

SENATE BILL NO. 112

BY SENATOR WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact R.S. 39:1622(H), relative to performance-based energy efficiency contracts; to  
3 provide for the effect of certain modifications and change order and approvals  
4 thereof; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 39:1622(H) is hereby enacted to read as follows:

7 §1622. Performance-based energy efficiency contracts

8 \* \* \*

9 **H. Notwithstanding the requirements of Paragraph C of this Section, if,**  
10 **at any time after the execution of a performance-based energy efficiency**  
11 **contract, a state agency makes a unilateral change or modification to the scope**  
12 **of work under the contract, the annual energy cost savings attributable to the**  
13 **services or equipment shall be adjusted to account for any expended costs and**  
14 **any projected savings that can no longer be measured or verified as a result of**  
15 **the change or modification. However, any adjustment that reduces the annual**  
16 **energy cost savings attributable to the services or equipment by twenty percent**  
17 **or more shall require approval of the Joint Legislative Committee on the**  
18 **Budget prior to the amendment of the contract. This Subsection shall apply to**

1            all performance-based energy efficiency contracts in effect on and after  
2            January 1, 2010, and all future contracts executed pursuant to this Section.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_