

Amend SB 2011 on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

CHAPTER 18. TEXAS ENERGY EFFICIENCY COUNCIL

Sec. 18.001. DEFINITIONS. In this chapter:

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

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

(A) increase efficient energy use;

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

(C) optimize energy consumption;

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

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

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

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

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

(B) a political subdivision; or

(C) a private or public provider of electricity, gas, or water utility service, including an electric cooperative or municipally owned utility.

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

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

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

- (3) monitor energy efficiency programs in this state;
- (4) make recommendations for improving energy efficiency programs in this state;
- (5) monitor and facilitate opportunities for coordination and leveraging of federal funding from the United States Department of Energy, United States Department of Housing and Urban Development, and other federal agencies that can be used by state agencies and political subdivisions for the purposes of enhancing energy efficiency;
- (6) provide a central repository for information on statewide energy efficiency performance and opportunities to participate in energy efficiency programs in this state; and
- (7) promote continuous improvement in energy efficiency performance in this state.

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

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

- (1) nine ex officio members as follows:
  - (A) the presiding officer of the Texas Commission on Environmental Quality;
  - (B) the chief executive officer of the Electric Reliability Council of Texas;
  - (C) the presiding officer of the commission;
  - (D) the comptroller;
  - (E) the director of the Texas Department of Housing and Community Affairs;
  - (F) the executive director of the Texas Economic Development and Tourism Office;
  - (G) the chairman of the Texas Water Development Board;
  - (H) the director of the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station of The Texas A&M University System; and
  - (I) the chief executive of the Office of Public

Utility Counsel; and

(2) seven public members appointed by the presiding officer of the commission as follows:

(A) one member must have experience in the field of engineering;

(B) one member must have experience in the field of public or private finance;

(C) one member must have experience in the field of law or business;

(D) one member must have experience in the field of environmental stewardship;

(E) one member must have experience in the field of electric utility operation;

(F) one member must have experience in the field of industrial operation; and

(G) one member must have business experience in the implementation of energy efficiency programs.

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

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

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

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

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

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

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

Sec. 18.005. TERMS; VACANCY. (a) Appointed council

members serve staggered four-year terms, with the terms of one or two members, as applicable, expiring on February 1.

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

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

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

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

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

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

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

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

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

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

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

that administers a program described by Section 39.905 recommendations to assure better coordination between local, state, federal, and private energy efficiency programs for the purposes of Section 39.905.

Sec. 18.009. OFFICIAL INTERNET WEBSITE. The council shall develop and maintain an official Internet website for the publication of information as required by this chapter.

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

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

(2) work with the State Energy Conservation Office and the commission to develop and publish on the official Internet website maintained under Section 18.009 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.

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

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

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

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

(b) The report must include:

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

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

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

(c) The report may include:

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

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

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

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

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

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