

STATEMENT OF PRINCIPAL REASONS FOR ADOPTION OF RULES

Chapters 27, 28, and 29 of the State Loan and Investment Board's rules provide for the distribution of 2008 legislative appropriations for emergency capital project grants, large capital construction projects, and investment grade energy audits for local governments. These rules are no longer utilized by the Board because the Board has already distributed the funds appropriated for these purposes. As such, the rules are no longer necessary and the Board is repealing these rules in their entirety.

Chapter 29

Investment Grade Energy Audits – Individual Applications

REPEALED

**~~RULES AND REGULATIONS
STATE LOAN AND INVESTMENT BOARD~~**

Chapter 29

Investment Grade Energy Audits – Individual Applications

REPEALED

~~Section 1. Authority.~~

~~This chapter is adopted pursuant to Laws 2008, Chapter 48, Section 330(b)(i).~~

~~Section 2. Definitions.~~

~~As used in this chapter:~~

~~(a) — "Board" means the State Loan and Investment Board.~~

~~(b) — "Council" means the Wyoming Business Council – State Energy Office.~~

~~(c) — "Director" means the Director of the Office of State Lands and Investments.~~

~~(d) — "Eligible Applicant" means incorporated cities and towns, counties, special districts and joint powers boards in Wyoming.~~

~~(e) — "Eligible Project Costs" means total project cost less ineligible project costs.~~

~~(f) — "Energy Performance Contract" means the contracting vehicle that allows facility owners to accomplish energy or water efficiency projects without upfront capital costs or capital appropriations.~~

~~(g) — "Energy Service Company" means the contractor, pre-qualified under the Wyoming Energy Conservation Improvement Program, responsible for audit, design, implementation, measurement, verification and guarantee of savings for individual projects.~~

~~(h) — "Facility Owner" means a local government entity or group of local government entities responsible for an individual facility or group of facilities including operation, maintenance, financial, legal, and upper management personnel.~~

~~(i) —“Investment Grade Energy Audit” means the detailed engineering investigation and report of a facility’s current energy and water consuming equipment inventory, condition, operation, maintenance, and performance, energy baseline, potential energy and water efficiency upgrades, life cycle costs, and risks for future performance that provides the justification for the energy performance contract project.~~

~~(j) —“Manager” means the Manager of the Wyoming Business Council — State Energy Office.~~

~~(k) —“Office” means the Office of State Lands and Investments.~~

~~(l) —“Wyoming Energy Conservation Improvement Program” means the Wyoming Business Council — State Energy Office program designed to enable and support development and implementation of energy performance contract projects.~~

~~Section 3. General Policy.~~

~~The Board shall award grants under the provisions of this chapter for investment grade energy audits in such a manner and to such applicants as shall, in the judgment of the Board, inure to the greatest benefit of the citizens of the state and represent a prudent use of grant funds.~~

~~Section 4. Funding Availability.~~

~~Available funding for investment grade energy audits statewide for this chapter is allocated pursuant to Laws 2008, Chapter 48, Section 330(b)(i) subject to approval by the State Loan and Investment Board. On April 3, 2008 the State Loan and Investment Board met and approved setting aside \$1,000,000 for grants for investment grade energy audits.~~

~~Section 5. Grant Eligibility.~~

~~(a) — Applicants. Incorporated cities and towns, counties, special districts and joint powers boards shall be eligible to apply to the Office for grants under this chapter. To be eligible for funding applicants must have executed an INVESTMENT GRADE AUDIT AND PROJECT DEVELOPMENT CONTRACT with an energy service company on or after July 1, 2008. If the applicant is a special district or joint powers board, it must be legally formed, approved and otherwise in compliance with statutory requirements of the Wyoming Department of Revenue prior to submitting an application to receive a grant award under this chapter. An applicant must be in compliance with all applicable reporting requirements with the Wyoming Department of Audit prior to its application being considered by the Board.~~

~~(b) — Purposes and Match Requirement. — The Board shall provide investment grade energy audit grants to eligible applicants only for the purpose of auditing energy consumption of an applicant's buildings and operations. — Board awarded grants shall be matched by eligible applicants with a contribution of not less than one dollar (\$1.00) for each two dollars (\$2.00) of the grant amount.~~

~~(c) — Ineligible Investment Grade Energy Audit Costs. — The following audit costs shall be ineligible for reimbursement from grant funds:~~

~~(i) — Costs in excess of the threshold established for investment grade energy audits established by the Wyoming Energy Conservation Improvement Program;~~

~~(ii) — Costs for preparation or presentation of grant or loan applications for any source of funding;~~

~~(iii) — Costs for transportation, meals and lodging incurred anywhere away from the site(s) of the investment grade energy audit;~~

~~(iv) — Costs for eligible applicant's staff time and expenses incurred during the preparation of the investment grade energy audit;~~

~~(v) — Legal fees;~~

~~(vi) — Costs to establish and form special districts or joint powers boards;~~

~~(vii) — Costs incurred prior to grant award;~~

~~Section 6. — Application Procedure.~~

~~(a) — Applications. — Separate applications shall be prepared by applicants for separate investment grade energy audits. — Applicants are permitted to submit one application for multiple buildings and operations encompassed in a single investment grade energy audit. — Applicants shall submit four (4) copies of their completed application to the Office. — Applications shall be properly executed by the officers of the applicant.~~

~~(b) — Timing. Applications for investment grade energy audit grant consideration must be received at least fifteen (15) calendar days prior to any regular or special meeting of the Board.~~

~~(c) — Information Required for All Applications. — The following information shall be provided in all applications:~~

~~(i) — An application cover page on a form provided by the Office;~~

~~(ii) — A project summary on a form provided by the Office detailing the buildings and operations to be included in the investment grade energy audit;~~

~~(iii) — If the applicant is a special district, a copy of the resolution that shows formation of the special district;~~

~~(iv) — If the applicant is a joint powers board, a copy of the certificate of organization filed with the Secretary of State, and a copy of an executed joint powers agreement approved by the Attorney General; and~~

~~(v) — A standard resolution authorizing the filing of the application on a form provided by the Office.~~

~~(d) — Incomplete Applications. Incomplete applications shall not be presented to the Board for consideration.~~

~~Section 7. Evaluation Criteria.~~

~~Criteria. The Board shall evaluate applications utilizing the following criteria:~~

~~(a) — Whether applicant has executed a facility owner contract with the Wyoming Energy Conservation Improvement Program;~~

~~(b) — Whether the applicant has matching funds for the audit from other than state grants;~~

~~(c) — Whether the applicant is current on all its repayment obligations to the Board.~~

~~Section 8. Board Consideration.~~

~~The Board shall consider each application, allow for comments from the applicant and from the Director and establish the maximum amount of the grant along with applicable match requirements.~~

~~Section 9. Grant Disbursement and Administration.~~

~~(a) — Grant Disbursement Process. Grant funds for eligible project costs shall be disbursed to the applicant only as needed to discharge obligations. Requests for disbursements shall be made on a form supplied by the Office and supported by adequate proof that such obligations have been incurred for audit purposes and are due and owing.~~

~~(b) — Minimum Grant Disbursement. The minimum grant disbursement shall be One Thousand dollars (\$1000.00) unless it is the final disbursement of grant funds for the audit.~~

~~(c) — Grant Funds Relinquishment. Unexpended grant funds awarded pursuant to this chapter and unobligated funds appropriated for the purposes set forth in this chapter will on April 1, 2010 automatically be relinquished. Said funds will be made available for unfunded or partially funded large capital construction projects pursuant to Laws 2008, Chapter 48, Section 330(b)(i).~~

~~Section 10. Audits and Inspections.~~

~~Each investment grade energy audit grant award is subject to requirements of this section. The Board may, at its expense, conduct an audit of the records of the applicant related to a grant awarded pursuant to this chapter.~~