

BILL ANALYSIS

Senate Research Center

H.B. 2278
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State Affairs
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Engrossed

DIGEST AND PURPOSE

The 76th Legislature placed the state energy conservation office (energy office) under the authority of the comptroller of public accounts (comptroller) who then created an advisory committee to make the energy office's programs more responsive and relevant. The committee found that although state agencies are authorized to enter into energy efficiency performance contracts, not one agency has done so. According to the energy office, agencies could save an estimated minimum of \$100,000 a day by adopting existing alternatives such as performance contracting. The energy office drafted a mandatory energy efficiency rule for agencies, however, the comptroller's general council determined that the agency's statutory authority should be clarified before the agency could issue such a rule. H.B. 2278 consolidates the energy management center and the energy office, transfers all functions and activities performed by the General Services Commission that related to energy conservation to the office of the comptroller, and grants the comptroller the rulemaking authority necessary to administer the state energy conservation office programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the state energy conservation office in SECTION 1 (Section 447.002, Government Code) and to the comptroller of public accounts in SECTION 4 (Section 2305.011, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 447, Government Code, as follows:

CHAPTER 447. STATE ENERGY CONSERVATION OFFICE

Sec. 447.001. New heading: ESTABLISHMENT OF OFFICE. Provides that the state energy conservation office (office), rather than management center, is established in the comptroller's office, rather than the General Services Commission, and is required to be authorized to promote those policies of the state enumerated in this chapter.

(b) Provides that the state energy conservation office performs the functions prescribed for the office by Chapter 2305.

Sec. 447.0011. REFERENCE IN LAW. Provides that a reference in law to the energy management center means the state energy conservation office.

Sec. 447.002. INFORMATION; RULES; PROGRAMS. Authorizes the office, rather than center, to make rules relating to the adoption and implementation of energy conservation programs applicable to state buildings and facilities. Requires the office's, rather than center's, rules for programs and energy conservation, adopted under Chapter 2001, to include provisions relating to the retrofitting of existing state structures with energy-saving devices and to the energy-related renovation of such structures. Requires the office to adopt rules requiring a state agency to implement an energy conservation measure or program in accordance with the

plans developed under Section 447.010 if certain criteria exists. Makes conforming changes. Deletes text regarding the office of the governor. Delete text regarding the energy management center. Deletes text regarding money available for implementation of a program. Deletes text regarding money.

Sec. 447.003. LIAISON TO FEDERAL GOVERNMENT. Makes conforming changes. Deletes text regarding the energy management center.

Sec. 447.004. DESIGN STANDARDS. Makes conforming changes.

Sec. 447.006. New heading: OBTAINING AND REPORTING DATA. Requires the office to obtain certain information semiannually and report that information to the Legislative Budget Board.

Sec. 447.005. ENERGY EFFICIENCY PROJECTS. Makes a conforming change.

Sec. 447.007. MODEL CODES. Makes a conforming change.

Sec. 447.008. ADDITIONAL ENERGY SERVICES. Makes conforming changes.

Sec. 447.009. ENERGY AUDITS. Makes conforming changes.

Sec. 447.010. ENERGY MANAGEMENT CENTER. Requires updated plans to be submitted biennially when requested by the office and certain institution's. Makes conforming changes. Deletes text regarding energy saving devices or measures.

SECTION 2. Amends Section 2305.002(3), Government Code, to define "energy office."

SECTION 3. Amends the heading to Section 2305.011, Government Code, to read as follows:

Sec. 2305.011. ADMINISTRATION BY COMPTROLLER'S OFFICE AND ENERGY OFFICE.

SECTION 4. Amends Section 2305.011, Government Code, by amending Subsection (f), to authorize the comptroller to adopt rules as necessary to administer the programs prescribed by this chapter.

SECTION 5. Amends Section 2305.022, Government Code, to make a conforming change.

SECTION 6. Sets forth provisions regarding the establishment and duties of the state energy conservation office.

SECTION 7. Effective date: September 1, 2001.