

BILL ANALYSIS

Senate Research Center
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S.B. 445
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Government Organization
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over a 20-year life cycle of a high-performance building, building owners and governmental entities will see a significant return on their initial investment in such a building. These buildings are generally recognized as using key resources like energy, water, materials, and land much more efficiently than buildings that are simply built to code. They also provide a potentially promising way to help address a range of challenges, such as rising electric costs, pending water shortages and waste disposal issues, continued federal pressure to cut pollutants, the rising incidence of allergies and asthma, the health and productivity of workers, and the increasing expenses of maintaining and operating state facilities over time. Current law, however, provides no performance standards for the construction of buildings for the state or for an institution of higher education.

As proposed, S.B. 445 creates and defines a high-performance standard for the construction of state and higher education buildings, requiring such buildings to be designed and constructed so as to be certified by the United States Green Building Council as meeting the "silver" standard under the Leadership in Energy and Environmental Design rating system or to be certified by the Green Building Initiative to achieve a two-globe rating under the Green Globes USA environmental assessment and rating system. This bill does not require actual certification by either of these rating systems. The bill also provides that any necessary services to meet the standards provided by a design professional to the Texas Building and Procurement Commission are considered additional services under contract for purposes of compensation.

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. Amends Subchapter I, Chapter 2166, Government Code, by adding Section 2166.409, as follows:

Sec. 2166.409. **HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND CONSTRUCTION SPECIFICATIONS FOR NEW STATE BUILDING.** (a) Sets forth the construction projects to which this section applies.

(b) Requires a building constructed under this section to be designed and constructed so that it may meet the standards of certification by certain environmental organizations set forth in this subsection.

(c) Requires a contract between the Texas Building and Procurement Commission or an agency exempt from this chapter under Section 2166.003 and a private design professional, relating to the construction of a building under this section, to provide that, for billing purposes, any necessary services provided by the professional to satisfy the requirements of Subsection (b) be considered additional rather than basic services.

SECTION 2. Amends Subchapter B, Chapter 55, Education Code, by adding Section 55.115, as follows:

Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN AND CONSTRUCTION SPECIFICATIONS FOR CERTAIN NEWLY CONSTRUCTED FACILITIES. (a) Sets forth the facilities to which this section applies.

(b) Requires a building constructed under this section to be designed and constructed so that it may meet the standards of certification by certain environmental organizations set forth in this subsection.

(c) Requires a contract between an institution of higher education and an architect, relating to the construction of a building under this section, to provide that, for billing purposes, any necessary services provided by the professional to satisfy the requirements of Subsection (b) be considered additional rather than basic services.

SECTION 3. Makes application of this Act prospective to September 1, 2007.

SECTION 4. Effective date: September 1, 2007.