds Section 2166.408, Government Code, Evaluation Of Architectural And Engineering Design Alternatives.

SECTION 6. Same as Senate version.

SECTION 6. Same as Senate version.

SECTION 7. Effective date.

SECTION 7. Same as Senate version.

SECTION 7. Same as Senate version.

No equivalent provision.

SECTION __. Adds Section 2165.058, Government Code. Sec. 2165.058. Vending Machines; Energy-Saving Device Required, to require the commission to require the use of an energy-saving device for each vending machine located in a building owned or leased by the state except a vending machine that contains a perishable food product, as defined by Section 96.001, Civil Practice and Remedies Code. Sets out related provisions.

Same as Senate version.

No equivalent provision.

SECTION __. Transition provisions relating to Section

Same as Senate version.

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CONFERENCE

2165.058, Government Code, as added by this Act.