

Regular Session, 2010

HOUSE BILL NO. 699

BY REPRESENTATIVES GEYMANN, ARMES, LEGER, LIGI, MCVEA, MORRIS,
AND SMILEY

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(E)(1)(c) and (2) and to enact R.S. 39:1496.1(F),
3 relative to performance-based energy efficiency contracts; to provide for the
4 approval process of such contracts; to provide for the audit and review process of
5 such contracts; to provide for appropriation of such contracts; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

10 §1496.1. Performance-based energy efficiency contracts

11 * * *

12 E.(1)

13 * * *

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

18 * * *

19 (2) The legislative auditor shall conduct performance audits of performance-
20 based energy efficiency contracts. The legislative auditor shall establish a written

1 schedule for execution of such performance audits, ~~which~~ and the schedule shall be
 2 posted on the website of the legislative auditor no later than February first of each
 3 year. Such schedule shall provide for periodic audits during the term of such
 4 contracts and for an audit upon the completion of any such contract. The legislative
 5 auditor shall coordinate with the commissioner of administration to develop a
 6 description of information to be included as part of each performance audit. The
 7 results of any such performance audits shall be published no later than thirty days
 8 prior to the commencement of each Regular Session of the Legislature. Audits shall
 9 be conducted on each performance-based energy efficiency contract in effect on and
 10 after January 1, 2010.

* * *

12 F. For the purposes of this Section, any appropriation to an agency shall not
 13 be deemed an appropriation of funds by the legislature to fulfill the requirements of
 14 a performance-based energy efficiency contract awarded on or after January 1, 2010,
 15 unless and until such contract is approved by the Joint Legislative Committee on the
 16 Budget.

17 Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor
 18 and subsequently approved by the legislature, this Act shall become effective on July 1,
 19 2010, or on the day following such approval by the legislature, whichever is later.

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 legislative auditor regarding performance audits on performance-based energy efficiency contracts.

Present law provides that only the commissioner 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 Feb. 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 Jan. 1, 2010.

Proposed law provides that the legislative auditor shall coordinate with the commissioner of administration to develop a description of information to be included as part of each performance audit.

Proposed law provides that any appropriation to an agency shall not be deemed an appropriation of funds by the legislature to fulfill the requirements of a performance-based energy efficiency contract awarded on or after Jan. 1, 2010, until such contract is approved by the Joint Legislative Committee on the Budget.

Effective July 1, 2010.

(Amends R.S. 39:1496.1(E)(1)(c) and (2); Adds R.S. 39:1496.1(F))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Removed the provision requiring the commissioner of administration to promulgate rules regarding performance audits and added that the legislative auditor will coordinate with the commissioner of administration to develop the information included in the audits.
2. Changed the effective date for contracts which must receive performance audits from Aug. 15, 2010 to Jan. 1, 2010.
3. Added that any appropriation to an agency shall not be deemed an appropriation of funds by the legislature to fulfill the requirements of a performance-based energy efficiency contract awarded on or after Jan. 1, 2010, until such contract is approved by the Joint Legislative Committee on the Budget.