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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1313 Session of  
2015

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INTRODUCED BY WHITE, SCHWANK, FOLMER, BARTOLOTTA AND MENSCH,  
JUNE 14, 2016

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REFERRED TO STATE GOVERNMENT, JUNE 14, 2016

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AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated  
2 Statutes, in contract clauses and preference provisions,  
3 further providing for definitions and for funding.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Paragraphs (4) and (13) of the definition of  
7 "energy conservation measure" in section 3752 of Title 62 of the  
8 Pennsylvania Consolidated Statutes are amended and the section  
9 is amended by adding definitions to read:

10 § 3752. Definitions.

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

14 \* \* \*

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

1 \* \* \*

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

5 \* \* \*

6 (13) [Indoor air quality improvements.] Systems that  
7 provide indoor air quality improvements or improved climate  
8 control.

9 \* \* \*

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

11 (1) A cost saving, except for an energy saving, that  
12 results from the implementation of an energy conservation  
13 measure.

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

16 (i) Avoided current or planned capital expense.

17 (ii) Transfer of responsibility for operating and  
18 maintaining and equipment repair and replacement to the  
19 energy savings company.

20 (iii) Avoided renovation, renewal or repair costs as  
21 a result of replacing old and unreliable equipment and  
22 systems or thermal improvements to the building envelope.

23 "Energy savings company." A commercial or nonprofit business  
24 providing energy solutions, including designs and implementation  
25 of energy savings projects, retrofitting, energy conservation,  
26 energy infrastructure outsourcing, power generation and energy  
27 supply and risk management.

28 \* \* \*

29 "Operating costs." As follows:

30 (1) Reductions in expenses, including energy-related

1 cost savings, related to energy and water consuming equipment  
2 or the building envelope.

3 (2) The term includes:

4 (i) Operating and maintenance savings.

5 (ii) Capital funds budgeted for projects that, due  
6 to the energy savings company project, will not be  
7 necessary.

8 \* \* \*

9 Section 2. Section 3755(c) of Title 62 is amended to read:

10 § 3755. Funding.

11 \* \* \*

12 (c) Grants, subsidies or other payments.--Grants, subsidies  
13 or other payments from the Commonwealth to a governmental unit  
14 shall not be reduced as a result of energy conservation measure  
15 cost savings obtained as a result of a guaranteed energy savings  
16 contract during the life of the contract.

17 Section 3. This act shall take effect in 60 days.