

## **BILL ANALYSIS**

C.S.H.B. 773  
By: Anchia  
Energy Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Greater coordination of energy efficiency programs would help streamline state regulation and create more savings potential for Texans. C.S.H.B. 773 seeks to enhance energy efficiency program coordination by creating a council within the office of the comptroller of public accounts that would establish a mechanism for formal coordination among state agencies.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 773 amends the Government Code to create an energy efficiency council in the office of the comptroller of public accounts and establishes the purpose of the council. The bill requires the council to monitor energy efficiency programs in Texas, develop a list of currently operating programs, and publish the list on the Internet website of the State Energy Conservation Office (SECO) and the electric choice website of the Public Utility Commission of Texas (PUC). The bill requires the council to work with SECO and the PUC to develop and publish on those websites a user-friendly page that allows a consumer to search by the consumer's address energy efficiency programs available in the consumer's service area and requires SECO and the PUC to each provide a link to that page on their Internet websites. The bill authorizes the council to submit to a program administrator that administers an energy efficiency program recommendations on means to encourage greater energy efficiency on a regular basis and requires a program administrator to consider any applicable recommendations of the council when creating or implementing the program. The bill requires the council to biennially prepare a report on energy efficiency programs in Texas to be submitted to the legislature not later than October 1 of each even-numbered year, sets out requirements for the report, and establishes that the report may include recommendations for creating new energy efficiency programs in Texas. The bill requires the council to publish the report on the Internet website for SECO and the PUC's electric choice website.

C.S.H.B. 773 sets out provisions relating to the composition of the council, the council's membership, and the operation of the council, including designation of the presiding officer; requirements for appointed positions; terms of council members; grounds for removing a member from the council and filling a vacancy; compensation for council members' services and reimbursement for their expenses; acceptance of gifts, grants, or donations; frequency of council meetings; and administrative support. The bill specifies that provisions of law regarding state agency advisory committees do not apply to the energy efficiency council. The bill requires the appointment of members to the council in accordance with the bill's provisions to be made as soon as practicable after the bill's effective date. The bill defines "council," "energy efficiency program," and "program administrator."

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 773 differs from the original by specifying that "energy efficiency program" means a program that uses state or federal funding to accomplish certain specified energy purposes, whereas the original specifies that it means a program designed to accomplish certain specified energy purposes.

C.S.H.B. 773 differs from the original by setting the composition of the energy efficiency council at 15 members, of which 12 are ex officio members and three are public members appointed by the governor, whereas the original provides that the council is composed of five ex officio members, one member appointed by the governor, and one member appointed by the lieutenant governor.

C.S.H.B. 773 differs from the original by establishing the presiding officer of the Texas Commission on Environmental Quality (TCEQ) as an ex officio member of the energy efficiency council, whereas the original establishes the executive director of TCEQ or as an alternative a representative of TCEQ designated by the executive director as an ex officio member. The substitute, in provisions establishing the presiding officer of the Public Utility Commission of Texas (PUC) as an ex officio member of the energy efficiency council, differs from the original by designating only the presiding officer of the PUC, whereas the original provides for an alternative member who is a representative of the PUC designated by the presiding officer. The substitute differs from the original by establishing the director of the Texas Department of Housing and Community Affairs (TDHCA) as an ex officio member of the council, whereas the original establishes as an ex officio member the executive director of the TDHCA or a representative of the TDHCA designated by the executive director of that agency.

C.S.H.B. 773 contains provisions not included in the original establishing the following persons as ex officio members of the council: the chief executive officer of the Electric Reliability Council of Texas, the presiding officer of the Railroad Commission of Texas, the executive director of the Texas Facilities Commission, the executive administrator of the Texas Water Development Board, the presiding officer of the Water Conservation Advisory Council, the executive director of the Texas Department of Rural Affairs, and the chief executive of the Office of Public Utility Counsel.

C.S.H.B. 773 differs from the original by establishing three public members of the energy efficiency council, each representing a specified interest, appointed by the governor with the advice and consent of the senate, whereas the original establishes two members, one appointed by the lieutenant governor to represent a specified interest and one appointed by the governor at the recommendation of the speaker of the house of representatives to represent a specified interest. The substitute contains a provision not included in the original specifying that the ex officio members and the appointed members serve as voting members of the council.

C.S.H.B. 773 differs from the original by specifying that appointed council members serve staggered two-year terms, with the terms of one or two members, as applicable, expiring February 1, whereas the original specifies that appointed council members serve two-year terms that expire February 1 of each odd-numbered year.

C.S.H.B. 773 differs from the original by requiring the council to publish a list of currently operating energy efficiency programs in Texas on the Internet website of the State Energy Conservation Office (SECO) and the PUC's electric choice website, whereas the original requires that information to be published on the council's Internet website. The substitute differs from the original by requiring the council to develop a list of currently operating energy efficiency programs in Texas, publish the list on the official SECO and PUC electric choice

websites, and work with SECO and the PUC to develop a user-friendly page allowing a consumer to search for energy efficient programs, whereas the original requires the council to develop and periodically update a list of currently operating energy efficiency programs in Texas.

C.S.H.B. 773, in a bill provision relating to a biennial programs report on energy efficiency programs in Texas including a comprehensive review of the energy efficiency programs on the list that includes information on the costs and benefits of the program, differs from the original by adding to the information required to be included in the report information on the goals of each program, the results of each program, the energy savings and emissions reductions that each program achieves, and the jobs that each program creates, whereas the original requires the report to include in the comprehensive review only the costs and benefits of the programs. The substitute contains a provision not included in the original requiring the council to publish the biennial report on the Internet website of SECO and the PUC's electric choice website. The substitute differs from the original in nonsubstantive ways.