

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Utilities and Technology, to which was referred House Bill No. 1254, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, between lines 3 and 4, begin a new paragraph and insert:
2 "SECTION 2. IC 36-1-12-1, AS AMENDED BY P.L.168-2006,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2009]: Sec. 1. (a) Except as provided in this section, this
5 chapter applies to all public work performed or contracted for by:
6 (1) political subdivisions; and
7 (2) their agencies;
8 regardless of whether it is performed on property owned or leased by
9 the political subdivision or agency.
10 (b) This chapter does not apply to an officer or agent who, on behalf
11 of a municipal utility, maintains, extends, and installs services of the
12 utility if the necessary work is done by the employees of the utility.
13 (c) This chapter does not apply to hospitals organized or operated
14 under IC 16-22-1 through IC 16-22-5 or IC 16-23-1, unless the public
15 work is financed in whole or in part with cumulative building fund
16 revenue.
17 (d) This chapter does not apply to tax exempt Indiana nonprofit
18 corporations leasing and operating a city market owned by a political
19 subdivision.

1 (e) As an alternative to this chapter, the governing body of a ~~school~~
 2 ~~corporation~~ **political subdivision or its agencies** may **do the**
 3 **following:**

4 (1) **Enter into a design-build contract as permitted under**
 5 **IC 5-30.**

6 (2) Participate in a utility efficiency program or may enter into a
 7 guaranteed savings contract as permitted under IC 36-1-12.5.

8 (f) This chapter does not apply to a person that has entered into an
 9 operating agreement with a political subdivision or an agency of a
 10 political subdivision under IC 5-23.

11 **(g) This chapter does not apply to a public work that:**

12 (1) **solely involves the alteration, renovation, or repair of an**
 13 **existing public building, airport facility, or other structure;**

14 (2) **is paid for out of a public fund or special assessment; and**

15 (3) **costs less than four hundred thousand dollars (\$400,000);**

16 **if the political subdivision or agency that performs or contracts for**
 17 **the public work complies with IC 5-22.**

18 SECTION 3. IC 36-1-12.5-1, AS AMENDED BY P.L.168-2006,
 19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2009]: Sec. 1. (a) As used in this chapter, "conservation
 21 measure":

22 (1) means:

23 (A) a ~~school~~ facility alteration;

24 (B) an alteration of a structure (as defined in IC 36-1-10-2);

25 (C) a technology upgrade; or

26 (D) with respect to an installation described in subdivision

27 (2)(G) or (2)(H), an alteration of a structure or system;

28 designed to provide billable revenue increases or reduce energy
 29 or water consumption costs, wastewater costs, or other operating
 30 costs; and

31 (2) includes the following:

32 (A) Providing insulation of the ~~school~~ facility or structure and
 33 systems in the ~~school~~ facility or structure.

34 (B) Installing or providing for window and door systems,
 35 including:

36 (i) storm windows and storm doors;

37 (ii) caulking or weatherstripping;

38 (iii) multi-glazed windows and doors;

- 1 (iv) heat absorbing or heat reflective glazed and coated
 2 windows and doors;
 3 (v) additional glazing;
 4 (vi) the reduction in glass area; and
 5 (vii) other modifications that reduce energy consumption.
 6 (C) Installing automatic energy control systems.
 7 (D) Modifying or replacing heating, ventilating, or air
 8 conditioning systems.
 9 (E) Unless an increase in illumination is necessary to conform
 10 to Indiana laws or rules or local ordinances, modifying or
 11 replacing lighting fixtures to increase the energy efficiency of
 12 the lighting system without increasing the overall illumination
 13 of a facility or structure.
 14 (F) Providing for other conservation measures that provide
 15 billable revenue increases or reduce energy or water
 16 consumption, reduce operating costs, or reduce wastewater
 17 costs, including future:
 18 (i) labor costs;
 19 (ii) costs or revenues for contracted services; and
 20 (iii) related capital expenditures.
 21 (G) Installing equipment upgrades that improve accuracy of
 22 billable revenue generating systems.
 23 (H) Installing automated, electronic, or remotely controlled
 24 systems or measures that reduce direct personnel costs.
 25 (b) The term does not include an alteration of a water or wastewater
 26 structure or system that increases the capacity of the structure or
 27 system."
 28 Renumber all SECTIONS consecutively.
 (Reference is to HB 1254 as printed January 27, 2009.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

Merritt

Chairperson