

HOUSE BILL No. 4994

October 15, 2015, Introduced by Rep. Pscholka and referred to the Committee on Local Government.

A bill to amend 1851 PA 156, entitled

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

by amending section 11c (MCL 46.11c), as amended by 2002 PA 275.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11c. (1) A county board of commissioners may provide by
2 resolution for energy conservation improvements to be made to
3 county facilities **OR INFRASTRUCTURE** and may pay for the
4 improvements from the general fund of the county or from the
5 savings that result from the energy conservation improvements.
6 Energy conservation improvements may include, but are not limited
7 to, heating, **VENTILATING, OR AIR-CONDITIONING** system improvements,
8 fenestration improvements, roof improvements, the installation of
9 any insulation, the installation or repair of heating, **VENTILATING,**

1 or ~~air conditioning~~ **AIR-CONDITIONING** controls, and entrance or exit
2 way closures, **INFORMATION TECHNOLOGY IMPROVEMENTS ASSOCIATED WITH**
3 **AN ENERGY CONSERVATION IMPROVEMENT, AND MUNICIPAL UTILITY**
4 **IMPROVEMENTS ASSOCIATED WITH AN ENERGY CONSERVATION IMPROVEMENT.**

5 (2) The county board of commissioners of a county may acquire
6 1 or more of the energy conservation improvements described in
7 subsection (1) by installment contract, **WHICH MAY INCLUDE A LEASE-**
8 **PURCHASE AGREEMENT DESCRIBED IN SUBSECTION (5),** or may borrow money
9 and issue notes for the purpose of securing funds for the
10 improvements or may enter into contracts in which the cost of the
11 energy conservation improvements is paid from a portion of the
12 savings that result from the energy conservation improvements.
13 These contractual agreements may provide that the cost of the
14 energy conservation improvements are paid only if the energy
15 savings are sufficient to cover their cost. An installment
16 contract, **A LEASE-PURCHASE AGREEMENT DESCRIBED IN SUBSECTION (5),**
17 or notes issued pursuant to this subsection shall extend for a
18 period of time not to exceed ~~10~~ **20** years **FROM THE DATE OF**
19 **INSTALLATION OF THE ENERGY CONSERVATION IMPROVEMENT.** Notes issued
20 pursuant to this subsection shall be full faith and credit, tax
21 limited obligations of the county, payable from tax levies and the
22 general fund as pledged by the county board of commissioners of the
23 county. The notes are subject to the revised municipal finance act,
24 2001 PA 34, MCL 141.2101 to 141.2821. **A LEASE-PURCHASE AGREEMENT**
25 **ISSUED PURSUANT TO THIS SUBSECTION SHALL NOT BE SUBJECT TO THE**
26 **REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101 TO**
27 **141.2821, AND SHALL NOT BE A MUNICIPAL SECURITY OR A DEBT AS THOSE**

1 **TERMS ARE DEFINED IN THAT ACT.** This subsection does not limit in
2 any manner the borrowing or bonding authority of a county as
3 provided by law.

4 (3) If energy conservation improvements are made as provided
5 in this section, the county board of commissioners shall report the
6 following information to the department of treasury within 60 days
7 of the completion of the improvements:

8 (a) Name of each facility to which an improvement is made and
9 a description of the conservation improvement.

10 (b) Actual energy consumption during the 12-month period
11 before completion of the improvement.

12 (c) Project costs and expenditures.

13 (d) Estimated annual energy savings.

14 (4) If energy conservation improvements are made as provided
15 in this section, the county board of commissioners shall report to
16 the department of treasury, by July 1 of each of the 5 years after
17 the improvements are completed, only the actual annual energy
18 consumption of each facility to which improvements are made. The
19 forms for the reports required by this section shall be furnished
20 by the department of treasury.

21 **(5) AN INSTALLMENT CONTRACT DESCRIBED IN THIS SECTION MAY**
22 **INCLUDE A LEASE-PURCHASE AGREEMENT, WHICH MAY BE A MULTIYEAR**
23 **CONTRACTUAL OBLIGATION THAT PROVIDES FOR AUTOMATIC RENEWAL UNLESS**
24 **POSITIVE ACTION IS TAKEN BY THE LEGISLATIVE BODY TO TERMINATE THAT**
25 **CONTRACT. PAYMENTS UNDER A LEASE-PURCHASE AGREEMENT SHALL BE A**
26 **CURRENT OPERATING EXPENSE SUBJECT TO ANNUAL APPROPRIATIONS OF FUNDS**
27 **BY THE LEGISLATIVE BODY AND SHALL OBLIGATE THE LEGISLATIVE BODY**

1 ONLY FOR THOSE SUMS PAYABLE DURING THE FISCAL YEAR OF CONTRACT
2 EXECUTION OR ANY RENEWAL YEAR THEREAFTER. THE LEGISLATIVE BODY MAY
3 MAKE PAYMENTS UNDER A LEASE-PURCHASE AGREEMENT FROM ANY LEGALLY
4 AVAILABLE FUNDS OR FROM A COMBINATION OF ENERGY OR OPERATIONAL
5 SAVINGS, CAPITAL CONTRIBUTIONS, FUTURE REPLACEMENT COSTS AVOIDED,
6 OR BILLABLE REVENUE ENHANCEMENTS THAT RESULT FROM ENERGY
7 CONSERVATION IMPROVEMENTS, PROVIDED THAT THE LEGISLATIVE BODY HAS
8 DETERMINED THAT THOSE FUNDS ARE SUFFICIENT TO COVER, IN AGGREGATE
9 OVER THE FULL TERM OF THE CONTRACTUAL AGREEMENT, THE COST OF THE
10 ENERGY CONSERVATION IMPROVEMENTS. THE LEASE-PURCHASE AGREEMENT WILL
11 TERMINATE IMMEDIATELY AND ABSOLUTELY AND WITHOUT FURTHER OBLIGATION
12 ON THE PART OF THE LEGISLATIVE BODY AT THE CLOSE OF THE FISCAL YEAR
13 IN WHICH IT WAS EXECUTED OR RENEWED OR AT SUCH TIME AS APPROPRIATED
14 AND OTHERWISE UNOBLIGATED FUNDS ARE NO LONGER AVAILABLE TO SATISFY
15 THE OBLIGATIONS OF THE LEGISLATIVE BODY UNDER THE LEASE-PURCHASE
16 AGREEMENT. DURING THE TERM OF THE LEASE-PURCHASE AGREEMENT, THE
17 LEGISLATIVE BODY SHALL BE THE VESTED OWNER OF THE ENERGY
18 CONSERVATION IMPROVEMENTS AND MAY GRANT A SECURITY INTEREST IN THE
19 ENERGY CONSERVATION IMPROVEMENTS TO THE PROVIDER OF THE LEASE-
20 PURCHASE AGREEMENT. UPON THE TERMINATION OF THE LEASE-PURCHASE
21 AGREEMENT AND THE SATISFACTION OF THE OBLIGATIONS OF THE
22 LEGISLATIVE BODY, THE PROVIDER OF THE LEASE-PURCHASE AGREEMENT
23 SHALL RELEASE ITS SECURITY INTEREST IN THE ENERGY CONSERVATION
24 IMPROVEMENTS.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.