

SECOND REGULAR SESSION

SENATE BILL NO. 874

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR McKENNA.

Read 1st time February 29, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6046S.011

AN ACT

To repeal section 67.2815, RSMo, and to enact in lieu thereof one new section relating to property assessment clean energy.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 67.2815, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 67.2815, to read as follows:

67.2815. 1. A clean energy development board shall not enter into an
2 assessment contract or levy or collect a special assessment for a project without
3 making a finding that there are sufficient resources to complete the project and
4 that the estimated economic benefit expected from the project during the
5 financing period is equal to or greater than the cost of the project.

6 2. An assessment contract shall be executed by the clean energy
7 development board and the benefitted property owner or property owners and
8 shall provide:

9 (1) A description of the project, including the estimated cost of the project
10 and details on how the project will either reduce energy consumption or create
11 energy from renewable sources;

12 (2) A mechanism for:

13 (a) Verifying the final costs of the project upon its completion; and

14 (b) Ensuring that any amounts advanced or otherwise paid by the clean
15 energy development board toward costs of the project will not exceed the final cost
16 of the project;

17 (3) An acknowledgment by the property owner that the property owner
18 has received or will receive a special benefit by financing a project through the
19 clean energy development board that equals or exceeds the total assessments due

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 under the assessment contract;

21 (4) An agreement by the property owner to pay annual special
22 assessments for a period not to exceed twenty years, as specified in the
23 assessment contract;

24 (5) A statement that the obligations set forth in the assessment contract,
25 including the obligation to pay annual special assessments, are a covenant that
26 shall run with the land and be obligations upon future owners of such property;
27 and

28 (6) An acknowledgment that no subdivision of property subject to the
29 assessment contract shall be valid unless the assessment contract or an
30 amendment thereof divides the total annual special assessment due between the
31 newly subdivided parcels pro rata to the special benefit realized by each
32 subdivided parcel.

33 3. The total special assessments levied against a property under an
34 assessment contract shall not exceed the sum of the cost of the project, including
35 any required energy audits and inspections, or portion thereof financed through
36 the participation in a property assessed clean energy program or clean energy
37 conduit financing, including the costs of any audits or inspections required by the
38 clean energy development board, plus such administration fees, interest, and
39 other financing costs reasonably required by the clean energy development board.

40 4. [The clean energy development board shall provide a copy of each
41 signed assessment contract to the local county assessor and county collector and
42 shall cause a copy of such assessment contract to be recorded in the real estate
43 records of the county recorder of deeds.] **Each executed assessment contract**
44 **shall be maintained by the clean energy development board in its**
45 **official records until the special assessments specified in such contract**
46 **have been fully paid and for a period of not less than three years**
47 **thereafter. Promptly following execution of an assessment contract, the**
48 **clean energy development board shall cause a notice of assessment,**
49 **stating the annual special assessment, including the interest thereon,**
50 **as specified in the assessment contract, to be recorded in the real**
51 **estate records of the county recorder of deeds and shall provide a copy**
52 **of such notice to the local county assessor and county collector.**

53 5. Special assessments agreed to under an assessment contract shall be
54 a lien on the property against which it is assessed on behalf of the applicable
55 clean energy development board from the date that each annual assessment

56 under the assessment contract becomes due. Such special assessments shall be
57 collected by the county collector in the same manner and with the same priority
58 as ad valorem real property taxes. Once collected, the county collector shall pay
59 over such special assessment revenues to the clean energy development board in
60 the same manner in which revenues from ad valorem real property taxes are paid
61 to other taxing districts. Such special assessments shall be collected as provided
62 in this subsection from all subsequent property owners, including the state and
63 all political subdivisions thereof, for the term of the assessment contract.

64 6. Any clean energy development board that contracts for outside
65 administrative services to provide financing origination for a project shall offer
66 the right of first refusal to enter into such a contract to a federally insured
67 depository institution with a physical presence in Missouri upon the same terms
68 and conditions as would otherwise be approved by the clean energy development
69 board. Such right of first refusal shall not be applicable to the origination of any
70 transaction that involves the issuance of bonds by the clean energy development
71 board.

Bill ✓

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