

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1164

Short Title: Energy Savings Contracts.

(Public)

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Sponsors: Representative Luebke.

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Referred to: Ways and Means.

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April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE LAW REGARDING GUARANTEED ENERGY  
2 SAVINGS CONTRACTS FOR LOCAL GOVERNMENTAL UNITS TO TAKE  
3 SAVINGS ASSOCIATED WITH OPERATIONS COSTS INTO ACCOUNT, TO  
4 EXTEND THE CURRENT MAXIMUM DURATION OF THESE CONTRACTS,  
5 AND TO REPEAL THE SUNSET.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 143-64.17(3) reads as rewritten:

9 "(3) 'Guaranteed energy savings contract' means a contract for the  
10 evaluation, recommendation, or implementation of energy conservation  
11 measures, including the design and installation of equipment or the  
12 repair or replacement of existing equipment, in which all payments,  
13 except obligations on termination of the contract before its expiration,  
14 are to be made over time, and in which energy and operations savings  
15 are guaranteed to exceed costs."

16 Section 2. G.S. 143-64.17A(b) reads as rewritten:

17 "(b) The local governmental unit shall evaluate a sealed proposal from any  
18 qualified provider. Proposals shall contain estimates of all costs of installation,  
19 modification, or remodeling, including costs of design, engineering, installation,  
20 maintenance, repairs, and debt service, and estimates of energy and operations savings."

1 Section 3. G.S. 143-64.17A(d)(4) reads as rewritten:

2 "(4) Amount of energy and operations savings;"

3 Section 4. G.S. 143-64.17B(a) reads as rewritten:

4 "(a) A local governmental unit may enter into a guaranteed energy savings contract  
5 with a qualified provider if all of the following apply:

6 (1) The term of the contract does not exceed ~~eight~~ 10 years from the date of  
7 the installation and acceptance by the local governmental unit of the  
8 energy conservation measures provided for under the contract.

9 (2) The local governmental unit finds that the energy and operations  
10 savings resulting from the performance of the contract will equal or  
11 exceed the total cost of the contract.

12 (3) The energy conservation measures to be installed under the contract are  
13 for an existing building."

14 Section 5. G.S. 143-64.17E reads as rewritten:

15 "**§ 143-64.17E. Payments under contract.**

16 A local governmental unit may use any funds, whether operating or capital, that are  
17 not otherwise restricted by law for the payment of a guaranteed energy savings contract.  
18 State appropriations to any local governmental unit shall not be reduced as a result of  
19 energy and operations savings occurring as a result of a guaranteed energy savings  
20 contract."

21 Section 6. Section 10 of Chapter 775 of the 1993 Session Laws, as amended  
22 by Section 3 of Chapter 295 of the 1995 Session Laws, is repealed.

23 Section 7. This act becomes effective June 30, 1999.