

**42.586 Bluegrass turns green private sector loan fund -- Purpose -- Eligibility -- Payback period -- Interest rate -- Administrative regulations.**

- (1) (a) The bluegrass turns green private sector loan fund is created as a separate revolving fund. The fund shall be administered by the cabinet and shall consist of:
  1. Proceeds from grants, contributions, appropriations, or other moneys made available for purposes of the revolving fund;
  2. Loan repayments made by the private sector;
  3. Funds derived from the bond issuance authorized under 2008 Ky. Acts ch. 139, sec. 28.
- (b) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year. Any interest earnings of the fund shall become part of the revolving fund and shall not lapse.
- (2) Revolving fund moneys shall be used by the cabinet to provide low-interest loans to the private sector for engineered demand-side management projects in private sector buildings. The cabinet shall not have more than one (1) loan outstanding at a time to any private retail, commercial, or industrial business.
- (3) To be eligible for a loan under this section, the cost of a proposed engineered demand-side management project shall be at least five thousand dollars (\$5,000) and shall not exceed one million five hundred thousand dollars (\$1,500,000) per project.
- (4) Beginning July 1, 2009, and ending June 30, 2013, the simple payback period for an approved engineered demand-side management project shall be no more than five (5) years. Beginning July 1, 2013, the cabinet may consider a simple payback period of no more than twelve (12) years.
- (5) The loans provided under this section shall be subject to the prime interest rate minus one percent (1%).
- (6) Moneys in the fund are hereby appropriated for the purposes set forth in subsection (2) of this section.
- (7) The cabinet shall not approve an applicant for a loan under this section, unless the applicant:
  - (a) Can demonstrate that the applicant has no outstanding liabilities with the Commonwealth;
  - (b) Can demonstrate that the applicant has a positive payment history with the applicant's electricity provider for the preceding three (3) consecutive years;
  - (c) Agrees to undergo and pay for an energy audit to establish a baseline of energy consumption; and
  - (d) Meets all the requirements established in this section and any administrative regulations promulgated thereunder.

**Effective:** February 25, 2010

**History:** Repealed and reenacted 2010 Ky. Acts ch. 5, sec. 23, effective February 25, 2010. -- Created 2008 Ky. Acts ch. 139, sec. 24, effective July 15, 2008.

**Legislative Research Commission Note** (2/25/2010). 2010 Ky. Acts ch. 5, sec.

28, provides that the repeal and reenactment of this section in that Act "shall apply retroactively to July 15, 2008."