

**Department of Planning and Budget  
2012 Fiscal Impact Statement**

**1. Bill Number:** HB211

**House of Origin**     Introduced       Substitute       Engrossed  
**Second House**     In Committee     Substitute       Enrolled

**2. Patron:** Miller, J.H.

**3. Committee:** General Laws and Technology

**4. Title:** Procurement; forward energy pricing.

**5. Summary:** This bill authorizes a public body to use, subject to available appropriation, forward pricing mechanisms for procuring energy to achieve budget risk reduction. Forward pricing mechanisms are contracts or financial instruments that obligate the public body to buy or sell a specified quantity of energy at a future date at a set price or provide the option to buy or sell the contract or financial instrument. Forward pricing mechanism transactions may be made only if (i) the quantity of energy affected by the mechanism does not exceed the estimated energy use for the public body for the same period, (ii) the period of the mechanism does not exceed 48 months, (iii) a separate account is established for operational energy for the public body, (iv) the public body develops written policies and procedures and discloses them to the public, and (v) the public body establishes an oversight process. The bill defines “energy” as natural gas, heating oil, propane, diesel fuel, unleaded fuel, and any other energy source other than electricity.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary.

**8. Fiscal Implications:** This bill creates stipulations surrounding the use of forward pricing mechanisms for the procurement of energy by public bodies. At the state level, the Department of Mines, Minerals and Energy (DMME) serves as the agency responsible for providing technical assistance for the procurement of statewide contracts related to energy used for facilities’ purposes. Similarly, the Department of General Services serves as the state agency responsible for administering state contracts related to vehicle fuels. Neither agency foresees a fiscal impact to their agency resulting from this bill; according to DMME, the agency is already authorized to take these actions.

The impact of this bill on the state in regards to a potential outcome of such a contract and whether or not it would ultimately result in cost savings or additional spending for the state is indeterminate, although the engrossed version of the bill stipulates that the use of forward pricing mechanisms by public bodies is subject to available appropriation.

**9. Specific Agency or Political Subdivisions Affected:** Department of Mines, Minerals and Energy, Department of General Services, all state agencies, and local public bodies.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 2/14/2011