

Energy Conservation

This Act enables the state development finance authority to enter into agreements with federal agencies to finance energy conservation measures. An energy conservation measure is an improvement or equipment that would create operational or energy cost savings.

Submitted as:

Kansas

HB 2169

Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Permit State and Federal
2 Agencies to Finance Energy Conservation Measures.”

3

4 Section 2. [*Definitions.*] As used in this Act:

5 (A) “Authority” means the [state development finance authority] created by [insert
6 citation].

7 (B) “Bonds” means any bonds, notes, debentures, interim certificates, grant and revenue
8 anticipation notes, interest in a lease, lease certificate of participation or other evidences of
9 indebtedness, whether or not the interest on which is subject to federal income taxation, issued by
10 the [Authority] pursuant to this Act.

11 (C) “Energy conservation measure” means an energy study, audit, improvement or
12 equipment which is designed to provide energy and operational cost savings at least equivalent to
13 the amount expended by a participating state or federal agency for such energy study, audit,
14 improvement or equipment over a period of not more than [30 years] after the date such
15 improvement or equipment is installed or becomes operational, as the case may be.

16 (D) “Federal entity” means the government of the United States of America or any
17 bureau, department, instrumentality or other agency of the federal government.

18

19 Section 3. [*State Development Finance Authority Permitted to Contract or Enter*
20 *Agreement with a Federal Entity to Implement Energy Conservation Measures.*]

21 (A) The [state development finance authority] is authorized to contract or enter into a
22 finance, pledge, loan or lease-purchase agreement with a federal entity for an energy conservation
23 measure as defined in [Section 2] of this Act to facilitate the financing thereof or to provide
24 security for the repayment of bonds authorized under this Act.

25 (B) Before executing any contract or finance, pledge, loan or lease-purchase agreement
26 under this section, the affiliated energy conservation contractor shall provide to the participating
27 federal and state agencies and the [state development finance authority] plans for the proposed
28 energy conservation measures prepared by an engineer licensed to practice in this state. The
29 energy conservation contractor shall also provide a report of the calculations showing the
30 estimated energy and operational cost savings that would result from the proposed energy
31 conservation measures.

32 (C) The [state development finance authority] is hereby authorized to issue revenue bonds
33 in amounts sufficient to pay the costs of energy conservation measures as defined in this Act for
34 or on behalf of federal entities for facilities located in the state, and to contract with federal

35 entities with respect to such energy conservation measures and such revenue bonds. The bonds,
36 and interest thereon, issued pursuant to this section shall be payable from revenues derived from
37 the use, lease, occupation or operation of the facilities for which such energy conservation
38 measures are undertaken; any other revenues, appropriations, grants or moneys of a federal entity
39 available therefore; or any combination thereof.

40 (D) Revenue bonds, including refunding revenue bonds, issued under this section shall
41 not be an obligation of the state of this state and shall not constitute an indebtedness of the state,
42 nor shall those constitute indebtedness within the meaning of any constitutional or statutory
43 provision limiting the incurring of indebtedness.

44 (E) Revenue bonds, including refunding revenue bonds, issued under this section and the
45 income derived therefrom are and shall be exempt from all state, county and municipal taxation in
46 the state except state estate taxes.

47 (F) The total costs of energy conservation measures for state facilities initiated by state
48 agencies under this Act, for any fiscal year, exclusive of financing costs, shall not exceed the
49 amounts approved for such energy conservation measures by the [state corporation commission].

50 (G) The [state corporation commission] is authorized to provide administrative support
51 and resources available as requested by federal entities developing energy conservation measures
52 under this Act. The [state corporation commission] may fix, charge and collect reasonable fees
53 for any administrative support and resources or other services provided to the parties developing
54 energy conservation measures under this Act.

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56 Section 4. [*Severability.*] [Insert severability clause.]

57

58 Section 5. [*Repealer.*] [Insert repealer clause.]

59

60 Section 6. [*Effective Date.*] [Insert effective date.]