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## A BILL FOR AN ACT

RELATING TO ENERGY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§302A-       Energy retrofit and performance contracting for  
5 public schools. (a) A public school that performs energy  
6 efficiency retrofitting shall continue to receive budget  
7 appropriations for energy expenditures at an amount that shall  
8 not fall below the pre-retrofitting energy budget; provided that  
9 budget appropriations shall rise in proportion to any increase  
10 in the public school's overall budget for the duration of the  
11 performance contract or project payment term.

12           (b) A public school may enter into a multi-year energy  
13 performance contract for the purpose of undertaking or  
14 implementing energy conservation or alternate energy measures in  
15 a facility or facilities. An energy performance contract may  
16 include financing options such as leasing, lease-purchase,  
17 financing agreements, third-party joint ventures, guaranteed-  
18 savings plans, or energy service contracts, or any combination



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1 thereof; provided that in due course the public school shall  
2 receive title to the energy system being financed. Except as  
3 otherwise provided by law, the department shall review and  
4 approve energy performance contract arrangements for the public  
5 school facility.

6 (c) Notwithstanding any law to the contrary relating to  
7 the award of public contracts, any public school desiring to  
8 enter into an energy performance contract shall do so in  
9 accordance with section 36-41(c)(1) through (8).

10 (d) For purposes of this section:

11 "Energy performance contract" shall have the same meaning  
12 as in section 36-41.

13 "Facility" shall have the same meaning as in section 36-41.

14 "Financing agreement" shall have the same meaning as in  
15 section 37D-2.

16 "Guaranteed-savings plan" shall have the same meaning as in  
17 section 36-41."

18 SECTION 2. New statutory material is underscored.



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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Gynthia Truelan*

JAN 16 2013



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**Report Title:**

Energy; Public Schools; Energy Performance Contracts

**Description:**

Authorizes individual public schools to enter into energy performance contracts. Requires that funding not decrease due to the energy savings.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

