SUBJECT: Setting high-performance standards for state building construction

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 13 ayes — Solomons, Menendez, Cook, Craddick, Farabee, Gallego, Harless, Hilderbran, Jones, Lucio, Oliveira, Swinford, S. Turner

0 nays

2 absent — Geren, Maldonado

WITNESSES: For — Richard Morgan, City of Austin; Cyrus Reed, Sierra Club Lone Star Chapter; Tom "Smitty" Smith, Public Citizen; *(Registered, but did not testify,* Yvonne Castillo, Texas Society of Architects; Jon Fisher, Associated Builders and Contractors of Texas; Susan Ross, TREIA)

Against — None

On — Felix Lopez, State Energy Conservation Office (SECO)

BACKGROUND: The 79th Legislature enacted SB 982 by Van de Putte, which required an architect or an engineer to certify that the construction or renovation of a state building complied with the alternative energy and energy-efficient architectural and engineering design evaluation requirements under the Government Code secs. 2166.401, 2166.403 and 2166.408.

Government Code, sec. 2166.403 requires, during the planning phase of the proposed construction, that the Texas Facilities Commission, or the governing body of the appropriate agency or institution, 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, water heating, electrical loads, and interior lighting.

DIGEST: CSHB 431 would require construction or large-scale renovation projects involving state buildings, including buildings belonging to institutions of higher education, to meet high-performance building standards approved by the Texas Facilities Commission. Commission standards would have to:

- be developed by a municipally owned utility or a nationally recognized consensus-based process;
- provide minimum requirements for energy use, natural resources use, and indoor air quality;
- require documentation for certification;
- require a third-party review; and
- encourage the use of Texas materials.

The Texas Facilities Commission would appoint an advisory committee to advise on which standards to adopt. The advisory committee would consist of 11 individuals, six of whom would be experienced in high-performance buildings, energy efficiency, water efficiency, and low-impact site development. The leaders of the following organizations would nominate candidates for the six expert slots on the advisory committee:

- the Texas Society of Architects;
- the Texas Council of Engineering Companies and the Texas Society of Professional Engineers;
- the Associated Builders and Contractors of Texas and the presiding officer of the Associated General Contractors, Texas Building Branch;
- the Urban Land Institute;
- the American Society of Landscape Architects; and
- the Texas Chemical Council.

The advisory committee also would include:

- the architect or engineer appointed to the director of facilities construction and space management position;
- a representative of SECO;
- a representative of an institution of higher education;
- a representative of a state agency undergoing a large amount of construction; and
- a representative of an historically underutilized businesses.

Projects would have to achieve a 15-percent reduction in water use and meet the 2009 standards of either the American Society of Heating, Refrigeration, and Air Condition Engineers or the International Energy Conservation Code.

If the American Society of Heating, Refrigeration, Air Conditioning Engineers or the International Energy Conservation Code were to adopt more stringent standards in future years, SECO would be able to substitute those for the 2009 standards.

Contracts with private design firms would specify that the standards in the bill were additional, rather than basic services.

The bill would take effect September 1, 2009, and would apply only to building construction contracts entered into after September 1, 2011.