

1-1 By: Anchia, et al. (Senate Sponsor - Averitt) H.B. No. 2783
1-2 (In the Senate - Received from the House May 15, 2009;
1-3 May 18, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2009, reported favorably, as amended, by the
1-5 following vote: Yeas 9, Nays 0; May 23, 2009, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Averitt

1-7 Amend H.B. No. 2783 (house engrossment) as follows:

1-8 (1) In SECTION 1 of the bill, in amended Section 388.003,
1-9 Health and Safety Code, after Subsection (i) (page 3, between lines
1-10 56 and 57), insert the following:

1-11 (j) An energy code adopted under this section does not apply
1-12 to an industrialized building, as defined by Section 1202.003,
1-13 Occupations Code, that:

1-14 (1) is capable of being relocated; and

1-15 (2) is not permanently attached to real property.

1-16 (2) In SECTION 3 of the bill, in added Section 46.101,
1-17 Education Code, between "46.001" and the period (page 3, line 66),
1-18 insert "but does not include an industrialized building as defined
1-19 by Section 1202.003, Occupations Code, that:

1-20 (1) is capable of being relocated; and

1-21 (2) is not permanently attached to real property".

1-22 COMMITTEE AMENDMENT NO. 2 By: Averitt

1-23 Amend H.B. No. 2783 by adding the following appropriately
1-24 numbered SECTIONS to the bill and renumbering subsequent SECTIONS
1-25 of the bill accordingly:

1-26 SECTION _____. (a) In this section, "laboratory" means the
1-27 Energy Systems Laboratory at the Texas Engineering Experiment
1-28 Station of the Texas A&M University System.

1-29 (b) The laboratory shall conduct a study of outdoor lighting
1-30 fixtures used by state agencies. The study must examine:

1-31 (1) types of outdoor lighting fixtures used by state
1-32 agencies;

1-33 (2) lighting technology that:

1-34 (A) achieves substantial energy efficiency
1-35 compared to currently used technology; and

1-36 (B) has a life expectancy of at least 50,000
1-37 hours:

1-38 (3) price comparisons and return on investment
1-39 standards for the lighting technologies studied; and

1-40 (4) usage considerations as determined by the needs of
1-41 individual state agencies.

1-42 (c) At the laboratory's request, the Texas Facilities
1-43 Commission shall provide assistance in conducting the study under
1-44 this section.

1-45 (d) Not later than September 1, 2010, the laboratory shall
1-46 prepare a report regarding the results of the study conducted under
1-47 this section, including the data collected and recommendations,
1-48 and:

1-49 (1) submit the report to the governor, the lieutenant
1-50 governor, the speaker of the house of representatives, and the
1-51 clerks of each of the standing committees of the senate and house of
1-52 representatives with primary jurisdiction over state facilities;
1-53 and

1-54 (2) publish the report on the laboratory's Internet
1-55 website or otherwise make the report available to the public
1-56 through the Internet.

1-57 A BILL TO BE ENTITLED
1-58 AN ACT

1-59 relating to the adoption of energy efficient building standards and
1-60 energy efficiency and conservation standards for instructional

2-1 facilities.

2-2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

2-3 SECTION 1. Section 388.003, Health and Safety Code, as
2-4 amended by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts of the
2-5 80th Legislature, Regular Session, 2007, is reenacted and amended
2-6 to read as follows:

2-7 Sec. 388.003. ADOPTION OF BUILDING ENERGY EFFICIENCY
2-8 PERFORMANCE STANDARDS. (a) To achieve energy conservation in
2-9 single-family and duplex residential construction, the energy
2-10 efficiency provisions [~~chapter~~] of the International Residential
2-11 Code, as it existed on May 1, 2001, is adopted as the energy code in
2-12 this state for single-family and duplex residential construction.
2-13 Beginning January 1, 2012, the energy efficiency provisions of the
2-14 International Residential Code, as it existed on May 1, 2009, is
2-15 adopted as the energy code in this state for single-family and
2-16 duplex residential construction.

2-17 (a-1) For the purposes of energy code compliance under the
2-18 limited statutory warranties and building and performance
2-19 standards under Section 430.001, Property Code, and inspections of
2-20 new residential construction required under Subtitle F, Title 16,
2-21 Property Code, Subsection (a) of this section controls for
2-22 single-family and duplex residential construction located in
2-23 unincorporated areas not in the extraterritorial jurisdiction of a
2-24 municipality. To the extent of any conflict between this
2-25 subsection and any other law, including Section 430.001, Property
2-26 Code, this subsection prevails.

2-27 (b) To achieve energy conservation in all other
2-28 residential, commercial, and industrial construction, the
2-29 International Energy Conservation Code as it existed on May 1,
2-30 2001, is adopted as the energy code for use in this state for all
2-31 other residential, commercial, and industrial construction.
2-32 Beginning January 1, 2012, the International Energy Conservation
2-33 Code, as it existed on May 1, 2009, is adopted as the energy code in
2-34 this state for all other residential, commercial, and industrial
2-35 construction.

2-36 (b-1) If the State Energy Conservation Office determines,
2-37 based on written recommendations from the laboratory, that the
2-38 latest published [~~edition of the~~] International Residential Code
2-39 energy efficiency provisions or the latest published edition of the
2-40 International Energy Conservation Code will result in residential
2-41 or commercial sector energy efficiency and air quality impact
2-42 overall that is equivalent to or better than the energy efficiency
2-43 and air quality achievable under the editions adopted under
2-44 Subsection (a) or (b), the office may by rule adopt the equivalent
2-45 or more stringent editions and substitute them for the energy codes
2-46 described by Subsection (a) or (b). The rule, if adopted, shall
2-47 establish an effective date for the new energy codes but not earlier
2-48 than nine months after the date of adoption. The laboratory shall
2-49 make its recommendations not later than six months after
2-50 publication of new editions at the end of each three-year code
2-51 development cycle of the International Residential Code and the
2-52 International Energy Conservation Code.

2-53 (b-2) The State Energy Conservation Office by rule shall
2-54 establish a procedure for persons who have an interest in the
2-55 adoption of energy codes under Subsection (b-1) to have an
2-56 opportunity to comment on the codes under consideration. The
2-57 office shall consider persons who have an interest in adoption of
2-58 those codes to include:

2-59 (1) commercial and residential builders, architects,
2-60 and engineers;

2-61 (2) municipal, county, and other local government
2-62 authorities; and

2-63 (3) environmental groups.

2-64 (b-3) In developing written recommendations under
2-65 Subsection (b-1), the laboratory shall consider the comments
2-66 submitted under Subsection (b-2).

2-67 (c) A municipality shall establish procedures:

2-68 (1) for the administration and enforcement of the
2-69 codes; and

3-1 (2) to ensure that code-certified inspectors or
 3-2 approved energy efficiency program verifiers shall perform
 3-3 inspections and enforce the code in the inspectors' jurisdictions.

3-4 (d) A municipality or county may establish procedures to
 3-5 adopt local amendments to the International Energy Conservation
 3-6 Code and the energy efficiency provisions [~~chapter~~] of the
 3-7 International Residential Code.

3-8 (e) Local amendments may not result in less stringent
 3-9 overall energy efficiency requirements [~~in nonattainment areas and~~
 3-10 ~~in affected counties~~] than the energy efficiency chapter of the
 3-11 International Residential Code or International Energy
 3-12 Conservation Code. Local amendments must comply with the National
 3-13 Appliance Energy Conservation Act of 1987 (42 U.S.C. Sections
 3-14 6291-6309), as amended. The laboratory, at the request of a
 3-15 municipality or county, shall determine the relative impact of
 3-16 proposed local amendments to an energy code, including whether
 3-17 proposed amendments are substantially equal to or less stringent
 3-18 than the unamended code. [~~For the purpose of establishing uniform~~
 3-19 ~~requirements throughout a region, and on request of a council of~~
 3-20 ~~governments, a county, or a municipality, the laboratory may~~
 3-21 ~~recommend a climatically appropriate modification or a climate zone~~
 3-22 ~~designation for a county or group of counties that is different from~~
 3-23 ~~the climate zone designation in the unamended code.] The
 3-24 laboratory shall:~~

3-25 (1) report its findings to the council, county, or
 3-26 municipality, including an estimate of any energy savings potential
 3-27 above the base code from local amendments; and

3-28 (2) annually submit a report to the commission:

3-29 (A) identifying the municipalities and counties
 3-30 whose codes are more stringent than the unamended code, and whose
 3-31 codes are equally stringent or less stringent than the unamended
 3-32 code; and

3-33 (B) quantifying energy savings and emissions
 3-34 reductions from this program.

3-35 (f) Each municipality, and each county that has established
 3-36 procedures under Subsection (d), shall periodically review and
 3-37 consider revisions made by the International Code Council to the
 3-38 International Energy Conservation Code and the energy efficiency
 3-39 chapter of the International Residential Code adopted after May 1,
 3-40 2009 [~~2001~~].

3-41 (g) The laboratory shall have the authority to set and
 3-42 collect fees to perform certain tasks in support of the
 3-43 requirements in Sections 388.004, 388.007, and 388.008.

3-44 (h) Within the boundaries of an airport operated by a joint
 3-45 board created under Subchapter D, Chapter 22, Transportation Code,
 3-46 the constituent agencies of which are populous home-rule
 3-47 municipalities, the powers of a municipality under this section are
 3-48 exclusively the powers of the joint board.

3-49 (i) A building certified by a national, state, or local
 3-50 accredited energy efficiency program and determined by the
 3-51 laboratory to be in compliance with the energy efficiency
 3-52 requirements of this section may, at the option of the
 3-53 municipality, be considered in compliance. The United States
 3-54 Environmental Protection Agency's Energy Star Program
 3-55 certification of energy code equivalency shall be considered in
 3-56 compliance.

3-57 SECTION 2. The heading to Chapter 46, Education Code, is
 3-58 amended to read as follows:

3-59 CHAPTER 46. [~~ASSISTANCE WITH~~] INSTRUCTIONAL FACILITIES AND
 3-60 ASSISTANCE WITH PAYMENT OF EXISTING DEBT

3-61 SECTION 3. Chapter 46, Education Code, is amended by adding
 3-62 Subchapter D to read as follows:

3-63 SUBCHAPTER D. STANDARDS FOR INSTRUCTIONAL FACILITIES

3-64 Sec. 46.101. DEFINITION. In this subchapter,
 3-65 "instructional facility" has the meaning assigned by Section
 3-66 46.001.

3-67 Sec. 46.102. ENERGY EFFICIENCY AND CONSERVATION STANDARDS
 3-68 FOR INSTRUCTIONAL FACILITIES. (a) In this section, "energy
 3-69 office" means the State Energy Conservation Office.

4-1 (b) The energy office shall adopt energy efficiency and
4-2 conservation standards for the design, construction, and major
4-3 renovation of instructional facilities that school districts may
4-4 adopt or use to achieve long-term savings in energy and water costs
4-5 through innovative building techniques.

4-6 (c) The standards adopted under Subsection (b) must match
4-7 high-performance building certification standards that:

4-8 (1) are developed and revised through a
4-9 consensus-based process or by a municipally owned utility in this
4-10 state;

4-11 (2) provide minimum requirements for energy use,
4-12 natural resources use, and indoor air quality;

4-13 (3) require substantiating documentation for
4-14 certification;

4-15 (4) employ third-party, post-construction review and
4-16 verification for certification; and

4-17 (5) the energy office determines are nationally
4-18 recognized in the building industry, such as:

4-19 (A) the Texas Collaborative for High Performance
4-20 Schools (TX-CHPS) Criteria;

4-21 (B) the Green Building Initiative's Green Globes
4-22 program;

4-23 (C) the Leadership in Energy and Environmental
4-24 Design (LEED) Green Building Rating System; or

4-25 (D) the Austin Energy Green Building Program.

4-26 (d) The energy office may update the standards adopted under
4-27 this section not more frequently than once every three years.

4-28 (e) The energy office shall prepare an analysis of the
4-29 typical initial building costs and projected energy and other
4-30 savings associated with the implementation of the standards adopted
4-31 by the energy office under this section. The office shall publish
4-32 the analysis and make copies available to all school districts in
4-33 this state.

4-34 (f) The energy office shall adopt rules necessary to
4-35 administer this section.

4-36 Sec. 46.103. STATE AND FEDERAL FUNDS. The energy office
4-37 shall, to the extent possible, assist school districts to obtain
4-38 state and federal funding for implementing the standards adopted
4-39 under this subchapter.

4-40 SECTION 4. Not later than July 1, 2010, the State Energy
4-41 Conservation Office shall adopt rules establishing energy
4-42 efficiency, conservation, and indoor air quality standards for the
4-43 design, construction, and renovation of public school
4-44 instructional facilities as required by Section 46.102, Education
4-45 Code, as added by this Act.

4-46 SECTION 5. This Act takes effect September 1, 2009.

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