

- SUBJECT:** High performance standards for certain government buildings and facilities
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 11 ayes — Cook, Menendez, Frullo, Gallego, Geren, Hilderbran, Huberty, Oliveira, Smithee, Solomons, Turner
- 0 nays
- 2 absent — Craddick, Harless
- WITNESSES:** For — (*Registered, but did not testify:* Alfred Bingham, Jr., Texas Chapter – American Society of Landscape Architects; Michael Chatron, Association of General Contractors Texas Building Branch; George Christian, American Forestry and Paper Association; Joshua Houston, Texas Impact; Shanna Igo, Texas Municipal League; David Lancaster, Texas Society of Architects; Jamie Mitchell, City of Austin/Austin Energy; Matt Phillips, The Nature Conservancy)
- Against — (*Registered, but did not testify:* Marvin Brooke)
- On — Jorge Ramirez, Texas Facilities Commission; (*Registered, but did not testify:* Rebekah Schmidt)
- BACKGROUND:** In 2005, 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 that during the planning phase of the proposed construction, the Texas Facilities Commission (TFC) or appropriate entity’s governing body 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: HB 51 would establish high-performance sustainable-design standards for the construction of new state buildings and renovations for which the cost exceeded 50 percent of the value of the existing facility. These standards would apply to institutions of higher education, public education instructional facilities, and certain state agencies.

Texas Facilities Commission (TFC) standards. HB 51 would require construction or large-scale renovation projects involving state buildings to meet high-performance building standards approved by TFC. These standards would apply to institutions of higher education and certain state agencies, except for the Texas Department of Criminal Justice and the Texas Youth Commission.

The TFC 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.

TFC advisory committee. The TFC would have to appoint an advisory committee to advise on which standards to adopt. The advisory committee would consist of 11 individuals, seven 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 seven 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;
- the Texas Chemical Council; and
- the Texas Association of Interior Design.

The advisory committee also would include:

- the architect or engineer appointed to the director of facilities construction and space management position;
- a representative of the State Energy Conservation Office (SECO);
- a representative of a state agency undergoing substantial construction; and
- a representative of historically underutilized businesses.

Project requirements. Projects would have to achieve a 15-percent reduction in water use and meet the 2011 standards of either the American Society of Heating, Refrigeration, and Air Conditioning Engineers or the International Energy Conservation Code.

If the American Society of Heating, Refrigeration, Air Conditioning Engineers or the International Energy Conservation Code adopted more stringent standards in future years, SECO would be able to substitute those for the 2011 standards.

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

These standards and requirements would apply only to facilities for which a contract for design services was entered into on or after September 1, 2013.

Instructional facilities in school districts. SECO would be required to adopt similar standards for the design, construction, and major renovation of instructional facilities, which school districts could adopt to achieve long-term savings in energy and water costs. SECO would be required to adopt rules establishing the standards by July 1, 2012.

SECO would be required to assist school districts to obtain state and federal funding for implementing the adopted standards.

Effective date. HB 51 would take effect September 1, 2011.

SUPPORTERS
SAY:

HB 51 would require the adoption of energy-efficiency standards for certain state-owned buildings to align with high-performance design, construction, and renovation standards. The bill would apply to newly

constructed state buildings or to the renovation of a state building, the cost of which was more than 50 percent of the value of the building.

Encouraging more energy-efficient state buildings would serve the public by promoting responsible use of taxpayer dollars through the reduction of the state's energy consumption, producing significant saving.

Additionally, this approach would promote by example the use of best practices in building construction, operation, and maintenance. The bill would outline five criteria for standards and would create an advisory committee that would ensure the quality of the program.

OPPONENTS
SAY:

The standards proposed by HB 51 could result in increased construction cost for the state. TFC also has reported that it would need an additional senior engineer to coordinate compliance with the bill's requirements.

Although the costs may not be significant, it would be inappropriate to create any additional costs during the current economic crisis.

NOTES:

According to the fiscal note, HB 51 would have an indeterminate fiscal impact on the state due to the unknown nature of applicable standards and the level of future state construction and renovation. State agencies have reported that changes to building construction to meet current general high-performance standards would increase total construction costs between 2 percent and 9 percent. Some of the standards referenced in the bill already are used in certain state construction projects, and would therefore result in no additional costs. Many agencies also reported that reductions in utility expenses resulting from the intended increased building efficiencies would offset some of the increased construction costs.

The companion bill, SB 1318 by Hinojosa, was referred to the Senate Natural Resources Committee on March 16.