



Sen. Michael W. Frerichs

**Filed: 3/10/2011**

09700SB1632sam001

LRB097 10001 KMW 50861 a

1 AMENDMENT TO SENATE BILL 1632

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1632 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Local Government Energy Conservation Act is  
5 amended by changing Sections 5 and 25 as follows:

6 (50 ILCS 515/5)

7 Sec. 5. Definitions. As used in this Act, unless the  
8 context clearly requires otherwise:

9 "Energy conservation measure" means any improvement,  
10 repair, alteration, or betterment of any building or facility  
11 owned or operated by a unit of local government or any  
12 equipment, fixture, or furnishing to be added to or used in any  
13 such building or facility, subject to all applicable building  
14 codes, that is designed to reduce energy consumption or  
15 operating costs, and may include, without limitation, one or  
16 more of the following:

1           (1) Insulation of the building structure or systems  
2           within the building.

3           (2) Storm windows or doors, caulking or  
4           weatherstripping, multiglazed windows or doors, heat  
5           absorbing or heat reflective glazed and coated window or  
6           door systems, additional glazing, reductions in glass  
7           area, or other window and door system modifications that  
8           reduce energy consumption.

9           (3) Automated or computerized energy control systems.

10          (4) Heating, ventilating, or air conditioning system  
11          modifications or replacements.

12          (5) Replacement or modification of lighting fixtures  
13          to increase the energy efficiency of the lighting system  
14          without increasing the overall illumination of a facility,  
15          unless an increase in illumination is necessary to conform  
16          to the applicable State or local building code for the  
17          lighting system after the proposed modifications are made.

18          (6) Energy recovery systems.

19          (7) Energy conservation measures that provide  
20          long-term operating cost reductions.

21          (8) Automatic fire sprinkler systems.

22          "Guaranteed energy savings contract" means a contract for:  
23          (i) the implementation of an energy audit, data collection, and  
24          other related analyses preliminary to the undertaking of energy  
25          conservation measures; (ii) the evaluation and recommendation  
26          of energy conservation measures; (iii) the implementation of

1 one or more energy conservation measures; and (iv) the  
2 implementation of project monitoring and data collection to  
3 verify post-installation energy consumption and energy-related  
4 operating costs. The contract shall provide that all payments,  
5 except obligations on termination of the contract before its  
6 expiration, are to be made over time and that the savings are  
7 guaranteed to the extent necessary to pay the costs of the  
8 energy conservation measures. Energy savings may include  
9 energy reduction and offsetting sources of renewable energy  
10 funds including renewable energy credits and carbon credits.

11 "Qualified provider" means a person or business whose  
12 employees are experienced and trained in the design,  
13 implementation, or installation of energy conservation  
14 measures. The minimum training required for any person or  
15 employee under this paragraph shall be the satisfactory  
16 completion of at least 40 hours of course instruction dealing  
17 with energy conservation measures. A qualified provider to whom  
18 the contract is awarded shall give a sufficient bond to the  
19 unit of local government for its faithful performance.

20 "Request for proposals" means a competitive selection  
21 achieved by negotiated procurement. The request for proposals  
22 shall be announced through at least one public notice, at least  
23 14 days before the request date in a newspaper published in the  
24 territory comprising the unit of local government or, if no  
25 newspaper is published in that territory, in a newspaper of  
26 general circulation in the area of the unit of local

1 government, from a unit of local government that will  
2 administer the program, requesting innovative solutions and  
3 proposals for energy conservation measures. Proposals  
4 submitted shall be sealed. The request for proposals shall  
5 include all of the following:

6 (1) The name and address of the unit of local  
7 government.

8 (2) The name, address, title, and phone number of a  
9 contact person.

10 (3) Notice indicating that the unit of local government  
11 is requesting qualified providers to propose energy  
12 conservation measures through a guaranteed energy savings  
13 contract.

14 (4) The date, time, and place where proposals must be  
15 received.

16 (5) The evaluation criteria for assessing the  
17 proposals.

18 (6) Any other stipulations and clarifications the unit  
19 of local government may require.

20 "Unit of local government" means a county, township,  
21 municipality, ~~or~~ park district, public institution of higher  
22 education, or nonpublic institution of higher education.

23 (Source: P.A. 96-1197, eff. 7-22-10.)

24 (50 ILCS 515/25)

25 Sec. 25. Installment payment contract; lease purchase

1 agreement. A unit of local government, or units of local  
2 government in combination, may enter into an installment  
3 payment contract or lease purchase agreement with a qualified  
4 provider or with a third party, as authorized by law, for the  
5 funding or financing of the purchase and installation of energy  
6 conservation measures by a qualified provider. Every unit of  
7 local government may issue certificates evidencing the  
8 indebtedness incurred pursuant to the contracts or agreements.  
9 Any such contract or agreement shall be valid whether or not an  
10 appropriation with respect thereto is first included in any  
11 annual or supplemental budget adopted by the unit of local  
12 government. Each contract or agreement entered into by a unit  
13 of local government pursuant to this Section shall be  
14 authorized by official action of the unit of local government's  
15 governing body. The authority granted under this Section is in  
16 addition to any other authority granted by law. No obligations  
17 issued pursuant to this Act shall be regarded as indebtedness  
18 of the unit of local government issuing those obligations or of  
19 any other taxing district for the purpose of any limitation  
20 imposed by law.

21 If an energy audit is performed by an energy services  
22 contractor for a unit of local government within the 3 years  
23 immediately preceding the solicitation, then the unit of local  
24 government must publish as a reference document in the  
25 solicitation for energy conservation measures the following:

- 26 (1) an executive summary of the energy audit provided

1 that the unit of local government may exclude any  
2 proprietary or trademarked information or practices; or

3 (2) the energy audit provided that the unit of local  
4 government may redact any proprietary or trademarked  
5 information or practices.

6 A unit of local government may not withhold the disclosure of  
7 information related to (i) the unit of local government's  
8 consumption of energy, (ii) the physical condition of the unit  
9 of local government's facilities, and (iii) any limitations  
10 prescribed by the unit of local government.

11 The solicitation must include a written disclosure that  
12 identifies any energy services contractor that participated in  
13 the preparation of the specifications issued by the unit of  
14 local government. If no energy services contractor  
15 participated in the preparation of the specifications issued by  
16 the unit of local government, then the solicitation must  
17 include a written disclosure that no energy services contractor  
18 participated in the preparation of the specifications for the  
19 unit of local government. The written disclosure shall be  
20 published in the Capital Development Board Procurement  
21 Bulletin with the Request for Proposal.

22 (Source: P.A. 95-612, eff. 9-11-07; 96-1197, eff. 7-22-10.)

23 Section 10. The Illinois Municipal Code is amended by  
24 changing Section 8-4-1 as follows:

1 (65 ILCS 5/8-4-1) (from Ch. 24, par. 8-4-1)

2 Sec. 8-4-1. No bonds shall be issued by the corporate  
3 authorities of any municipality until the question of  
4 authorizing such bonds has been submitted to the electors of  
5 that municipality provided that notice of the bond referendum,  
6 if held before July 1, 1999, has been given in accordance with  
7 the provisions of Section 12-5 of the Election Code in effect  
8 at the time of the bond referendum, at least 10 and not more  
9 than 45 days before the date of the election, notwithstanding  
10 the time for publication otherwise imposed by Section 12-5, and  
11 approved by a majority of the electors voting upon that  
12 question. Notices required in connection with the submission of  
13 public questions on or after July 1, 1999 shall be as set forth  
14 in Section 12-5 of the Election Code. The clerk shall certify  
15 the proposition of the corporate authorities to the proper  
16 election authority who shall submit the question at an election  
17 in accordance with the general election law, subject to the  
18 notice provisions set forth in this Section.

19 Notice of any such election shall contain the amount of the  
20 bond issue, purpose for which issued, and maximum rate of  
21 interest.

22 However, without the submission of the question of issuing  
23 bonds to the electors, the corporate authorities of any  
24 municipality may authorize the issuance of any of the following  
25 bonds:

26 (1) Bonds to refund any existing bonded indebtedness;

1           (2) Bonds to fund or refund any existing judgment  
2 indebtedness;

3           (3) In any municipality of less than 500,000 population,  
4 bonds to anticipate the collection of installments of special  
5 assessments and special taxes against property owned by the  
6 municipality and to anticipate the collection of the amount  
7 apportioned to the municipality as public benefits under  
8 Article 9;

9           (4) Bonds issued by any municipality under Sections 8-4-15  
10 through 8-4-23, 11-23-1 through 11-23-12, 11-25-1 through  
11 11-26-6, 11-71-1 through 11-71-10, 11-74.3-1 through  
12 11-74.3-7, 11-74.4-1 through 11-74.4-11, 11-74.5-1 through  
13 11-74.5-15, 11-94-1 through 11-94-7, 11-102-1 through  
14 11-102-10, 11-103-11 through 11-103-15, 11-118-1 through  
15 11-118-6, 11-119-1 through 11-119-5, 11-129-1 through  
16 11-129-7, 11-133-1 through 11-133-4, 11-139-1 through  
17 11-139-12, 11-141-1 through 11-141-18 of this Code or 10-801  
18 through 10-808 of the Illinois Highway Code, as amended;

19           (5) Bonds issued by the board of education of any school  
20 district under the provisions of Sections 34-30 through 34-36  
21 of The School Code, as amended;

22           (6) Bonds issued by any municipality under the provisions  
23 of Division 6 of this Article 8; and by any municipality under  
24 the provisions of Division 7 of this Article 8; or under the  
25 provisions of Sections 11-121-4 and 11-121-5;

26           (7) Bonds to pay for the purchase of voting machines by any



1 municipality that has adopted Article 24 of The Election Code,  
2 approved May 11, 1943, as amended;

3 (8) Bonds issued by any municipality under Sections 15 and  
4 46 of the "Environmental Protection Act", approved June 29,  
5 1970;

6 (9) Bonds issued by the corporate authorities of any  
7 municipality under the provisions of Section 8-4-25 of this  
8 Article 8;

9 (10) Bonds issued under Section 8-4-26 of this Article 8 by  
10 any municipality having a board of election commissioners;

11 (11) Bonds issued under the provisions of "An Act to  
12 provide the manner of levying or imposing taxes for the  
13 provision of special services to areas within the boundaries of  
14 home rule units and nonhome rule municipalities and counties",  
15 approved September 21, 1973;

16 (12) Bonds issued under Section 8-5-16 of this Code;

17 (13) Bonds to finance the cost of the acquisition,  
18 construction or improvement of water or wastewater treatment  
19 facilities mandated by an enforceable compliance schedule  
20 developed in connection with the federal Clean Water Act or a  
21 compliance order issued by the United States Environmental  
22 Protection Agency or the Illinois Pollution Control Board;  
23 provided that such bonds are authorized by an ordinance adopted  
24 by a three-fifths majority of the corporate authorities of the  
25 municipality issuing the bonds which ordinance shall specify  
26 that the construction or improvement of such facilities is

1 necessary to alleviate an emergency condition in such  
2 municipality;

3 (14) Bonds issued by any municipality pursuant to Section  
4 11-113.1-1;

5 (15) Bonds issued under Sections 11-74.6-1 through  
6 11-74.6-45, the Industrial Jobs Recovery Law of this Code;~~;~~

7 (16) Bonds issued under the Innovation Development and  
8 Economy Act, except as may be required by Section 35 of that  
9 Act;~~;~~

10 (17) Bonds issued under the Local Government Energy  
11 Conservation Act.

12 (Source: P.A. 96-939, eff. 6-24-10; 96-1394, eff. 7-29-10;  
13 revised 9-2-10.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law."