

Regular Session, 2010

HOUSE BILL NO. 699

BY REPRESENTATIVE GEYMANN

CONTRACTS: Provides for the review and audit process for performance-based energy efficiency contracts

1 AN ACT

2 To amend and reenact R.S. 39:1496.1(A) and (E)(1)(c) and (2), relative to performance-
3 based energy efficiency contracts; to provide relative to the adoption and
4 promulgation of rules and regulations; to provide for the approval process of such
5 contracts; to provide for the audit and review process of such contracts; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 39:1496.1(A) and (E)(1)(c) and (2) are hereby amended and
9 reenacted to read as follows:

10 §1496.1. Performance-based energy efficiency contracts

11 A. Any state agency as defined in R.S. 39:2 may enter into a performance-
12 based energy efficiency contract for services and equipment as provided in this
13 Section. The commissioner of administration shall adopt and promulgate rules and
14 regulations necessary to implement the provisions of this Section, which rules shall
15 be consistent with the Energy Management Act of 2001. Any such rules and
16 regulations, including any related to the schedule of performance audits and
17 information to be included in the reports of the legislative auditor required by this
18 Section, shall be adopted and promulgated only after the review and approval of the
19 Joint Legislative Committee on the Budget. The commissioner of administration
20 shall submit the proposed rules and regulations to the Joint Legislative Committee

1 on the Budget thirty days prior to the review and approval of such rules and
2 regulations by the committee. Such rules related to the schedule of performance
3 audits and information to be included in the reports of the legislative auditor shall be
4 adopted and promulgated no later than January 1, 2011.

5 * * *

6 E.(1)

7 * * *

8 (c) Notwithstanding any other provision of this Chapter, no proposer shall
9 be selected pursuant to this Section nor shall any contract be awarded pursuant to this
10 Section, except by the commissioner of administration and with approval by the Joint
11 Legislative Committee on the Budget.

12 * * *

13 (2) The legislative auditor shall conduct performance audits of performance-
14 based energy efficiency contracts. The legislative auditor shall establish a written
15 schedule for execution of such performance audits, ~~which~~ and the schedule shall be
16 posted on the website of the legislative auditor no later than February first of each
17 year. Such schedule shall provide for periodic audits during the term of such
18 contracts and for an audit upon the completion of any such contract. The results of
19 any such performance audits shall be published no later than thirty days prior to the
20 commencement of each Regular Session of the Legislature. Audits shall be
21 conducted on each performance-based energy efficiency contract in effect on and
22 after August 15, 2010.

23 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Geymann

HB No. 699

Abstract: Requires approval of the Joint Legislative Committee on the Budget for awards of performance-based energy efficiency contracts and adds responsibilities of the commissioner of administration and legislative auditor regarding performance audits on performance-based energy efficiency contracts.

Present law provides that only the commission of administration may award performance-based energy efficiency contracts.

Proposed law retains present law and further requires approval of the Joint Legislative Committee on Budget.

Present law provides for review of performance-based energy efficiency contracts by the legislative auditor periodically during the term of the contract and at the completion of a contract.

Proposed law retains present law and requires the legislative auditor to post a written schedule of audits on the website no later than February 1 of each year. Proposed law further requires that audits shall be conducted on each performance-based energy efficiency contract in effect on and after August 15, 2010.

Present law requires the commissioner of administration to adopt and promulgate rules and regulations necessary to implement the provisions of present law. Further requires that any such rules and regulations shall be adopted and promulgated only after the review and approval of the Joint Legislative Committee on the Budget.

Proposed law specifies that rules and regulations shall include those related to the schedule of performance audits and information to be included in the reports of the legislative auditor. Proposed law further adds that such rules shall be adopted and promulgated no later than January 1, 2011.

(Amends R.S. 39:1496.1(A) and (E)(1)(c) and (2))