

FIRST REGULAR SESSION

HOUSE BILL NO. 717

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

1661H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 8.231, RSMo, and to enact in lieu thereof one new section relating to energy savings.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 8.231, RSMo, is repealed and one new section enacted in lieu thereof,
2 to be known as section 8.231, to read as follows:

8.231. 1. For purposes of this section, the following terms shall mean:

- 2 (1) "Energy cost savings measure", a training program or facility alteration,
3 **improvement, modernization, system replacement, or building replacement** designed to
4 reduce energy consumption or operating costs, and may include one or more of the following:
5 (a) Insulation of the building structure or systems within the building **and including**
6 **roofing, exterior building, envelope, and piping;**
7 (b) Storm windows or doors, caulking or weather stripping, multiglazed windows or
8 doors, heat absorbing or heat reflective glazed and coated window or door systems, additional
9 glazing reductions in glass area, or other window and door system modifications that reduce
10 energy consumption;
11 (c) Automated or computerized energy control system;
12 (d) Heating, ventilating or air conditioning system modifications or replacements;
13 (e) **Domestic water, sewer, and domestic hot water system improvements;**
14 (f) **Indoor swimming pool improvements;**
15 (g) Replacement or modification of lighting fixtures to increase the energy efficiency of
16 the lighting system without increasing the overall illumination of a facility, unless an increase

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 in illumination is necessary to conform to the applicable state or local building code for the
18 lighting system after the proposed modifications are made;

19 ~~[(f)]~~ (h) Indoor air quality improvements to increase air quality that conforms to the
20 applicable state or local building code requirements;

21 ~~[(g)]~~ (i) Energy recovery systems;

22 ~~[(h)]~~ (j) Cogeneration systems that produce steam or forms of energy such as heat, as
23 well as electricity, for use primarily within a building or complex of buildings;

24 ~~[(i)]~~ (k) Any life safety measures that provide long-term operating cost reductions and
25 are in compliance with state and local codes;

26 ~~[(j)]~~ (l) **Any security or safety improvements that provide long term operating cost**
27 **reduction and improve the safety of the building occupants;**

28 (m) Building operation programs that reduce the operating costs; or

29 ~~[(k)]~~ (n) Any life safety measures related to compliance with the Americans With
30 Disabilities Act, 42 U.S.C. Section 12101, et seq., that provide long-term operating cost
31 reductions and are in compliance with state and local codes;

32 (2) "Governmental unit", a state government agency, department, institution, college,
33 university, technical school, legislative body or other establishment or official of the executive,
34 judicial or legislative branches of this state authorized by law to enter into contracts, including
35 all local political subdivisions such as counties, municipalities, public school districts or public
36 service or special purpose districts;

37 (3) "Guaranteed energy cost savings contract", a contract for the implementation of one
38 or more such measures. The contract shall provide that all payments, except obligations on
39 termination of the contract before its expiration, are to be made over time and the energy cost
40 savings are guaranteed to the extent necessary to make payments for the systems. Guaranteed
41 energy cost savings contracts shall be considered public works contracts to the extent that they
42 provide for capital improvements ~~[to existing facilities]~~;

43 (4) "Operational savings", expenses eliminated and future replacement expenditures
44 avoided as a result of new **facilities, systems, and** equipment installed or services performed;

45 (5) "Qualified provider", a person or business experienced in the design, implementation
46 and installation of energy cost savings measures;

47 (6) "Request for proposals" or "RFP", a negotiated procurement.

48 2. No governmental unit shall enter into a guaranteed energy cost savings contract until
49 competitive proposals therefor have been solicited by the means most likely to reach those
50 contractors interested in offering the required services, including but not limited to direct mail
51 solicitation, electronic mail and public announcement on bulletin boards, physical or electronic.
52 The request for proposal shall include the following:

- 53 (1) The name and address of the governmental unit;
54 (2) The name, address, title and phone number of a contact person;
55 (3) The date, time and place where proposals shall be received;
56 (4) The evaluation criteria for assessing the proposals; and
57 (5) Any other stipulations and clarifications the governmental unit may require.

58 3. The governmental unit shall award a contract to the qualified provider that provides
59 the lowest and best proposal which meets the needs of the unit if it finds that the amount it would
60 spend on the energy cost savings measures recommended in the proposal would not exceed the
61 amount of energy or operational savings, or both, within a ~~[fifteen-year]~~ **twenty-five-year** period
62 from the date installation is complete, if the recommendations in the proposal are followed. The
63 governmental unit shall have the right to reject any and all ~~[bids]~~ **proposals**.

64 4. The guaranteed energy cost savings contract shall include a written guarantee of the
65 qualified provider that either the energy or operational cost savings, or both, will meet or exceed
66 the costs of the energy cost savings measures, adjusted for inflation, within ~~[fifteen]~~ **twenty-five**
67 years. The qualified provider shall reimburse the governmental unit for any shortfall of
68 guaranteed energy cost savings on an annual basis. The guaranteed energy cost savings contract
69 may provide for payments over a period of time, not to exceed ~~[fifteen]~~ **twenty-five** years, **or the**
70 **expected life of any equipment or systems**, subject to appropriation of funds therefor.

71 5. The governmental unit shall include in its annual budget and appropriations measures
72 for each fiscal year any amounts payable under guaranteed energy savings contracts during that
73 fiscal year.

74 6. A governmental unit may use designated funds for any guaranteed energy cost savings
75 contract including purchases using installment payment contracts or lease purchase agreements,
76 so long as that use is consistent with the purpose of the appropriation.

77 7. Notwithstanding any provision of this section to the contrary, a not-for-profit
78 corporation incorporated pursuant to chapter 355 and operating primarily for educational
79 purposes in cooperation with public or private schools shall be exempt from the provisions of
80 this section.

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