

SENATE AMENDMENTS

2nd Printing

By: Villalba, Oliveira

H.B. No. 1736

A BILL TO BE ENTITLED

AN ACT

relating to building energy efficiency performance standards.

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

SECTION 1. Section 388.003, Health and Safety Code, is amended by amending Subsections (a), (b), (b-2), (b-3), (d), and (i) and adding Subsections (j) and (k) to read as follows:

(a) To achieve energy conservation in single-family residential construction, the energy efficiency 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 residential construction. On September 1, 2016, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2015, is adopted as the energy code in this state for single-family residential construction. On or after September 1, 2021, the State Energy Conservation Office may adopt and substitute for that energy code the latest published edition of the energy efficiency chapter of the International Residential Code, based on written findings on the stringency of the chapter submitted by the laboratory under Subsection (b-3). The office:

(1) may not adopt an edition under this subsection more often than once every six years; and

(2) by rule shall establish an effective date for an adopted edition that is not earlier than nine months after the date of adoption.

1 (b) To achieve energy conservation in all other
2 residential, commercial, and industrial construction, the
3 International Energy Conservation Code as it existed on May 1,
4 2001, is adopted as the energy code for use in this state for all
5 other residential, commercial, and industrial construction. The
6 State Energy Conservation Office may adopt and substitute for that
7 energy code the latest published edition of the International
8 Energy Conservation Code, based on written findings on the
9 stringency of the edition submitted by the laboratory under
10 Subsection (b-3). The office by rule shall establish an effective
11 date for an adopted edition that is not earlier than nine months
12 after the date of adoption.

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

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

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

23 (3) environmental groups; and

24 (4) manufacturers of building materials and products.

25 (b-3) The [~~In developing written recommendations under~~
26 ~~Subsection (b-1), the~~] laboratory shall:

27 (1) submit to the State Energy Conservation Office

1 written findings on the stringency of the latest published edition
2 of the International Residential Code energy efficiency provisions
3 only if the date of the edition allows the office to adopt the
4 edition under Subsection (a)(1);

5 (2) submit to the State Energy Conservation Office
6 written findings on the stringency of the latest published edition
7 of the International Energy Conservation Code not later than six
8 months after publication of a new edition; and

9 (3) in developing the findings, consider the comments
10 submitted under Subsection (b-2).

11 (d) A municipality [~~or county~~] may establish procedures to
12 adopt local amendments to the International Energy Conservation
13 Code and the energy efficiency chapter of the International
14 Residential Code. Notwithstanding the requirements of Subsection
15 (e), a municipality located in an area defined by Section
16 388.002(11) or in an affected county may establish procedures to
17 adopt local amendments to the energy rating index in an optional
18 compliance path of an energy code adopted under this section.

19 (i) A building certified by a national, state, or local
20 accredited energy efficiency program and determined by the
21 laboratory to be in compliance with the energy efficiency
22 requirements of this section may, at the option of the
23 municipality, be considered in compliance. The United States
24 Environmental Protection Agency's Energy Star Program
25 certification of energy code equivalency shall be considered in
26 compliance. An energy rating index in an optional compliance path
27 of an energy code described by Subsection (j) shall be considered in

compliance.

(j) For the purposes of this chapter, the Energy Rating Index used to measure compliance for single-family residential construction in an optional compliance path of an edition of the energy efficiency chapter of the International Residential Code that uses an energy rating index is as follows:

(1) for climate zone 2, an energy rating index of:

(A) 65 or lower from September 1, 2016, to August 31, 2019;

(B) 63 or lower from September 1, 2019, to August 31, 2022; and

(C) 59 or lower on or after September 1, 2022;

(2) for climate zone 3, an energy rating index of:

(A) 65 or lower from September 1, 2016, to August 31, 2019;

(B) 63 or lower from September 1, 2019, to August 31, 2022; and

(C) 59 or lower on or after September 1, 2022; and

(3) for climate zone 4, an energy rating index of:

(A) 69 or lower from September 1, 2016, to August 31, 2019;

(B) 67 or lower from September 1, 2019, to August 31, 2022; and

(C) 63 or lower on or after September 1, 2022.

(k) This subsection and Subsection (j) expire September 1, 2025.

SECTION 2. The following provisions of the Health and

1 Safety Code are repealed:

2 (1) Section 388.003(b-1), as added by Chapter 262
3 (S.B. 12), Acts of the 80th Legislature, Regular Session, 2007; and

4 (2) Section 388.003(b-1), as added by Chapter 939
5 (H.B. 3693), Acts of the 80th Legislature, Regular Session, 2007.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2015.

FLOOR AMENDMENT NO. 1

BY

Fraser

Amend H.B. No. 1736 as follows:

- (1) In Subsection (d) of SECTION 1 of the bill (Committee Printing page 2, lines 27-28) strike lines 27-28 and insert "adopt local amendments to the Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by Subsection (j).".
- (2) In Subsection (i) of SECTION 1 of the bill (Committee Printing page 2, lines 36-37) strike lines 36-37 and insert "compliance. The Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by Subsection (j) shall be considered in".
- (3) In Subsection (j) of SECTION 1 of the bill (Committee Printing page 2, line 40) between "Index" and "used" insert "Compliance Alternative or subsequent alternative compliance path".
- (4) In Subsection (j) of SECTION 1 of the bill (Committee Printing page 2, line 41) strike "an edition of".

ADOPTED

MAY 20 2015

Atay Spaw
Secretary of the Senate

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 21, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1736 by Villalba (Relating to building energy efficiency performance standards.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Health and Safety Code regarding building energy efficiency performance standards. The State Energy Conservation Office (SECO) adoption of new energy codes would be based on the written findings from the Energy Systems Laboratory (ESL) of the Texas A&M Engineering Experiment Station (TEES), on the stringency of energy code editions. SECO could choose to amend or establish an energy rating index used to measure compliance to the Energy Rating Index Compliance Alternative or subsequent alternative compliance path of an energy code. SECO may adopt a residential energy code edition no more than once every six years beginning on or after September 1, 2021. By rule, SECO would establish an effective date for an adopted edition. Although provisions related to the review and submittal of findings on the stringency of new editions of energy codes may result in costs associated with those additional responsibilities for ESL, this estimate assumes those costs would not be significant and could be absorbed using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill takes effect September 1, 2015.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 712 Texas A&M Engineering Experiment Station

LBB Staff: UP, SZ, CL, JJ, PM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 6, 2015

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources & Economic Development

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1736 by Villalba (Relating to building energy efficiency performance standards.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code regarding building energy efficiency performance standards. The State Energy Conservation Office (SECO) adoption of new energy codes would be based on the written findings from the Energy Systems Laboratory (ESL) of the Texas A&M Engineering Experiment Station (TEES), on the stringency of energy code editions. According to SECO, the agency could choose to amend or establish an energy rating index used to measure compliance in a voluntary compliance path of an energy code edition before adopting the edition. SECO may adopt a residential energy code edition no more than once every six years beginning on or after September 1, 2021. By rule, SECO would establish an effective date for an adopted edition. Although provisions related to the review and submittal of findings on the stringency of new editions of energy codes may result in costs associated with those additional responsibilities for ESL, this estimate assumes those costs would not be significant and could be absorbed using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill takes effect September 1, 2015.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 712 Texas A&M Engineering Experiment Station

LBB Staff: UP, SZ, CL, JJ, PM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 17, 2015

TO: Honorable René Oliveira, Chair, House Committee on Business & Industry

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1736 by Villalba (Relating to building energy efficiency performance standards.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code regarding building energy efficiency performance standards. The State Energy Conservation Office (SECO) adoption of new energy codes would be based on the written findings from the Energy Systems Laboratory (ESL) of the Texas A&M Engineering Experiment Station (TEES), on the stringency of energy code editions. According to SECO, the agency could choose to amend or establish an energy rating index used to measure compliance in a voluntary compliance path of an energy code edition before adopting the edition. SECO may adopt a residential energy code edition no more than once every six years beginning on or after September 1, 2021. By rule, SECO would establish an effective date for an adopted edition. Although provisions related to the review and submittal of findings on the stringency of new editions of energy codes may result in costs associated with those additional responsibilities for ESL, this estimate assumes those costs would not be significant and could be absorbed using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill takes effect September 1, 2015.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 712 Texas A&M Engineering Experiment Station

LBB Staff: UP, CL, JJ, PM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 6, 2015

TO: Honorable René Oliveira, Chair, House Committee on Business & Industry

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1736 by Villalba (Relating to building energy efficiency performance standards; establishing the Building Energy Efficiency Advisory Committee.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code regarding building energy efficiency performance standards. The State Energy Conservation Office (SECO) adoption of new energy codes would be based on the written findings from the Energy Systems Laboratory (ESL) of the Texas A&M Engineering Experiment Station (TEES), on the stringency of energy code editions and comments and recommendations from the newly established Building Energy Efficiency Advisory Committee, of which SECO would appoint committee members no later than January 1, 2016. Although provisions related to the review and submittal of findings on the stringency of new editions of energy codes may result in costs associated with those additional responsibilities for ESL, this estimate assumes those costs would not be significant and could be absorbed using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill takes effect September 1, 2015.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 712 Texas A&M Engineering Experiment Station

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