

Introduced by

Senators Grindberg, Flakoll, Wardner

Representatives Drovdal, Grande, N. Johnson

1 A BILL for an Act to amend and reenact section 48-05-11 of the North Dakota Century Code,
2 relating to guaranteed energy savings contracts in public buildings.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 48-05-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **48-05-11. Guaranteed energy savings contracts.** The governmental unit shall
7 provide public notice of the meeting at which it proposes to award a guaranteed energy savings
8 contract, the names of the parties to the proposed contract, and the purpose of the contract.
9 After reviewing the report under section 48-05-10, a governmental unit may enter a guaranteed
10 energy savings contract with a qualified provider if the governmental unit finds that the amount
11 the governmental unit would spend on the energy conservation measures recommended in the
12 report is not likely to exceed the amount to be saved in energy and operation costs over a
13 period not exceeding ~~ten~~ fifteen years from the date of installation if the recommendations in
14 the report are followed. The contract must include a written guarantee of the qualified provider
15 that the energy and operating cost savings will meet or exceed the costs of the system. The
16 written guarantee must be for a period equal to the financing period, which may provide
17 payments over a period not exceeding ~~ten~~ fifteen years. If the governmental unit can document
18 that savings meet or exceed the payment for a period of not less than three years, the
19 governmental unit may request a waiver of the guaranteed portion of the contract for the
20 remainder of the financing term. A guarantee waiver request must be approved by a committee
21 administered by the division of community services. A If the contract involves facility alteration
22 or real property improvement, a qualified provider to whom the contract is awarded shall give a
23 sufficient bond to the governmental unit for the faithful performance of the contract.