Chapter 541

H.B. No. 1736

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.

(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 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 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).

(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.

(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:

(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 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 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.

President of the Senate

Speaker of the House

I certify that H.B. No. 1736 was passed by the House on April 30, 2015, by the following vote: Yeas 123, Nays 16, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1736 on May 22, 2015, by the following vote: Yeas 111, Nays 18, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1736 was passed by the Senate, with amendments, on May 20, 2015, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

APPROVED: 6-5-2015

Date

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
4:50 pm O'CLOCK
JUN 16 2015
Secretary of State

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**

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. 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

LBB Staff: UP, CL, JJ, PM