



FLOOR AMENDMENT NO. _____

BY: Zwerner

1 Amend C.S.S.B. No. 7 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

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

6 CHAPTER 18. TEXAS ENERGY EFFICIENCY COUNCIL

7 Sec. 18.001. DEFINITIONS. In this chapter:

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

10 (2) "Energy efficiency program" means a program
11 designed to:

12 (A) increase efficient energy use;

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

15 (C) optimize energy consumption;

16 (D) identify and realize the benefits of energy
17 efficient building design standards; or

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

20 (3) "Measure" means a direct measurement or modeling
21 of energy efficiency performance over a 12-month period.

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

24 (A) a state agency, including the commission, the
25 Texas Water Development Board, the State Energy Conservation
26 Office, the Texas Commission on Environmental Quality, and the
27 Texas Department of Housing and Community Affairs;

28 (B) a political subdivision; or

29 (C) a private or public provider of electricity,

1 gas, or water utility service, including an electric cooperative or
2 municipally owned utility.

3 Sec. 18.002. PURPOSE. The Texas Energy Efficiency Council
4 is a council established in the commission to:

5 (1) provide a statewide collaborative approach to
6 promoting energy efficiency;

7 (2) measure, evaluate, and report on energy efficiency
8 performance in this state;

9 (3) monitor energy efficiency programs in this state;

10 (4) make recommendations for improving energy
11 efficiency programs in this state;

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

18 (6) provide a central repository for information on
19 statewide energy efficiency performance and opportunities to
20 participate in energy efficiency programs in this state; and

21 (7) promote continuous improvement in energy
22 efficiency performance in this state.

23 Sec. 18.003. ENERGY EFFICIENCY PROGRAM POLICIES. A program
24 administrator shall establish measurable performance criteria and
25 share the results with the council when creating or implementing an
26 energy efficiency program.

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

29 (1) nine ex officio members as follows:

30 (A) the presiding officer of the Texas Commission
31 on Environmental Quality;

1 (B) the chief executive officer of the Electric
2 Reliability Council of Texas;
3 (C) the presiding officer of the commission;
4 (D) the comptroller;
5 (E) the director of the Texas Department of
6 Housing and Community Affairs;
7 (F) the executive director of the Texas Economic
8 Development and Tourism Office;
9 (G) the chairman of the Texas Water Development
10 Board;
11 (H) the director of the Energy Systems Laboratory
12 at the Texas A&M Engineering Experiment Station of The Texas A&M
13 University System; and
14 (I) the chief executive of the Office of Public
15 Utility Counsel; and
16 (2) seven public members appointed by the presiding
17 officer of the commission as follows:
18 (A) one member must have experience in the field
19 of engineering;
20 (B) one member must have experience in the field
21 of public or private finance;
22 (C) one member must have experience in the field
23 of law or business;
24 (D) one member must have experience in the field
25 of environmental stewardship;
26 (E) one member must have experience in the field
27 of electric utility operation;
28 (F) one member must have experience in the field
29 of industrial operation; and
30 (G) one member must have business experience in
31 the implementation of energy efficiency programs.

1 (b) An ex officio member may designate a person from the
2 member's agency to serve in the member's place.

3 (c) The presiding officer of the council may designate a
4 person to represent an appointed member in any meeting if the person
5 meets the qualifications required by Subsection (a)(2).

6 (d) The ex officio members and the appointed members serve
7 as voting members of the council.

8 (e) The presiding officer of the commission or the employee
9 designated by the presiding officer shall serve as presiding
10 officer of the council.

11 (f) The council shall meet at least two times per year at the
12 call of the presiding officer.

13 (g) Council members may not receive compensation for
14 services but, subject to the availability of funding, may receive
15 reimbursement for actual and necessary expenses incurred while
16 performing council business.

17 (h) Appointments to council positions shall be made without
18 regard to the race, color, disability, sex, religion, age, or
19 national origin of the appointees.

20 Sec. 18.005. TERMS; VACANCY. (a) Appointed council
21 members serve staggered four-year terms, with the terms of one or
22 two members, as applicable, expiring on February 1.

23 (b) A vacancy on the council in the position of an appointed
24 council member shall be filled in the same manner as the original
25 appointment. The person appointed serves for the remainder of the
26 unexpired term.

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

29 (1) described by Section 18.004(a)(1) does not
30 maintain during service on the council the qualifications required
31 by that subdivision;

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

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

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

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

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

19 Sec. 18.008. ENERGY EFFICIENCY PROGRAM MONITORING AND
20 RECOMMENDATIONS. (a) The council shall measure, evaluate, and
21 report on energy efficiency performance in this state.

22 (b) The council shall monitor energy efficiency programs in
23 this state.

24 (c) The council may submit to a program administrator
25 recommendations on means to encourage greater energy efficiency on
26 a regular basis. The council may submit to a program administrator
27 that administers a program described by Section 39.905
28 recommendations to assure better coordination between local,
29 state, federal, and private energy efficiency programs for the
30 purposes of Section 39.905.

31 Sec. 18.009. OFFICIAL INTERNET WEBSITE. The council shall

1 develop and maintain an official Internet website for the
2 publication of information as required by this chapter.

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

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

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

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

16 Sec. 18.011. CONFIDENTIALITY OF CERTAIN INFORMATION. (a)
17 Except as provided by this section, the council is not subject to
18 Chapter 551 or 552, Government Code.

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

24 Sec. 18.012. BIENNIAL PERFORMANCE REPORT. (a) The council
25 biennially shall prepare a report on energy efficiency performance
26 in this state. The council shall submit the report to the
27 legislature not later than January 15 of each odd-numbered year.

28 (b) The report must include:

29 (1) a comprehensive review of the energy efficiency
30 programs on the list required by Section 18.010, including initial
31 capital investment, ongoing operating expenses, and energy savings

1 benefits of the programs;

2 (2) statewide energy efficiency performance by sector
3 and county; and

4 (3) recommendations for improving energy efficiency
5 programs in this state.

6 (c) The report may include:

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

9 (2) opportunities for continuous improvement in
10 energy efficiency performance in this state; and

11 (3) recommendations for creating new energy
12 efficiency programs in this state.

13 (d) The council shall publish the report on the official
14 Internet website maintained under Section 18.009.

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

17 SECTION _____. As soon as practicable after the effective
18 date of this Act, the presiding officer of the Public Utility
19 Commission of Texas shall appoint members to the Texas Energy
20 Efficiency Council in accordance with Section 18.004, Utilities
21 Code, as added by this Act.