

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3053 \_\_\_\_\_ Of the printed Bill  
Page 63 Section \_\_\_\_\_ Lines 19 1/2  
\_\_\_\_\_  
Of the Engrossed Bill

By inserting a new Section 26 to read as follows:

“(INSERT ATTACHED)”; and

By renumbering subsequent sections

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Brian Renegar

\_\_\_\_\_  
Reading Clerk

1       "SECTION \_\_\_\_\_.       AMENDATORY       62 O.S. 2011, Section 318, is  
2 amended to read as follows:

3       Section 318. A. For purposes of this section:

4       1. "Public entity" means any political subdivision of this  
5 state, or a public trust which has as a beneficiary a political  
6 subdivision of this state, or any institution of higher education  
7 which is part of The Oklahoma State System of Higher Education;

8       2. "Performance-based efficiency contract" means a contract for  
9 the design, development, financing, installation and service of any  
10 improvement, repair, alteration or betterment of any building ~~or,~~  
11 facility or municipal utility system, which is owned, operated or  
12 planned by a public entity; or any equipment, fixture or furnishing  
13 to be added to or used in any such building ~~or,~~ facility or  
14 municipal utility system; or any maintenance or operational strategy  
15 that is designed and implemented ~~that will to~~ reduce utility  
16 consumption ~~or,~~ lower operating costs, increase efficiency of  
17 municipal utility systems and associated billable revenue, or avoid  
18 capital costs or capital outlay, in which such estimated efficiency  
19 gains, resulting from the measures are designed to offset the cost  
20 of the energy efficiency or water conservation or usage measures  
21 over a term of not to exceed twenty (20) years or the useful life of  
22 the measures, and may include, but is not limited to, one or more of  
23 the following:

24           a. utility services,

- b. heating, ventilating or air conditioning system modifications or replacements and automated control systems,
- c. replacement or modifications of lighting fixtures,
- d. indoor air quality improvements to increase air quality that conform to the applicable state or local building code requirements when done in conjunction with other cost-saving measures,
- e. any additional building infrastructure improvement, cost saving, life safety or any other improvement that provides long-term operating cost reductions and is in compliance with state and local codes, ~~or~~
- f. any facility operation and support programs that reduce operating cost; ~~and,~~
- g. metering-related equipment or systems that improve the accuracy of billable-revenue-generation systems of a municipal utility system, or
- h. automated or electronically controlled systems or measures that reduce operating costs;

“Qualified provider” means a person or business experienced in the design, analysis and installation of energy  
tion and facility management measures. A qualified provider  
loy a professional engineer registered in the State of  
; and

1       4. "Guarantee" means a written guarantee of a provider that the  
2       utility savings, operational savings, avoided capital costs or  
3       capital outlay or increase in operational efficiencies and  
4       associated billable revenues from the efficiency measures  
5       implemented pursuant to a performance-based efficiency contract will  
6       at least equal the cost of the efficiency measures and all causally  
7       connected work and ancillary improvements provided for in such a  
8       contract.

9           B. In addition to any other legally permissible alternatives of  
10        entering into contracts, any public entity may enter into  
11        performance-based efficiency contracts with a qualified provider  
12        pursuant to the provisions of this section. Further, any public  
13        entity may enter into an installment contract, lease purchase  
14        agreement or other contractual obligation for the purpose of  
15        financing performance-based efficiency projects for a term not to  
16        exceed twenty (20) years or the useful life of the project. A  
17        qualified provider to whom the contract is awarded shall be required  
18        to give a sufficient bond to the public entity for its faithful  
19        performance of the contract. In addition, the public entity may  
20        require performance bonds covering the annual amount of guaranteed  
21        savings over the contract term.

22           C. The contract's ~~cost savings~~ efficiency gains to the public  
23        entity must be ~~guaranteed each year during the term of the~~  
24        agreement. The ~~savings must be~~ sufficient to offset the annual

1 costs of the contract and may be utilized to meet the annual debt  
2 service. The contract shall provide for reimbursement to the public  
3 entity annually for any shortfall of guaranteed ~~savings~~. ~~Savings~~  
4 ~~must be measured, verified and documented during each year of the~~  
5 ~~term and may be utilized to meet the annual debt service efficiency~~  
6 ~~gains in accordance with the performance-based efficiency contract.~~  
7 Efficiency gains must be measured, verified and documented, at a  
8 minimum, during each of the first five (5) years of the term, after  
9 which time the public entity may choose to discontinue the  
10 measurement, verification and documentation services and associated  
11 guarantee. Performance-based efficiency contracts that include  
12 metering or related equipment or systems that improve the accuracy  
13 of billable-revenue-generation systems for a municipal utility  
14 system are required to test a statistically relevant sample of the  
15 meters installed no later than the fifth anniversary of the  
16 effective date of a performance-based efficiency contract. This  
17 section shall constitute the sole authority necessary to enter into  
18 performance-based efficiency contracts, without regard to compliance  
19 with other laws which may specify additional procedural requirements  
20 for execution of contracts."

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22 53-2-9779 MAH 03/06/12  
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