

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1599
92ND GENERAL ASSEMBLY

4678S.03T

2004

AN ACT

To repeal section 8.235, RSMo, and to enact in lieu thereof three new sections relating to a joint committee on government accountability.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 8.235, RSMo, is repealed and three new sections enacted in lieu thereof to be known as sections 8.235, 8.237, and 21.820, to read as follows:

8.235. 1. Notwithstanding subsection 3 of section 8.231 and section 34.040, RSMo, the [division of design and construction] **office of administration** is hereby authorized to contract for guaranteed energy cost savings contracts by selecting a bid for proposal from a contractor or team of contractors using the following criteria:

(1) The specialized experience and technical competence of the firm or team with respect to the type of services required;

(2) The capacity and capability of the firm or team to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project. **The scope of work identified in the report of energy audit findings shall be developed and executed in a manner that best meets the needs of the governmental unit. For the purposes of this section and section 8.237, RSMo, “best meets the needs of governmental unit” means, but is not limited to, on a cost effective and timely basis but not otherwise inconsistent with the provisions provided herein;** and

(3) The past record of performance of the firm or team with respect to such factors as control of costs, quality of work and ability to meet schedules.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

16 2. [Each guaranteed energy cost saving contract, authorized pursuant to this section, shall
17 reduce the estimated energy consumption by a minimum of twelve percent or reduce the cost of
18 energy and related savings by a minimum of twelve percent.

19 3.] The guaranteed energy cost saving contract shall otherwise be in accordance with the
20 provisions of section 8.231.

21 [4. The division of design and construction is authorized to use this procurement process
22 for eight projects.]

23 **3. Other state governmental units may procure these services in accordance with
24 section 8.235.**

25 **4. A governmental unit may use designated funds, bonds, or master lease for any
26 guaranteed energy cost savings contract including purchases using installment payment
27 contracts or lease purchase agreements, so long as that use is consistent with the purpose
28 of the appropriation.**

29 **5. Other state governmental units shall participate in the procurement of these
30 services, in accordance with sections 8.231 and 8.237 with implementation beginning on or
31 prior to June 1, 2006.**

**8.237. 1. The office of administration shall develop a statewide plan of energy
2 conservation and cost savings for the buildings and facilities of the state. The plan shall be
3 designed to implement energy conservation and cost savings on a cost effective basis. The
4 office of administration shall divide the buildings and facilities of the state by its
5 administrative agencies such that numerous qualified providers of varying capacity shall
6 be eligible to submit requests for proposals or request for qualifications. The office of
7 administration shall give preference to Missouri companies as provided for in sections
8 34.070 and 34.073, RSMo and relevant executive orders. Prior to the office of
9 administration entering into such contract, it shall solicit sealed proposals from entities
10 that best meet the needs of the governmental unit. Each governmental unit, as defined in
11 section 8.231, prior to entering into a contract for the implementation of any significant
12 energy conservation or facility improvement measure identified by the office of
13 administration, shall meet the following requirements:**

14 **(1) Obtain a report of energy audit findings from the entity providing the energy
15 conservation measures containing recommendations concerning the costs of installation,
16 modifications, or remodeling, including costs of design, engineering, repairs, and financing;
17 and**

18 **(2) The proposal shall guarantee to such governmental unit an amount of cost
19 savings in energy or operating costs, as defined in section 8.231 if such installation,
20 modification, or remodeling is performed by that entity.**

21 **2. For purposes of this section, “energy conservation and facility improvement**
22 **measure” designed to reduce energy consumption, as defined in section 8.231 includes, but**
23 **is not limited to, automated or computerized energy control and facility management**
24 **systems or computerized maintenance management systems, replacement or modification**
25 **of lighting fixtures and systems, energy recovery systems, water conservation, cogeneration**
26 **systems, and window and door system modifications.**

27 **3. The entity shall contractually guarantee energy savings as appropriate and in a**
28 **manner that meets the needs of the governmental unit.**

29 **4. With regard to energy cost savings in section 8.235 and this section, subject to**
30 **appropriations, funding may be provided by the office of administration's revolving**
31 **administrative trust fund, general revenue, or other appropriate fund source.**

21.820. 1. There is established a joint committee of the general assembly to be
2 **known as the "Joint Committee on Government Accountability" to be composed of seven**
3 **members of the senate and seven members of the house of representatives. The senate**
4 **members of the joint committee shall be appointed by the president pro tem and minority**
5 **floor leader of the senate and the house members shall be appointed by the speaker and**
6 **minority floor leader of the house of representatives. Each member shall be appointed for**
7 **a term of two years or until a successor has been appointed to fill the member's place when**
8 **his or her term has expired. Members may be reappointed to the joint committee. No**
9 **party shall be represented by more than four members from the house of representatives**
10 **nor more than four members from the senate. A majority of the committee shall constitute**
11 **a quorum, but the concurrence of a majority of the members shall be required for the**
12 **determination of any matter within the committee's duties.**

13 **2. The joint committee shall:**

14 **(1) Make a continuing study and analysis of inefficiencies, fraud and misconduct**
15 **in state government;**

16 **(2) Determine the appropriate method of obtaining data on each entity of state**
17 **government that will provide relevant information at least biennially for the identification**
18 **of potential and actual inefficiencies in each state entity's function, duties, and**
19 **performance;**

20 **(3) Determine from its study and analysis the need for changes in statutory law,**
21 **rules, or policies; and**

22 **(4) Make any other recommendation to the general assembly necessary to reduce**
23 **inefficiencies in state government;**

24 **(5) Identify and acknowledge government agencies and officials who perform**
25 **functions in an efficient and effective manner.**

26 **3. The joint committee shall meet within thirty days after its creation and organize**
27 **by selecting a chairperson and a vice chairperson, one of whom shall be a member of the**
28 **senate and the other a member of the house of representatives. The chairperson shall**
29 **alternate between members of the house and senate every two years after the committee's**
30 **organization.**

31 **4. The committee shall meet at least four times a year. The committee may meet**
32 **at locations other than Jefferson City when the committee deems it necessary.**

33 **5. The committee shall be staffed by legislative personnel as is deemed necessary**
34 **to assist the committee in the performance of its duties.**

35 **6. The members of the committee shall serve without compensation but shall be**
36 **entitled to reimbursement from the joint contingent fund for actual and necessary expenses**
37 **incurred in the performance of their official duties.**

38 **7. It shall be the duty of the committee to compile a full report of its activities for**
39 **submission to the general assembly. The report shall be submitted not later than the**
40 **fifteenth of January of each year in which the general assembly convenes in regular session**
41 **and shall include any recommendations which the committee may have for legislative**
42 **action as well as any recommendations for administrative or procedural changes in the**
43 **internal management or organization of state government agencies and departments.**
44 **Copies of the report containing such recommendations shall be sent to the appropriate**
45 **directors of state or local government agencies or departments included in the report.**