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.)

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

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

(A) ''Authority'' means the [state development finance authority] created by [insert citation].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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