

SUBJECT: Adding exemptions for certain governmental construction prohibitions

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 11 ayes — Hunter, Hernandez, Anchía, Dean, Geren, Guillen, Metcalf, Raymond, Slawson, Smithee, Turner

1 nay — Spiller

1 absent — S. Thompson

SENATE VOTE: On final passage (May 3) — 17 - 14

WITNESSES: For — Cyrus Reed, Lone Star Chapter Sierra Club; Ned Muñoz, Texas Association of Builders; Kenneth Flippin, Texas Chapter of US Green Building Council (*Registered, but did not testify*: Brie Franco, City of Austin; Jason Sabo, Environment Texas; Sandra Haverlah, Environmental Defense Fund; Todd McAlister, SPEER; Chris Noonan, Texas Chemical Council; Rebecca Bernhardt, Texas Physicians for Social Responsibility; Cicely Kay, Travis County Commissioners Court; Susan Meredith; Susan Stewart)

Against — None

On — (*Registered, but did not testify*: Eddy Trevino, Comptroller of Public Accounts)

BACKGROUND: Government Code sec. 3000.002 prohibits governmental entities from adopting or enforcing certain measures regarding building projects, materials, or methods, with certain exceptions.

Some have suggested that allowing the State Energy Conservation Office to implement certain new energy codes would ensure that new construction was more energy and cost-efficient.

DIGEST: SB 2453 would add the following exemptions to Government Code sec.

3000.002:

- an energy code as adopted by the State Energy Conservation Office (SECO);
- an energy and water conservation design standard established by the State Energy Conservation Office (SECO); and
- a high-performance building standard approved by a board of regents of an institution of higher education.

The bill would allow SECO to amend an adopted edition of the energy efficiency chapter of the International Residential Code for the purpose of achieving energy conservation in single-family residential construction. SECO also could amend an adopted edition of the latest published edition of the International Energy Conservation Code for the purpose of achieving energy conservation in all other residential, commercial, and industrial construction.

SECO could not amend an edition of the energy efficiency chapter of the International Residential Code more than once every six years. Before amending or adopting an edition of the energy efficiency chapter of the International Residential Code, SECO would be required to conduct an analysis that measured the impact of the amendment or adoption on housing attainability and quantified the incremental construction cost and energy use cost savings associated with construction to evaluate the cost-effectiveness of the proposed amendment or adoption. The analysis would be required to calculate the payback period for any required products or minimum standards or requirements that were more stringent than the energy code in effect before the date the amendment or adoption took effect.

SB 2453 would require SECO to establish a procedure for certain interested individuals to comment on an amendment under consideration.

The bill would take effect September 1, 2023.