

Part 1 General Provisions

11-44-101 Title.

This chapter is known as the "Performance Efficiency Act."

Amended by Chapter 181, 2015 General Session

11-44-102 Definitions.

As used in this chapter:

- (1) "Alternative fuel vehicle" means a motor vehicle that is not powered exclusively by a petroleum fuel source.
- (2) "Cost savings" means a decrease in an expenditure, including a future replacement expenditure, by a political subdivision resulting from a performance efficiency measure adopted under this chapter.
- (3)
 - (a) "Facility" means a building, structure, or other improvement that is constructed on property owned by a political subdivision.
 - (b) "Facility" does not mean a privately owned structure that is located on property owned by a political subdivision.
- (4) "Performance efficiency agreement" means an agreement between a political subdivision and a qualified performance efficiency service provider for evaluation, recommendation, and implementation of one or more performance efficiency measures.
- (5)
 - (a) "Performance efficiency measure" means an action taken by a political subdivision that reduces the political subdivision's:
 - (i) energy consumption;
 - (ii) water use;
 - (iii) sewage use; or
 - (iv) operation and maintenance costs.
 - (b) "Performance efficiency measure" includes:
 - (i) insulation installed in a wall, roof, floor, foundation, or heating and cooling distribution system;
 - (ii) a storm window or door, multiglazed window or door, heat absorbing or heat reflective glazed and coated window or door system, additional glazing, or reduction in glass area;
 - (iii) an automatic energy control system;
 - (iv) a heating, ventilating, or air conditioning and distribution system modification or replacement in a facility;
 - (v) caulking and weatherstripping;
 - (vi) a replacement or modification of a lighting fixture to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility unless the increase in illumination is necessary to conform to the applicable building code for the proposed lighting system;
 - (vii) an energy recovery system;
 - (viii) a cogeneration system that produces steam or another form of energy for use primarily within a facility;
 - (ix) a renewable energy or alternate energy system;

- (x) a change in operation or maintenance practice;
 - (xi) a procurement of a low-cost energy supply, including electricity, natural gas, or water;
 - (xii) an indoor air quality improvement that conforms to applicable building code requirements;
 - (xiii) a daylighting system;
 - (xiv) a building operation program that provides cost savings, including computerized energy management and consumption tracking programs or staff and occupant training;
 - (xv) a service to reduce utility costs by identifying utility errors and optimizing rate schedules; or
 - (xvi) the purchase and operation of an alternative fuel vehicle and the infrastructure to support the operation of alternative fuel vehicles.
- (6) "Performance efficiency program" means a program established by a political subdivision under this chapter to adopt a performance efficiency measure.
- (7) "Qualified performance efficiency service provider" means a person who:
- (a) has a record of successful performance efficiency agreements; or
 - (b) has:
 - (i) experience in the design, implementation, and installation of performance efficiency measures;
 - (ii) technical capabilities to ensure that a performance efficiency measure generates cost savings; and
 - (iii) the ability to secure the financing necessary to support the proposed performance efficiency measure.

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