

## **BILL ANALYSIS**

Senate Research Center  
81R35670 JAM-D

H.B. 2783  
By: Anchia et al. (Averitt)  
Natural Resources  
5/23/2009  
Committee Report (Amended)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Building energy codes provide the cheapest, most cost-effective strategy for helping meet future energy needs while accommodating economic and population growth. The 2009 International Energy Conservation Code (IECC) is a national, consensus-based model code that provides a level playing field for builders and a common foundation for manufacturers and suppliers. The 2009 IECC is expected to result in significant energy savings and related emissions reductions, estimated at 12 to 15 percent annual improvement for an average home, with higher reductions in air conditioning electrical use. In the past three years, a growing number of cities, including Dallas, Houston, and Austin, and many smaller cities have adopted more recent model codes than the current state minimum and, most importantly, have amended those codes to increase required energy savings to satisfy policy interests and public expectation, resulting in a patchwork of unique requirements.

This bill updates the Health and Safety Code to be in line with the updated International Energy Conservation Code for single-family and duplex residential construction and all other residential, commercial, and industrial construction. The bill adopts the updated code provisions beginning January 1, 2012.

H.B. 2783 amends current law relating to the adoption of energy efficient building standards and energy efficiency and conservation standards for instructional facilities.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the State Energy Conservation Office (SECO) is modified in SECTION 1 (Section 388.003, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to SECO in SECTION 3 (Section 46.102, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Reenacts Section 388.003, Health and Safety Code, as amended by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts of the 80th Legislature, Regular Session, 2007, and amends it, as follows:

Sec. 388.003. ADOPTION OF BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS. (a) Provides that to achieve energy conservation in single-family and duplex residential construction, the energy efficiency provisions, rather than chapter, of the International Residential Code (IRC), as it existed on May 1, 2001, is adopted as the energy code in this state for single-family and duplex residential construction. Provides that beginning January 1, 2012, the energy efficiency provisions of IRC, as it existed on May 1, 2009, is adopted as the energy code in this state for single-family and duplex residential construction.

(a-1) Provides that for purposes of energy code compliance under the limited statutory warranties and building and performance standards under Section 430.001, Property Code, and inspections of new residential construction required under Subtitle F, Title 16, Property Code, Subsection (a) of this section controls for single-family and duplex residential construction located in unincorporated areas not in the extraterritorial jurisdiction of a municipality. Provides that to the

extent of any conflict between this subsection and any other law, including Section 430.001, Property Code, this subsection prevails.

(b) Provides that beginning January 1, 2012, the International Energy Conservation Code (IECC), as it existed on May 1, 2009, is adopted as the energy code in this state for all other residential, commercial, and industrial construction.

(b-1) Authorizes the State Energy Conservation Office (SECO) by rule, if SECO determines, based on written recommendations from the laboratory, that the latest published IRC, rather than the latest published edition of IRC, energy efficiency provisions or the latest published edition of IECC will result in residential or commercial sector energy efficiency and air quality impact overall that is equivalent to or better than the energy efficiency and air quality achievable under the editions adopted under Subsection (a) or (b), to adopt the equivalent or more stringent editions and substitute them for the energy codes described by Subsection (a) or (b).

(b-2) and (b-3) Makes no changes to these subsections.

(c) Requires a municipality to establish procedures for the administration and enforcement of the codes and to ensure that code-certified inspectors or approved energy efficiency program verifiers are required to perform inspections and enforce the code in the inspectors' jurisdictions.

(d) Authorizes a municipality or county to establish procedures to adopt local amendments to IECC and the energy efficiency provisions, rather than chapter, of IRC.

(e) Prohibits local amendments from resulting in less stringent overall energy efficiency requirements, rather than less stringent energy efficiency requirements in nonattainment areas and in affected counties, than the energy efficiency chapter of IRC or IECC. Deletes existing text authorizing the laboratory, for the purpose of establishing uniform requirements throughout a region, and on request of a council of governments, a county, or a municipality, to recommend a climatically appropriate modification or a climate zone designation for a county or group of counties that is different from the climate zone designation in the unamended code.

(f) Requires each municipality, and each county that has established procedures under Subsection (d), to periodically review and consider revisions made by the International Code Council to IECC and the energy efficiency chapter of IRC adopted after May 1, 2009, rather than 2001.

(g)-(i) Makes no changes to these subsections.

SECTION 2. Amends the heading to Chapter 46, Education Code, to read as follows:

CHAPTER 46. INSTRUCTIONAL FACILITIES AND  
ASSISTANCE WITH PAYMENT OF EXISTING DEBT

SECTION 3. Amends Chapter 46, Education Code, by adding Subchapter D, as follows:

SUBCHAPTER D. STANDARDS FOR INSTRUCTIONAL FACILITIES

Sec. 46.101. DEFINITION. Defines "instructional facility."

Sec. 46.102. ENERGY EFFICIENCY AND CONSERVATION STANDARDS FOR INSTRUCTIONAL FACILITIES. (a) Defines "energy office."

(b) Requires SECO to adopt energy efficiency and conservation standards for the design, construction, and major renovation of instructional facilities that school

districts may adopt or use to achieve long-term savings in energy and water costs through innovative building techniques.

(c) Requires that standards adopted under Subsection (b) match certain high-performance building certification standards.

(d) Authorizes SECO to update the standards adopted under this section not more frequently than once every three years.

(e) Requires SECO to prepare an analysis of the typical initial building costs and projected energy and other savings associated with the implementation of the standards adopted by SECO under this section. Requires that SECO publish the analysis and make copies available to all school districts in this state.

(f) Requires SECO to adopt rules necessary to administer this section.

Sec. 46.103. STATE AND FEDERAL FUNDS. Requires SECO, to the extent possible, to assist school districts to obtain state and federal funding for implementing the standards adopted under this subchapter.

SECTION 4. Requires SECO, not later than July 1, 2010, to adopt rules establishing energy efficiency, conservation, and indoor air quality standards for the design, construction, and renovation of public school instructional facilities as required by Section 46.102, Education Code, as added by this Act.

SECTION 5. Effective date: September 1, 2009.

#### **SUMMARY OF COMMITTEE CHANGES**

##### Committee Amendment No. 1

Amends H.B. 2783 (house engrossment) as follows:

(1) In SECTION 1 of the bill, in amended Section 388.003, Health and Safety Code, after Subsection (i) (page 5, between lines 23 and 24), insert the following:

(j) Provides that an energy code adopted under this section does not apply to an industrialized building, as defined by Section 1202.003, Occupations Code, that is capable of being relocated, and is not permanently attached to real property.

(2) In SECTION 3 of the bill, in added Section 46.101, Education Code, between "46.001" and the period (page 6, line 6), insert "but does not include an industrialized building as defined by Section 1202.003, Occupations Code, that is capable of being relocated, and is not permanently attached to real property".

##### Committee Amendment No. 2

Amends H.B. 2783 by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Provides that in this section, "laboratory" means the Energy Systems Laboratory at the Texas Engineering Experiment Station of The Texas A&M University System.

(b) Requires the laboratory to conduct a study of outdoor lighting fixtures used by state agencies. Requires that the study examine types of outdoor lighting fixtures used by state agencies, lighting technology that achieves substantial energy efficiency compared to currently used technology and has a life expectancy of at least 50,000 hours, price comparisons and return on investment standards for the lighting technologies studied, and usage considerations as determined by the needs of individual state agencies.

(c) Requires the Texas Facilities Commission, at the laboratory's request, to provide assistance in conducting the study under this section.

(d) Requires the laboratory, not later than September 1, 2010, to prepare a report regarding the results of the study conducted under this section, including the data collected and recommendations, and submit the report to the governor, the lieutenant governor, the speaker of the house of representatives, and the clerks of each standing committees of the senate and house of representatives with primary jurisdiction over state facilities, and publish the report on the laboratory's Internet website or otherwise make the report available to the public through the Internet.