

SUBJECT: Creating an energy efficiency council

COMMITTEE: Energy Resources — committee substitute recommended

VOTE: 7 ayes — Keffer, Crossover, Carter, J. Davis, Howard, Lozano, Strama  
2 nays — Craddick, Sheffield

WITNESSES: For — Joshua Houston, Texas Impact; Cyrus Reed, Lone Star Chapter, Sierra Club; Kate Robertson, Environmental Defense Fund; (*Registered, but did not testify*: Paul Cauduro, Texas Combined Heat and Power Initiative; David Lancaster, Texas Society of Architects; Anne Olson, Texas Baptist Christian Life Commission; Matt Phillips, The Nature Conservancy of Texas; David Quin, Public Power Pool; Tom “Smitty” Smith, Public Citizen; David Weinberg, Texas League of Conservation Voters; Kenneth Flippin)

Against — (*Registered, but did not testify*: Pat Carlson, Texas Eagle Forum)

On — John W. Fainter, Jr., Association of Electric Companies of Texas, Inc.; Bill Peacock, Texas Public Policy Foundation

DIGEST: CSHB 773 would establish an energy efficiency council in the Comptroller’s Office.

**Program monitoring.** The council would monitor energy efficiency programs in Texas and could submit to a program administrator recommendations on ways to encourage greater energy efficiency. A program administrator would be required to consider any applicable recommendations of the council when creating or implementing the energy efficiency program.

**List of energy efficiency programs.** The council would develop a list of currently operating energy efficiency programs in Texas and publish the list online. The council would develop and publish a user-friendly page that allowed a consumer to search by the consumer’s address energy efficiency programs available in the consumer’s service area.

**Biennial report.** The council biennially would prepare a report for the Legislature. The report would include:

- a comprehensive review of energy efficiency programs, including the results of each program and the energy savings and emissions reductions that each program achieved;
- a study comparing Texas energy efficiency programs to programs in California, Florida, New York, and other states as appropriate; and
- recommendations for improving Texas energy efficiency programs.

The report also could include recommendations for new programs.

**Council members.** The council would be composed of 15 voting members, with 12 ex officio members and three public members. The ex officio members would be:

- the presiding officer of the Texas Commission on Environmental Quality;
- the CEO of the Electric Reliability Council of Texas;
- the presiding officer of the Public Utility Commission of Texas;
- the presiding officer of the Railroad Commission;
- the comptroller or an employee of the State Energy Conservation Office designated by the comptroller;
- the director of the Texas Department of Housing and Community Affairs;
- 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;
- the director of the Energy Systems Laboratory at the Texas Engineering Experiment Station of the Texas A&M System; and
- the chief executive of the Office of Public Utility Counsel.

The three public members would be appointed by the governor, with one to represent low-income ratepayers, one to represent commercial or industrial ratepayers, and one to represent an environmental organization. The three public members would have to be appointed with the advice and consent of the Senate. Appointed council members would serve staggered

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

The comptroller or an employee of the State Energy Conservation Office designated by the comptroller would serve as presiding officer of the council. The council would be required to meet at least two times per year at the call of the presiding officer.

**Effective date.** The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

CSHB 773 would coordinate efficiency programs among various state agencies, preventing agency overlap and lowering costs. The current lack of coordination among programs can lead to a misuse of public resources.

The bill would allow for a better accounting of energy savings. This would enable more accurate projections of future energy needs.

The bill would not create a new agency, but would create a means for existing agencies to communicate. An interim study only would address the situation at one point in time and would not address ongoing needs as the bill would allow.

**OPPONENTS  
SAY:**

Reports such as the one called for in this bill are better handled through an interim study. The bill would create a new government entity when it is not clear that the entity is needed. Also, the bill would not provide for a public member to represent average Texans.