

AMENDMENTS TO HOUSE BILL NO. 2107

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1 Amend Bill, page 1, line 5, by striking out "and"

2 Amend Bill, page 1, line 6, by striking out the period after
3 "contracts" and inserting

4 ; and, in contract clauses and preference provisions, further
5 providing for definitions, for contract provisions and for
6 funding.

7 Amend Bill, page 8, by inserting between lines 24 and 25

8 Section 4. Paragraphs (4) and (13) of the definition of
9 "energy conservation measure" in section 3752 of Title 62 are
10 amended and the section is amended by adding definitions to
11 read:

12 § 3752. Definitions.

13 The following words and phrases when used in this subchapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 "Energy conservation measure." A program, facility
18 alteration or technology upgrade designed to reduce energy,
19 water, wastewater or other consumption or operating costs. The
20 term may include, without limitation:

21 * * *

22 (4) Heating, ventilating or air conditioning system
23 modifications [or], extension of systems to new or renovated
24 areas or system replacements.

25 * * *

26 (13) [Indoor air quality improvements.] Systems that
27 provide indoor air quality improvements or improved climate
28 control.

29 * * *

30 "Energy-related cost savings." As follows:

31 (1) A cost saving, except for an energy saving, that
32 results from the implementation of an energy conservation
33 measure.

34 (2) Sources of energy-related cost savings shall include
35 only the following:

1 (i) Avoided current or planned capital expense.
2 (ii) Avoided renovation, renewal or repair costs as
3 a result of replacing old and unreliable equipment and
4 systems or thermal improvements to the building envelope.
5 "Energy services company." A qualified provider of energy
6 solutions, including designs and implementation of energy
7 savings projects, retrofitting, energy conservation, energy
8 infrastructure outsourcing, power generation and energy supply
9 and risk management.

10 * * *

11 "Operating costs." As follows:

12 (1) Reductions in expenses, including energy-related
13 cost savings, related to energy and water consuming equipment
14 or the building envelope.

15 (2) The term includes:

16 (i) Operating and maintenance savings.

17 (ii) Capital funds budgeted for projects that, due
18 to the energy services company project, will not be
19 necessary.

20 * * *

21 Section 5. Sections 3754(a) and 3755(c) of Title 62 are
22 amended to read:

23 § 3754. Contract provisions.

24 (a) General rule.--A guaranteed energy savings contract may
25 provide that all payments, except obligations on termination of
26 the contract before its scheduled expiration, shall be made over
27 a period of time. Every guaranteed energy savings contract that
28 requires payments over a period of time shall provide that,
29 after the initial year of the contract, the savings in every
30 subsequent year are guaranteed to the extent necessary to make
31 payments under the contract during that year. A guaranteed
32 energy savings contract, in addition to the quantification and
33 guarantee of energy savings, shall expressly state, quantify and
34 validate the budgetary sources of all energy-related cost
35 savings and operating costs utilized to satisfy the financial
36 obligations and performance during the term of the agreement.

37 * * *

38 § 3755. Funding.

39 * * *

40 (c) Grants, subsidies or other payments.--Grants, subsidies
41 or other payments from the Commonwealth to a governmental unit
42 shall not be reduced as a result of energy conservation measure
43 cost savings obtained as a result of a guaranteed energy savings
44 contract during the life of the contract.

45 Amend Bill, page 8, line 25, by striking out "4" and
46 inserting

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