



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB0211

Introduced 1/31/2019, by Sen. Scott M. Bennett

#### 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 07983 RJF 53039 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.