

56.784 Guaranteed energy savings performance contracts -- Authority for administrative regulations.

- (1) Each agency responsible for managing state-owned property shall review the utility usage of the property and shall cooperate with the cabinet to determine which properties are good candidates for guaranteed energy savings performance contracts. The responsible agency is encouraged to implement guaranteed energy savings performance contracts where appropriate.
- (2) The cabinet may implement the provisions of KRS 56.770 to 56.784 through the promulgation of administrative regulations pursuant to KRS Chapter 13A.
- (3) The secretary of the cabinet shall promulgate administrative regulations in accordance with the provisions of KRS Chapter 13A establishing a process for procurement of energy savings performance contracts, including required contract language. The following entities shall adhere to these regulations when procuring services under a guaranteed energy savings performance contract:
 - (a) Any governing body of a postsecondary institution that manages its capital construction program under KRS 164A.580; or
 - (b) Any public corporation as defined by KRS 45.750(2)(c) or as created under the Kentucky Revised Statutes as a governmental agency and instrumentality of the Commonwealth that manages its capital construction program.
- (4) All state agencies, including those identified in subsection (3) of this section, shall submit proposed guaranteed energy savings performance contracts to the Office of Financial Management within the Office of the Controller for review and approval prior to contract execution.
- (5) The secretary shall report all authorized guaranteed energy savings performance contracts to the Capital Projects and Bond Oversight Committee for its review.

Effective: February 25, 2010

History: Repealed and reenacted 2010 Ky. Acts ch. 5, sec. 10, effective February 25, 2010. -- Amended 2008 Ky. Acts ch. 139, sec. 10, effective July 15, 2008. -- Amended 2007 (2d Extra. Sess.) Ky. Acts ch. 1, sec. 32, effective August 30, 2007. -- Amended 2005 Ky. Acts ch. 85, sec. 80, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 35, sec. 3, effective July 15, 2002. -- Created 1996 Ky. Acts ch. 223, sec. 8, effective July 15, 1996.

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."