

## HOUSE BILL No. 2488

By Committee on Local Government

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9 AN ACT concerning state agencies and political subdivisions; relating to  
10 facility energy conservation; amending K.S.A. 2009 Supp. 75-37,125  
11 and repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2009 Supp. 75-37,125 is hereby amended to read  
15 as follows: 75-37,125. (a) As used in this act:

16 (1) "Federal entity" means the government of the United States of  
17 America or any bureau, department, instrumentality or other agency of  
18 the federal government.

19 (2) "Political subdivision" shall have the meaning ascribed thereto in  
20 subsection (o) of K.S.A. 74-8902, and amendments thereto.

21 (3) "State agency" means any office, department, board, commission,  
22 bureau, division, public corporation, agency or instrumentality of this  
23 state.

24 (4) "Energy conservation measure" means an energy study, audit,  
25 improvement or equipment which is designed to provide energy and op-  
26 erational cost savings *or increased revenues* at least equivalent to the  
27 amount expended by a participating political subdivision or state agency  
28 for such energy study, audit, improvement or equipment over a period  
29 of not more than 30 years after the date such improvement or equipment  
30 is installed or becomes operational, as the case may be.

31 (b) Subject to the provisions of subsection (c), a political subdivision  
32 or state agency, which include the board of regents and a regent's insti-  
33 tution and a community or technical college, may enter into a contract or  
34 lease-purchase agreement for an energy conservation measure which  
35 meets the criteria of this section. In addition to any other authority pro-  
36 vided by law a political subdivision or state agency may solicit proposals  
37 to contract for an energy conservation measure by advertising for pro-  
38 posals and qualifications in a newspaper of general circulation or the Kan-  
39 sas register, and by sending requests for proposals to at least three vendors  
40 and negotiating a lease-purchase agreement with one or more vendors  
41 submitting a proposal thereto. Negotiations entered into pursuant to this  
42 section with individual vendors shall not be subject to the provisions of  
43 the open meetings act. After an agreement has been executed, the agree-

1 ment and all proposals from vendors shall be open records available for  
2 public inspection in accordance with the open records act. A state agency  
3 may utilize the procedures prescribed in K.S.A. 75-37,102, and amend-  
4 ments thereto, by the procurement negotiating committee to negotiate  
5 and contract for energy conservation measures. Each state agency shall  
6 provide copies of plans of the proposed energy conservation measure to  
7 the state corporation commission for review. No state agency may enter  
8 into a contract for an energy conservation measure unless such measure  
9 has been approved by the state corporation commission. Plans submitted  
10 under this section shall be retained and maintained by the state corpo-  
11 ration commission.

12 (c) Before executing any contract or finance, pledge, loan or lease-  
13 purchase agreement under this section, the energy conservation contrac-  
14 tor shall provide the political subdivision or state agency with plans for  
15 the proposed energy conservation measures prepared by an engineer li-  
16 censed to practice in Kansas. The energy conservation contractor shall  
17 also provide a report of the calculations showing the estimated energy  
18 and operational cost savings *or increased revenues* that would result from  
19 the proposed energy conservation measures. Notwithstanding any provi-  
20 sion contained in K.S.A. 71-201 and 72-8225, and amendments thereto  
21 or other provisions of law, the board of education of any school district  
22 and the board of any community college or technical college may enter  
23 into a contract or finance, pledge, loan or lease-purchase agreement for  
24 an energy conservation measure for a period exceeding 10 years. Political  
25 subdivisions and state agencies may include a provision in the contract  
26 with an entity providing the energy conservation measure requiring such  
27 entity to guarantee that the actual amount of savings of energy and op-  
28 erational costs *or increased revenues* attributable to the energy conser-  
29 vation measure be not less than the cost of the energy conservation mea-  
30 sure over the time specified including financing costs.

31 (d) Within the limits of appropriations available therefor, the state  
32 corporation commission is authorized to provide grants for engineering  
33 studies and energy conservation measures for political subdivisions and  
34 state agencies.

35 (e) The state corporation commission, or its designee, may provide  
36 administrative support and resources available under the facility conser-  
37 vation improvement program under this section or K.S.A. 75-37,111 et  
38 seq., and amendments thereto, as requested by school districts, private  
39 and public colleges in Kansas, political subdivisions, state agencies or fed-  
40 eral entities for purposes of this section. The state corporation commis-  
41 sion, or its designee, may fix, charge and collect reasonable fees for any  
42 administrative support and resources or other services provided by the  
43 state corporation commission, or its designee, under this subsection.

1 (f) The provisions of the cash basis law and K.S.A. 79-2925, and  
2 amendments thereto, shall not apply to any contract or lease-purchase  
3 agreement entered into pursuant to this section.

4 Sec. 2. K.S.A. 2009 Supp. 75-37,125 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its  
6 publication in the statute book.