

HOUSE BILL No. 1262

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-12.5-3.

Synopsis: Energy savings contracts. Provides that qualified providers eligible to enter into guaranteed energy savings contracts with local government entities also include persons providing energy conservation design services by a licensed architect. (Current law limits qualified providers to persons providing engineering services by a licensed professional engineer.)

Effective: July 1, 2011.

Stemler

January 12, 2011, read first time and referred to Committee on Utilities and Energy.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1262



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-1-12.5-3, AS AMENDED BY P.L.168-2006,
 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 3. (a) As used in this chapter, "qualified provider"
 4 means the following:
 5 (1) Before July 1, 1999, the term means a person that satisfies
 6 both of the following:
 7 (A) The person is experienced in the design, implementation,
 8 and installation of energy conservation measures.
 9 (B) The person submits to the school corporation or political
 10 subdivision a performance bond to ensure the qualified
 11 provider's faithful performance of the qualified provider's
 12 obligations over the term of the guaranteed energy savings
 13 contract.
 14 (2) After June 30, 1999, the term means a person that satisfies all
 15 of the following:
 16 (A) Subject to subdivision (3), the person is experienced in the
 17 design, implementation, and installation of energy



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conservation measures.

(B) The person is certified and meets the requirements of IC 4-13.6-4. The person's response to the request for proposals must include a copy of the person's certificate of qualification issued under IC 4-13.6-4.

(C) Subject to subdivision (3), the person provides energy conservation ~~engineering design~~ services by **an architect or** a professional engineer licensed under **IC 25-4 or** IC 25-31 who is under the person's direct employment and supervision. The person's response to the request for proposals must include the license number of each **architect or** professional engineer employed by the person to satisfy the requirement of this clause.

(D) The person provides:

- (i) monitoring for the facility performance guarantee; and
- (ii) service personnel under the person's direct employment and supervision;

for the duration of the contract's guarantee.

(E) The person performs at least twenty percent (20%) of the work (measured in dollars of the total contract price) with its own workforce.

(F) The person submits to the school corporation or political subdivision a performance bond to ensure the qualified provider's faithful performance of the qualified provider's obligations over the term of:

- (i) the guaranteed energy savings contract; or
- (ii) the guaranteed savings contract.

(3) With respect to conservation measures for which a contract is executed after June 30, 2006, the term includes a person that satisfies the following:

- (A) The person is experienced in the design, implementation, and installation of conservation measures.
- (B) The person provides ~~engineering design~~ services with respect to conservation measures by **an architect or** a professional engineer licensed under **IC 25-4 or** IC 25-31 who is under the person's direct employment and supervision. The person's response to the request for proposals must include the license number of each **architect or** professional engineer employed by the person to satisfy the requirement of this clause.

(b) For purposes of a guaranteed energy savings contract entered into before July 1, 1999, a person who was a qualified provider under

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1 subsection (a)(1) at the time the contract was entered into remains a
2 qualified provider for that contract after June 30, 1999. If the person
3 enters into:

4 (1) a guaranteed energy savings contract after June 30, 1999, and
5 before July 1, 2006, the person must satisfy the requirements of
6 subsection (a)(2); or

7 (2) a guaranteed savings contract after June 30, 2006, the person
8 must satisfy the requirements of subsection (a)(2) and (a)(3);
9 to be considered a qualified provider.

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