



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3398

by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

30 ILCS 500/25-45
110 ILCS 62/20

Amends the Illinois Procurement Code. Provides that construction agencies (currently, State purchasing officers) may enter into energy conservation program contracts or energy savings contracts or leases that provide for utility cost savings. Provides that energy conservation program contracts or energy savings contracts and leases may be entered into for a period of time deemed to be in the best interest of the State but not exceeding 30 years (currently, 15 years) inclusive of proposed contract or lease renewals. Provides that renewable energy resources contracts and leases may be entered into for a period of time deemed to be in the best interest of the State but not exceeding 30 years inclusive of proposed contract or lease renewals. Amends the Public University Energy Conservation Act. Provides that guaranteed energy savings contracts under the Act shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed within 30 (currently, 20) years the costs of the energy conservation measures. Provides that the guaranteed energy savings contract may provide for payments over a period of time, not to exceed 30 (currently, 20) years from the date of final installation of the measures. Makes conforming changes. Defines "renewable energy resources". Effective immediately.

LRB101 07984 RJF 53040 b

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 25-45 as follows:

6 (30 ILCS 500/25-45)

7 Sec. 25-45. Energy conservation program contracts; energy
8 savings and renewable energy resources contracts or leases.

9 (a) For the purposes of this Section: ~~an~~

10 "Energy ~~energy~~ savings contract or lease" means a contract
11 or lease for an improvement, repair, alteration, betterment,
12 equipment, fixture, or furnishing that is designed to reduce
13 energy consumption or operating costs, and that includes an
14 agreement that payments, except obligations on termination of
15 the contract or lease before its expiration, shall be made over
16 time and that savings are guaranteed to the extent practicable
17 to pay for the cost of the improvement, repair, alteration,
18 betterment, equipment, fixture, or furnishing.

19 "Renewable energy resources" has the meaning ascribed to
20 that term in Section 1-10 of the Illinois Power Agency Act.

21 (b) Construction agencies ~~State purchasing officers~~ may
22 enter into energy conservation program contracts or energy
23 savings contracts or leases that provide for utility cost

1 savings. Notwithstanding any other law to the contrary, energy
2 savings contracts or leases may include an alternative
3 financing or lease to purchase option.

4 (c) Energy conservation program contracts or energy
5 savings contracts and leases may be entered into for a period
6 of time deemed to be in the best interest of the State but not
7 exceeding 30 ~~15~~ years inclusive of proposed contract or lease
8 renewals.

9 (c-5) Renewable energy resources contracts and leases may
10 be entered into for a period of time deemed to be in the best
11 interest of the State but not exceeding 30 years inclusive of
12 proposed contract or lease renewals.

13 (d) The chief procurement officer shall promulgate and
14 adopt rules for the implementation of this Section.

15 (Source: P.A. 100-23, eff. 7-6-17.)

16 Section 10. The Public University Energy Conservation Act
17 is amended by changing Section 20 as follows:

18 (110 ILCS 62/20)

19 Sec. 20. Guarantee. The guaranteed energy savings contract
20 shall include a written guarantee of the qualified provider
21 that either the energy or operational cost savings, or both,
22 will meet or exceed within 30 ~~20~~ years the costs of the energy
23 conservation measures. The qualified provider shall reimburse
24 the public university for any shortfall of guaranteed energy

1 savings projected in the contract. A qualified provider shall
2 provide a sufficient bond to the public university for the
3 installation and the faithful performance of all the measures
4 included in the contract. The guaranteed energy savings
5 contract may provide for payments over a period of time, not to
6 exceed 30 ~~20~~ years from the date of final installation of the
7 measures.

8 (Source: P.A. 94-1062, eff. 7-31-06.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.