

AN ACT

relating to authorizing certain utility cost savings and alternative fuel programs as eligible for local government energy savings performance contracts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 302.001, Local Government Code, is amended by amending Subdivision (4) and adding Subdivision (9-a) to read as follows:

(4) "Energy savings performance contract" means a contract between a local government and a provider for energy or water conservation or usage measures in which the estimated energy savings, utility cost savings, increase in billable revenues, or increase in meter accuracy resulting from the measures is subject to guarantee to offset the cost of the energy or water conservation or usage measures over a specified period. The term includes a contract related to the pilot program described by Subdivision (9-a) and a contract for the installation or implementation of the following in new or existing facilities, including all causally connected work:

(A) insulation of a building structure and systems within the building;

(B) storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other

1 window or door system modifications that reduce energy consumption;

2 (C) automatic energy control systems, including
3 computer software and technical data licenses;

4 (D) heating, ventilating, or air-conditioning
5 system modifications or replacements that reduce energy or water
6 consumption;

7 (E) lighting fixtures that increase energy
8 efficiency;

9 (F) energy recovery systems;

10 (G) electric systems improvements;

11 (H) water-conserving fixtures, appliances, and
12 equipment or the substitution of non-water-using fixtures,
13 appliances, and equipment;

14 (I) water-conserving landscape irrigation
15 equipment;

16 (J) landscaping measures that reduce watering
17 demands and capture and hold applied water and rainfall, including:

18 (i) landscape contouring, including the use
19 of berms, swales, and terraces; and

20 (ii) the use of soil amendments that
21 increase the water-holding capacity of the soil, including compost;

22 (K) rainwater harvesting equipment and equipment
23 to make use of water collected as part of a storm-water system
24 installed for water quality control;

25 (L) equipment for recycling or reuse of water
26 originating on the premises or from other sources, including
27 treated municipal effluent;

(M) equipment needed to capture water from nonconventional, alternate sources, including air-conditioning condensate or graywater, for nonpotable uses;

(N) metering or related equipment or systems that improve the accuracy of billable-revenue-generation systems; ~~[or]~~

(O) alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles;

(P) programs resulting in utility cost savings;
or

(Q) other energy or water conservation-related improvements or equipment, including improvements or equipment relating to renewable energy or nonconventional water sources or water reuse.

(9-a) "Pilot program" means a pilot program operated by the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station, in consultation with the Texas Facilities Commission and the State Energy Conservation Office, that:

(A) establishes and implements energy efficiency improvements to state-owned buildings maintained by the commission;

(B) generates savings in utility costs resulting from the improvements resulting in at least a 30 percent annual return on the costs of the improvements;

(C) provides for the participation of not fewer than two companies selected by the commission; and

(D) provides for any money attributable to

1 utility cost savings resulting from the pilot program to be
2 appropriated only to the commission.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2015.

H.B. No. 1184

President of the Senate

Speaker of the House

I certify that H.B. No. 1184 was passed by the House on April 13, 2015, by the following vote: Yeas 132, Nays 9, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1184 on May 29, 2015, by the following vote: Yeas 133, Nays 12, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1184 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor