By: Anchia, Kent, et al. H.B. No. 2783

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of energy efficient building standards and energy efficiency and conservation standards for instructional facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 388.003, Health and Safety Code, as amended by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

Sec. 388.003. ADOPTION OF BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS. (a) To achieve energy conservation in single-family and duplex residential construction, the energy efficiency provisions [~~chapter~~] of the International Residential Code, as it existed on May 1, 2001, is adopted as the energy code in this state for single-family and duplex residential construction. Beginning January 1, 2012, the energy efficiency provisions of the International Residential Code, as it existed on May 1, 2009, is adopted as the energy code in this state for single-family and duplex residential construction.

(a-1) For the purposes of energy code compliance under the limited statutory warranties and building and performance standards under Section 430.001, Property Code, and inspections of new residential construction required under Subtitle F, Title 16, Property Code, Subsection (a) of this section controls for

single-family and duplex residential construction located in unincorporated areas not in the extraterritorial jurisdiction of a municipality. To the extent of any conflict between this subsection and any other law, including Section 430.001, Property Code, this subsection prevails.

(b) To achieve energy conservation in all other residential, commercial, and industrial construction, the International Energy Conservation Code as it existed on May 1, 2001, is adopted as the energy code for use in this state for all other residential, commercial, and industrial construction. Beginning January 1, 2012, the International Energy Conservation Code, as it existed on May 1, 2009, is adopted as the energy code in this state for all other residential, commercial, and industrial construction.

(b-1) If the State Energy Conservation Office determines, based on written recommendations from the laboratory, that the latest published [~~edition of the~~] International Residential Code energy efficiency provisions or the latest published edition of the International Energy Conservation Code will result in residential or commercial sector energy efficiency and air quality impact overall that is equivalent to or better than the energy efficiency and air quality achievable under the editions adopted under Subsection (a) or (b), the office may by rule adopt the equivalent or more stringent editions and substitute them for the energy codes described by Subsection (a) or (b). The rule, if adopted, shall establish an effective date for the new energy codes but not earlier than nine months after the date of adoption. The laboratory shall

make its recommendations not later than six months after publication of new editions at the end of each three-year code development cycle of the International Residential Code and the International Energy Conservation Code.

(b-2) The State Energy Conservation Office by rule shall establish a procedure for persons who have an interest in the adoption of energy codes under Subsection (b-1) to have an opportunity to comment on the codes under consideration. The office shall consider persons who have an interest in adoption of those codes to include:

(1) commercial and residential builders, architects, and engineers;

(2) municipal, county, and other local government authorities; and

(3) environmental groups.

(b-3) In developing written recommendations under Subsection (b-1), the laboratory shall consider the comments submitted under Subsection (b-2).

(c) A municipality shall establish procedures:

(1) for the administration and enforcement of the codes; and

(2) to ensure that code-certified inspectors or approved energy efficiency program verifiers shall perform inspections and enforce the code in the inspectors' jurisdictions.

(d) A municipality or county may establish procedures to adopt local amendments to the International Energy Conservation Code and the energy efficiency provisions [~~chapter~~] of the

International Residential Code.

(e) Local amendments may not result in less stringent overall energy efficiency requirements [~~in nonattainment areas and in affected counties~~] than the energy efficiency chapter of the International Residential Code or International Energy Conservation Code. Local amendments must comply with the National Appliance Energy Conservation Act of 1987 (42 U.S.C. Sections 6291-6309), as amended. The laboratory, at the request of a municipality or county, shall determine the relative impact of proposed local amendments to an energy code, including whether proposed amendments are substantially equal to or less stringent than the unamended code. [~~For the purpose of establishing uniform requirements throughout a region, and on request of a council of governments, a county, or a municipality, the laboratory may recommend a climatically appropriate modification or a climate zone designation for a county or group of counties that is different from the climate zone designation in the unamended code.~~] The laboratory shall:

(1) report its findings to the council, county, or municipality, including an estimate of any energy savings potential above the base code from local amendments; and

(2) annually submit a report to the commission:

(A) identifying the municipalities and counties whose codes are more stringent than the unamended code, and whose codes are equally stringent or less stringent than the unamended code; and

(B) quantifying energy savings and emissions

reductions from this program.

(f) Each municipality, and each county that has established procedures under Subsection (d), shall periodically review and consider revisions made by the International Code Council to the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code adopted after May 1, 2009 [~~2001~~].

(g) The laboratory shall have the authority to set and collect fees to perform certain tasks in support of the requirements in Sections 388.004, 388.007, and 388.008.

(h) Within the boundaries of an airport operated by a joint board created under Subchapter D, Chapter 22, Transportation Code, the constituent agencies of which are populous home-rule municipalities, the powers of a municipality under this section are exclusively the powers of the joint board.

(i) A building certified by a national, state, or local accredited energy efficiency program and determined by the laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the municipality, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

SECTION 2. The heading to Chapter 46, Education Code, is amended to read as follows:

CHAPTER 46. [~~ASSISTANCE WITH~~] INSTRUCTIONAL FACILITIES AND ASSISTANCE WITH PAYMENT OF EXISTING DEBT

SECTION 3. Chapter 46, Education Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. STANDARDS FOR INSTRUCTIONAL FACILITIES

Sec. 46.101. DEFINITION. In this subchapter, "instructional facility" has the meaning assigned by Section 46.001.

Sec. 46.102. ENERGY EFFICIENCY AND CONSERVATION STANDARDS FOR INSTRUCTIONAL FACILITIES. (a) In this section, "energy office" means the State Energy Conservation Office.

(b) The energy office shall adopt energy efficiency and conservation standards for the design, construction, and major renovation of instructional facilities that school districts may adopt or use to achieve long-term savings in energy and water costs through innovative building techniques.

(c) The standards adopted under Subsection (b) must match high-performance building certification standards that:

(1) are developed and revised through a consensus-based process or by a municipally owned utility in this state;

(2) provide minimum requirements for energy use, natural resources use, and indoor air quality;

(3) require substantiating documentation for certification;

(4) employ third-party, post-construction review and verification for certification; and

(5) the energy office determines are nationally recognized in the building industry, such as:

(A) the Texas Collaborative for High Performance Schools (TX-CHPS) Criteria;

(B) the Green Building Initiative's Green Globes program;

(C) the Leadership in Energy and Environmental Design (LEED) Green Building Rating System; or

(D) the Austin Energy Green Building Program.

(d) The energy office may update the standards adopted under this section not more frequently than once every three years.

(e) The energy office shall prepare an analysis of the typical initial building costs and projected energy and other savings associated with the implementation of the standards adopted by the energy office under this section. The office shall publish the analysis and make copies available to all school districts in this state.

(f) The energy office shall adopt rules necessary to administer this section.

Sec. 46.103. STATE AND FEDERAL FUNDS. The energy office shall, to the extent possible, assist school districts to obtain state and federal funding for implementing the standards adopted under this subchapter.

SECTION 4. Not later than July 1, 2010, the State Energy Conservation Office shall adopt rules establishing energy efficiency, conservation, and indoor air quality standards for the design, construction, and renovation of public school instructional facilities as required by Section 46.102, Education Code, as added by this Act.

SECTION 5. This Act takes effect September 1, 2009.