

House Bill 1736
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

(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. The State Energy Conservation Office may adopt and substitute for that energy code the latest published edition of the International Energy Conservation Code, based on written findings on the stringency of the edition submitted by the laboratory under Subsection (b-3). The office by rule shall establish an

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(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.

(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. The State Energy Conservation Office may adopt and substitute for that energy code the latest published edition of the International Energy Conservation Code, based on written findings on the stringency of the edition submitted by the laboratory under Subsection (b-3). The office by rule shall establish an

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effective date for an adopted edition that is not earlier than nine months after the date of adoption.

(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 (a) or (b) ~~[(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; and

(4) manufacturers of building materials and products.

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

(1) submit to the State Energy Conservation Office written findings on the stringency of the latest published edition of the International Residential Code energy efficiency provisions only if the date of the edition allows the office to adopt the edition under Subsection (a)(1);

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

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

(d) A municipality ~~[or county]~~ may establish procedures to adopt local amendments to the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code. Notwithstanding the requirements of Subsection (e), a municipality located in an

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effective date for an adopted edition that is not earlier than nine months after the date of adoption.

(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 (a) or (b) ~~[(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; and

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

(1) submit to the State Energy Conservation Office written findings on the stringency of the latest published edition of the International Residential Code energy efficiency provisions only if the date of the edition allows the office to adopt the edition under Subsection (a)(1);

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

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

(d) A municipality ~~[or county]~~ may establish procedures to adopt local amendments to the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code. Notwithstanding the requirements of Subsection (e), a municipality located in an

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area defined by Section 388.002(11) or in an affected county may establish procedures to adopt local amendments to the energy rating index in an optional compliance path of an energy code adopted under this section.

(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. An energy rating index in an optional compliance path 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:

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area defined by Section 388.002(11) or in an affected county may establish procedures to adopt local amendments to the Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by Subsection (j).
[FA1(1)]

(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. The Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by Subsection (j) shall be considered in compliance. [FA1(2)]

(j) For the purposes of this chapter, the Energy Rating Index Compliance Alternative or subsequent alternative compliance path used to measure compliance for single-family residential construction in an optional compliance path of the energy efficiency chapter of the International Residential Code that uses an energy rating index is as follows: [FA1(3)-(4)]

(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

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<u>(A) 69 or lower from September 1, 2016, to August 31, 2019;</u> <u>(B) 67 or lower from September 1, 2019, to August 31, 2022;</u> <u>and</u> <u>(C) 63 or lower on or after September 1, 2022.</u> <u>(k) This subsection and Subsection (j) expire September 1, 2025.</u>	<u>(A) 69 or lower from September 1, 2016, to August 31, 2019;</u> <u>(B) 67 or lower from September 1, 2019, to August 31, 2022;</u> <u>and</u> <u>(C) 63 or lower on or after September 1, 2022.</u> <u>(k) This subsection and Subsection (j) expire September 1, 2025.</u>	
SECTION 2. The following provisions of the Health and Safety Code are repealed: (1) Section 388.003(b-1), as added by Chapter 262 (S.B. 12), Acts of the 80th Legislature, Regular Session, 2007; and (2) Section 388.003(b-1), as added by Chapter 939 (H.B. 3693), Acts of the 80th Legislature, Regular Session, 2007.	SECTION 2. Same as House version.	
SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.	SECTION 3. Same as House version.	