

By: Anchia

H.B. No. 773

Substitute the following for H.B. No. 773:

By: Crownover

C.S.H.B. No. 773

A BILL TO BE ENTITLED

AN ACT

relating to creating an energy efficiency council to coordinate administration of energy efficiency programs.

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

SECTION 1. Subtitle E, Title 4, Government Code, is amended by adding Chapter 470 to read as follows:

CHAPTER 470. ENERGY EFFICIENCY COUNCIL

Sec. 470.001. DEFINITIONS. In this chapter:

(1) "Council" means the energy efficiency council.

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

(A) reduce inefficient energy use;

(B) reduce peak energy demand;

(C) reduce energy consumption;

(D) promote compliance with energy efficient building design standards; or

(E) pay for the implementation of energy cost reduction measures.

(3) "Program administrator" includes any of the following entities that administer an energy efficiency program:

(A) a state agency, including the Public Utility Commission of Texas, the Railroad Commission of Texas, the State Energy Conservation Office, and the Texas Department of Housing and Community Affairs;

1           (B) a political subdivision of this state;

2           (C) a private or public utility service provider,  
3 including an electric cooperative or municipally owned utility;

4           (D) a school district; or

5           (E) an institution of higher education.

6           Sec. 470.002. PURPOSE. The energy efficiency council is a  
7 council established in the comptroller's office to:

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

9           (2) make recommendations for improving energy  
10 efficiency programs in this state; and

11           (3) provide a central repository for information on  
12 energy efficiency programs in this state.

13           Sec. 470.003. ENERGY EFFICIENCY PROGRAM POLICIES. A  
14 program administrator shall consider any applicable  
15 recommendations of the council when creating or implementing the  
16 energy efficiency program.

17           Sec. 470.004. COUNCIL MEMBERSHIP. (a) The council is  
18 composed of the following 15 members:

19           (1) 12 ex officio members as follows:

20           (A) the presiding officer of the Texas Commission  
21 on Environmental Quality;

22           (B) the chief executive officer of the Electric  
23 Reliability Council of Texas;

24           (C) the presiding officer of the Public Utility  
25 Commission of Texas;

26           (D) the presiding officer of the Railroad  
27 Commission of Texas;

- 1                   (E) the comptroller or an employee of the State  
2 Energy Conservation Office designated by the comptroller;
- 3                   (F) the director of the Texas Department of  
4 Housing and Community Affairs;
- 5                   (G) the executive director of the Texas  
6 Facilities Commission;
- 7                   (H) the executive administrator of the Texas  
8 Water Development Board;
- 9                   (I) the presiding officer of the Water  
10 Conservation Advisory Council;
- 11                   (J) the executive director of the Texas  
12 Department of Rural Affairs;
- 13                   (K) the director of the Energy Systems Laboratory  
14 at the Texas Engineering Experiment Station of The Texas A&M  
15 University System; and
- 16                   (L) the chief executive of the Office of Public  
17 Utility Counsel; and
- 18                   (2) three public members appointed by the governor as  
19 follows:
- 20                   (A) one member to represent low-income  
21 ratepayers;
- 22                   (B) one member to represent commercial or  
23 industrial ratepayers; and
- 24                   (C) one member to represent an environmental  
25 organization.
- 26                   (b) The three public members must be appointed with the  
27 advice and consent of the senate.

1       (c) The ex officio members and the appointed members serve  
2 as voting members of the council.

3       (d) The comptroller or the employee designated under  
4 Subsection (a)(1)(E) shall serve as presiding officer of the  
5 council.

6       (e) The council shall meet at least two times per year at the  
7 call of the presiding officer.

8       (f) Council members may not receive compensation for  
9 services but, subject to the availability of funding, may receive  
10 reimbursement for actual and necessary expenses incurred while  
11 performing council business.

12       (g) Appointments to council positions shall be made without  
13 regard to the race, color, disability, sex, religion, age, or  
14 national origin of the appointees.

15       Sec. 470.005. TERMS; VACANCY. (a) Appointed council  
16 members serve staggered two-year terms, with the terms of one or two  
17 members, as applicable, expiring on February 1.

18       (b) A vacancy on the council in the position of an appointed  
19 council member shall be filled in the same manner as the original  
20 appointment. The person appointed serves for the remainder of the  
21 unexpired term.

22       Sec. 470.006. GROUNDS FOR REMOVAL. (a) It is a ground for  
23 removal from the council that a member:

24           (1) does not maintain during service on the council  
25 the qualifications required by Section 470.004(a)(1);

26           (2) cannot, because of illness or disability,  
27 discharge the member's duties for a substantial part of the member's

1 term; or

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

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

9 (c) If the presiding officer has knowledge that a potential  
10 ground for removal exists, the presiding officer shall notify the  
11 appointing authority and the attorney general that a potential  
12 ground for removal exists.

13 Sec. 470.007. ADMINISTRATIVE SUPPORT. To the extent  
14 resources are available, the State Energy Conservation Office shall  
15 provide the council with administrative support, including meeting  
16 space and staff necessary to assist the council in carrying out the  
17 council's duties under this chapter.

18 Sec. 470.008. ACCEPTANCE OF GIFTS, GRANTS, OR DONATIONS.  
19 The council may solicit and the comptroller may accept for the  
20 council gifts, grants, and donations from any public or private  
21 source for the purposes of this chapter.

22 Sec. 470.009. ENERGY EFFICIENCY PROGRAM MONITORING AND  
23 RECOMMENDATIONS. (a) The council shall monitor energy efficiency  
24 programs in this state.

25 (b) The council may submit to a program administrator  
26 recommendations on means to encourage greater energy efficiency on  
27 a regular basis.

1       Sec. 470.010. OFFICIAL INTERNET WEBSITES. The council  
2 shall use the following official Internet websites for the  
3 publication of information as required by this chapter:

4           (1) the Internet website of the State Energy  
5 Conservation Office; and

6           (2) the electric choice website of the Public Utility  
7 Commission of Texas, [www.powertochoose.org](http://www.powertochoose.org).

8       Sec. 470.011. LIST OF ENERGY EFFICIENCY PROGRAMS. (a) The  
9 council shall:

10           (1) develop a list of currently operating energy  
11 efficiency programs in this state and publish the list on the  
12 official Internet websites under Section 470.010; and

13           (2) work with the State Energy Conservation Office and  
14 the Public Utility Commission of Texas to develop and publish on the  
15 official Internet websites under Section 470.010 a user-friendly  
16 page that allows a consumer to search by the consumer's address  
17 energy efficiency programs available in the consumer's service  
18 area.

19           (b) The State Energy Conservation Office and the Public  
20 Utility Commission of Texas shall each provide a link on their  
21 Internet websites to the page described by Subsection (a)(2).

22       Sec. 470.012. BIENNIAL PROGRAMS REPORT. (a) The council  
23 biennially shall prepare a report on energy efficiency programs in  
24 this state. The council shall submit the report to the legislature  
25 not later than October 1 of each even-numbered year.

26           (b) The report must include:

27           (1) a comprehensive review of the energy efficiency

1 programs on the list required by Section 470.011, including  
2 information on the goals, costs, and benefits of the programs, the  
3 results of each program, the energy savings and emissions  
4 reductions that each program achieves, and the jobs that each  
5 program creates;

6 (2) a study comparing energy efficiency programs in  
7 this state to similar programs in:

8 (A) California;

9 (B) Florida;

10 (C) New York; and

11 (D) each other state the council determines to  
12 have programs appropriate for the comparisons; and

13 (3) recommendations for improving energy efficiency  
14 programs in this state.

15 (c) The report may include recommendations for creating new  
16 energy efficiency programs in this state.

17 (d) The council shall publish the report on the official  
18 Internet websites under Section 470.010.

19 Sec. 470.013. APPLICABILITY OF ADVISORY COMMITTEE LAW.  
20 Chapter 2110 does not apply to the council.

21 SECTION 2. As soon as practicable after the effective date  
22 of this Act, the governor and the lieutenant governor shall appoint  
23 members to the energy efficiency council in accordance with Section  
24 470.004, Government Code, as added by this Act.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

C.S.H.B. No. 773

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2011.