

By: Schwertner

S.B. No. 2404

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Energy Efficiency Council to foster collaboration, coordination, and communication to enhance the state's energy efficiency performance; and strategically utilize the state's resources to optimize the benefits of energy efficiency programs.

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

SECTION 1. Subtitle A, Title 2, Utilities Code, is amended by adding Chapter 18 to read as follows:

CHAPTER 18. TEXAS ENERGY EFFICIENCY COUNCIL.

Sec. 18.001. DEFINITIONS. In this chapter:

(1) "Council" means the Texas Energy Efficiency Council.

(2) "Energy efficiency program" means a program that uses state or federal funding to:

(A) effect more efficient energy use;

(B) reduce energy consumption during periods of peak energy demand;

(C) optimize energy consumption;

(D) capture the benefits of energy efficient building design standards; or

(E) fund the implementation of energy cost reduction measures.

(3) "Program administrator" includes any of the

1 following entities that administer an energy efficiency program:

2 (A) a state agency, including the commission, the
3 Texas Water Development Board, the State Energy Conservation
4 Office, the Texas Commission on Environmental Quality, and the
5 Texas Department of Housing and Community Affairs;

6 (B) a political subdivision; or

7 (C) a private or public provider of electricity,
8 gas, or water utility service, including an electric cooperative or
9 municipally owned utility.

10 Sec. 18.002. PURPOSE. The Texas Energy Efficiency Council
11 is a council established to:

12 (1) monitor energy efficiency programs in this state;

13 (2) make recommendations for improving energy
14 efficiency programs in this state;

15 (3) monitor and facilitate for coordination and
16 leveraging of federal funding from the United States Department of
17 Energy, United States Department of Housing and Urban Development,
18 and other federal agencies that can be used by state agencies and
19 political subdivisions for the purposes of enhancing energy
20 efficiency; and

21 (4) provide a central repository for information on
22 statewide energy efficiency performance and opportunities to
23 participate in energy efficiency programs in this state;

24 (5) provide a statewide collaborative approach to
25 promoting energy efficiency;

26 (6) measure, evaluate, and report on energy efficiency
27 performance in this state; and

1 (7) promote continuous improvement in energy
2 efficiency performance in this state.

3 Sec. 18.003. ENERGY EFFICIENCY PROGRAM POLICIES. A program
4 administrator shall establish measurable performance criteria and
5 share the results with the council when creating or implementing
6 energy efficiency programs.

7 Sec. 18.004. COUNCIL MEMBERSHIP. (a) The council is
8 composed of the following 16 members:

9 (1) nine ex officio members as follows:

10 (A) the presiding officer of the Texas Commission
11 on Environmental Quality or their designee;

12 (B) the chief executive officer of the Electric
13 Reliability Council of Texas or their designee ;

14 (C) the presiding officer of the commission or
15 their designee;

16 (D) the comptroller or their designee;

17 (E) the presiding officer of the Texas Department
18 of Housing and Community Affairs or their designee;

19 (F) the executive director of the Texas Economic
20 Development and Tourism Office or their designee;

21 (G) the presiding officer of the Texas Water
22 Development Board or their designee;

23 (H) the director of the Energy Systems Laboratory
24 at the Texas A&M Engineering Experiment Station of The Texas A&M
25 University System or their designee; and

26 (I) the chief executive of the Office of Public
27 Utility Counsel or their designee; and

1 (2) seven public members appointed by the presiding
2 officer of the commission as follows:

3 (A) one member must have experience in the field
4 of engineering;

5 (B) one member must have experience in the field
6 of industrial operation;

7 (C) one member must have experience in the field
8 of environmental stewardship;

9 (D) one member must have experience in the field
10 of electric utility operation; and

11 (E) one member must have experience in the field
12 of business that implements energy efficiency programs.

13 (F) one member must have experience in the field
14 of public or private finance;

15 (G) one member must have experience in the field
16 of law or business.

17 (b) The ex officio members and the appointed members serve
18 as voting members of the council.

19 (c) The presiding officer of the commission or their
20 designee shall serve as presiding officer of the council.

21 (d) The council shall meet at least two times per year at the
22 call of the presiding officer. The council may meet at other times
23 the council considers appropriate. The presiding officer may call a
24 meeting on the officer's motion.

25 (e) Council members may not receive compensation for
26 services but, subject to the availability of funding, may receive
27 reimbursement for actual and necessary expenses incurred while

1 performing council business.

2 (f) Appointments to council positions shall be made without
3 regard to the race, color, disability, sex, religion, age, or
4 national origin of the appointees.

5 (g) An ex officio member may designate a person from the
6 member's agency to represent the member in any meeting.

7 (h) The presiding officer of the council may designate a
8 person to represent the public member in any meeting if the person
9 meets the qualifications required by subsection (a)(2).

10 Sec. 18.005. TERMS; VACANCY. (a) Appointed council
11 members serve staggered four-year terms, with the terms of two or
12 three members, as applicable, expiring on February 1.

13 (b) A vacancy on the council in the position of an appointed
14 council member shall be filled in the same manner as the original
15 appointment. The person appointed serves for the remainder of the
16 unexpired term.

17 Sec. 18.006. GROUNDS FOR REMOVAL. (a) It is a ground for
18 removal from the council that a member:

19 (1) described by Section 18.004(a)(1) does not
20 maintain during service on the council the qualifications required
21 by that subdivision;

22 (2) cannot, because of illness or disability,
23 discharge the member's duties for a substantial part of the member's
24 term; or

25 (3) is absent from more than half of the regularly
26 scheduled council meetings that the member is eligible to attend
27 during a calendar year without an excuse approved by a majority vote

1 of the council.

2 (b) The validity of an action of the council is not affected
3 by the fact that it is taken when a ground for removal of a council
4 member exists.

5 (c) If the presiding officer has knowledge that a potential
6 ground for removal exists, the presiding officer shall notify the
7 appointing authority and the attorney general that a potential
8 ground for removal exists.

9 Sec. 18.007. ADMINISTRATIVE SUPPORT. The commission shall
10 provide the council with administrative support, including meeting
11 space and staff necessary to assist the council in carrying out the
12 council's duties under this chapter.

13 Sec. 18.008. ENERGY EFFICIENCY PROGRAM MONITORING AND
14 RECOMMENDATIONS. (a) The council shall measure, evaluate, and
15 report energy efficiency performance in this state.

16 (b) The council may submit to a program administrator
17 recommendations on means to encourage greater energy efficiency on
18 a regular basis. The council may submit to a program administrator
19 that administers a program described by Section [39.905](#)
20 recommendations to assure better coordination between local,
21 state, federal, and private energy efficiency programs for the
22 purposes of Section [39.905](#).

23 (c) The council shall monitor energy efficiency programs in
24 this state.

25 Sec. 18.009. OFFICIAL INTERNET WEBSITES. The council shall
26 use the following official Internet websites for the publication of
27 information as required by this chapter:

1 (1) the website of the State Energy Conservation
2 Office; and

3 (2) the website of the commission.

4 Sec. 18.010. LIST OF ENERGY EFFICIENCY PROGRAMS. (a) The
5 council shall:

6 (1) develop a list of currently operating energy
7 efficiency programs in this state and publish the list on the
8 official Internet websites under Section 18.009; and

9 (2) work with the State Energy Conservation Office and
10 the commission to develop and publish on the official Internet
11 websites under Section 18.009 a user-friendly page that allows a
12 consumer to search by the consumer's address energy efficiency
13 programs available in the consumer's service area.

14 (b) The State Energy Conservation Office and the commission
15 shall each provide a link on their Internet websites to the page
16 described by Subsection (a)(2).

17 Sec. 18.011. BIENNIAL PERFORMANCE REPORT. (a) The council
18 biennially shall prepare a report on energy efficiency performance
19 in this state. The council shall submit the report to the
20 legislature not later than October 1 of each even-numbered year.

21 (b) The report must include:

22 (1) a comprehensive review of the energy efficiency
23 programs on the list required by Section 18.010, including initial
24 capital investment, ongoing operating expenses and energy savings
25 benefits of the programs.

26 (2) statewide energy efficiency performance by sector
27 and geographic region ; and

1 (3) recommendations for improving energy efficiency
2 programs in this state.

3 (c) The report may include:

4 (1) recommendations for creating new energy
5 efficiency programs in this state;

6 (2) criteria developed by the council for evaluating
7 and measuring the effectiveness of energy efficiency programs in
8 this state; and

9 (3) opportunities for continuous improvement in
10 energy efficiency performance in this state.

11 (d) The council shall publish the report on the official
12 Internet websites under Section 18.009.

13 Sec. 18.012. INFORMATION.(a) Except as provided by this
14 section, meetings of the council and information obtained or
15 created by the council are not subject to Chapter 551 or 552,
16 Government Code.

17 (b) Information written, produced, collected, assembled, or
18 maintained under law or in connection with the transaction of
19 official business by the council or an officer or employee of the
20 council is subject to Section 552.008, Government Code, in the same
21 manner as public information.

22 Sec. 18.013. APPLICABILITY OF ADVISORY COMMITTEE LAW.
23 Chapter 2110, Government Code, does not apply to the council.

24 SECTION 2. As soon as practicable after the effective date
25 of this Act, the presiding officer of the Public Utility Commission
26 of Texas shall appoint members to the Texas Energy Efficiency
27 Council in accordance with Section 18.004, Utilities Code, as added

1 by this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.