

By: West

H.B. No. 3094

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Energy Planning Council.

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

SECTION 1. Title 3, Natural Resources Code, is amended by adding Chapter 94 to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS.

Sec. 94.001. SHORT TITLE. This Act may be cited at the Texas Energy Planning Council Act.

Sec. 94.002. PURPOSE. This section hereby creates the Texas Energy Planning Council to advise the Governor and legislature on energy issues and initiatives, and to coordinate and streamline statewide energy policy for the future economic growth and prosperity of the State of Texas.

Sec. 94.003. DEFINITION. In this chapter, "council" shall mean the Texas Energy Planning Council.

Sec. 94.004. COUNCIL MEMBERS. (a) The membership of the Texas Energy Planning Council shall include:

(1) a member of the Railroad Commission of Texas;

(2) a member of the Texas Senate, appointed by the Lieutenant Governor;

(3) a member of the Texas House of Representatives, appointed by the Speaker of the House of Representatives;

(4) the Commissioner of the General Land Office;

(5) a member of the Public Utility Commission;

1       (6) a member of the Texas Commission on Environmental  
2 Quality;

3       (7) a member of the Texas Transportation Commission; and

4       (8) four members of the public, appointed by the Governor.

5       Sec. 94.005. TERMS; VACANCIES. (a) The appointed members  
6 of the council shall serve for staggered two-year terms, with the  
7 terms expiring December 31st of each odd-numbered year.

8       (b) A vacancy in a council position shall be filled for the  
9 unexpired portion of the term in the same manner as the original  
10 appointment.

11       Sec. 94.006. OFFICERS. (a) The council shall be chaired by  
12 the Railroad Commission member.

13       (b) The council may elect other officers it considers  
14 necessary.

15       Sec. 94.007. COUNCIL MEMBER ELIGIBILITY. (a) In this  
16 section, "Texas trade association" means a cooperative and  
17 voluntarily joined association of business or professional  
18 competitors in this state designed to assist its members and its  
19 industry or profession in dealing with mutual business or  
20 professional problems and in promoting their common interest.

21       (b) A person may not be a member of the council if:

22           (1) the person is an officer, employee, or paid  
23 consultant of a Texas trade association in a field directly related  
24 to the operations of the council; or

25           (2) the person's spouse is an officer, manager, or paid  
26 consultant of a Texas trade association in a field directly related  
27 to the operations of the council; or

1           (3) the person is required to register as a lobbyist  
2 under Chapter 305, Government Code, because of the person's  
3 activities for compensation on behalf of a profession related to  
4 the operation of the council.

5           Sec. 94.008. POWERS AND DUTIES OF THE COUNCIL. The council  
6 is hereby created to coordinate, facilitate and expedite key Texas  
7 energy projects and policy and to advise the Governor and  
8 legislature on various energy issues and initiatives including, but  
9 not limited to, the following:

10           (1) biennially review existing Texas energy policy and  
11 suggest revisions to the Governor and legislature as appropriate;

12           (2) find ways to streamline bureaucratic inefficiencies and  
13 minimize jurisdictional overlap and duplication among state  
14 entities regarding energy issues;

15           (3) study future Texas energy infrastructure needs;

16           (4) study the role that traditional as well as alternative  
17 sources of energy such as renewable energy, nuclear energy, coal  
18 gasification, and fuel cell technology should play in supplying  
19 Texas' future energy needs;

20           (5) coordinate Texas energy initiatives with those of other  
21 states;

22           (6) facilitate global energy relationships and  
23 opportunities and encourage mutually beneficial international  
24 energy cooperation with Mexico and Canada;

25           (7) plan for the interrelated needs of energy and  
26 transportation;

27           (8) provide a single, unified voice for Texas energy

1 interests at the state, national, and international levels by:

2 (A) working with the Texas Congressional delegation,  
3 U.S. Department of Energy, and other appropriate federal entities  
4 to solicit federal support and funding for Texas energy projects;

5 (B) providing input to help develop federal energy  
6 policy and legislation, such as encouraging the Federal Energy Bill  
7 and encouraging the lifting of offshore exploration moratoria;

8 (C) supporting FutureGen and clean coal technology  
9 research;

10 (D) encouraging the development of federal air  
11 regulations that ensure continued vitality of the Texas lignite and  
12 coal industry; and

13 (E) participating in studies regarding high-level  
14 nuclear waste issues.

15 Sec. 94.009. COUNCIL MEETINGS. The council shall meet at  
16 least once each calender quarter and at other times at the call of  
17 the council chairman.

18 Sec. 94.010. ADMINISTRATIVE SUPPORT. The Railroad  
19 Commission of Texas and other appropriate state agencies shall  
20 provide administrative support for the Council.

21 Sec. 94.011. ADVISORY COMMITTEES. The council may  
22 regularly consult with and seek input from various non-governmental  
23 sectors, such as industry, public and higher education and  
24 research. The council may create one or more subcommittees and  
25 advisory panels as the council finds appropriate.

26 Sec. 94.012. SUNSET PROVISION. The council is subject to  
27 Chapter 325, Government Code (Texas Sunset Act). Unless continued

1 in existence as provided by that chapter, the council is abolished  
2 and this chapter expires September 1, 2011.

3 SECTION 2. (a) Pursuant to Section 94.004., Natural  
4 Resources Code, as added by this Act, the Governor, Lieutenant  
5 Governor, and the Speaker of the House of Representatives shall  
6 make their appointments to the council, as required by that  
7 section, not later than December 1, 2005.

8 (b) Pursuant to Section 94.004., Natural Resources Code, as  
9 added by this Act, not later than December 1, 2005, and thereafter  
10 as necessary:

11 (1) the Railroad Commission shall elect one of its  
12 members to serve on the council;

13 (2) the Public Utility Commission shall elect one of  
14 its members to serve on the council;

15 (3) the Texas Commission on Environmental Quality  
16 shall elect one of its members to serve on the council; and

17 (4) the Texas Department of Transportation shall elect  
18 one of its members to serve on the council.

19 SECTION 3. This Act takes effect September 1, 2005.