

Amend HB 2608 on third reading as follows:

(1) In ARTICLE 1 of the bill, strike SECTION 1.08 (second reading engrossment, page 4, line 16, through page 5, line 24) and substitute the following:

SECTION 1.08. Subchapter H, Chapter 2306, Government Code, is amended by adding Section 2306.1875 to read as follows:

Sec. 2306.1875. ENERGY EFFICIENCY MEASURES: MANDATORY DISCLOSURE AND TRAINING. (a) An energy service provider that, in connection with the provision of any energy conservation and efficiency measures required under Section 2306.187 or in connection with the provision of weatherization measures under a program described by Section 2306.097 or another program administered by the department, recommends any energy efficiency measure, including a weatherization measure, to a consumer must provide to the consumer a written disclosure regarding whether the provider receives or has received any financial or other benefit from recommending energy efficiency measures to consumers. The disclosure must specify any particular energy efficiency measure with respect to which the provider receives or has received a financial or other benefit, regardless of whether the provider makes a specific recommendation regarding that measure to the consumer.

(b) Each person who performs state-funded or federally funded energy or green facility audits, energy code inspections, energy performance testing, or other energy efficiency or green analyses or evaluations of single-family or multifamily dwellings in connection with the provision of any energy conservation and efficiency measures or weatherization measures described by Subsection (a) or who awards energy ratings with respect to the provision of those measures must be an independent third party without any direct or indirect financial or other interest in the services performed, other than direct compensation for those services.

(c) Each person providing services described by Subsection (b) is entitled to independently inspect, test, and analyze building systems and equipment to evaluate factors relating to energy efficiency, energy usage, or carbon emissions or other

factors in order to determine the appropriate energy or green conservation measures or improvements or to make other related recommendations or perform other related actions.

(d) Each person providing services described by Subsection (b) must complete appropriate training from a training organization that is approved by the department and that is accredited by an industry organization or a state or federal governmental entity that has written standards, an ethics policy, and an industry-acceptable quality control policy and process.

(2) Add the following appropriately numbered SECTION to ARTICLE 5 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 5.____. The change in law made by this Act in adding Section 2306.1875, Government Code, does not affect an energy audit or analysis or energy testing performed or an energy rating awarded before the effective date of this Act. An energy audit or analysis or energy testing performed or an energy rating awarded before the effective date of this Act is governed by the law in effect on the date the audit, analysis, or testing was performed or the rating was awarded, and the former law is continued in effect for that purpose.

(3) In ARTICLE 6 of the bill, strike SECTION 6.01 (second reading engrossment, page 30, line 3) and substitute the following:

SECTION 6.01. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Section 2306.1875, Government Code, as added by this Act, takes effect April 1, 2012.