

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1366

By: Peters

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; creating the
8 Oklahoma Municipal Energy Independence Act;
9 establishing a municipal energy district authority;
10 appointing certain persons to certain positions;
11 establishing time and place for certain meetings;
12 specifying general powers and duties of the
13 authority; establishing certain boundaries;
14 authorizing the authority to collect certain
15 repayments of certain loans; stating parameters for
16 eligibility; providing for grants for certain
17 purposes; stating certain parameters for
18 participation in certain program; providing for
19 codification; and providing an effective date.

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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 25-101 of Title 11, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Municipal Energy Independence Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 25-102 of Title 11, unless there
is created a duplication in numbering, reads as follows:

1 A. The governing body of a municipality, by ordinance, may
2 establish a municipal energy district authority for the
3 municipality. The authority shall be a public trust as provided for
4 in Sections 176 through 180.3 of Title 60 of the Oklahoma Statutes.

5 B. The authority shall consist of five (5) trustees as follows:

6 1. The mayor of the municipality;

7 2. Two members of the governing board of the municipality; and

8 3. Two persons appointed by the mayor of the municipality who

9 shall be residents of the municipality and shall not be elected

10 officials.

11 C. The mayor of the municipality shall serve as chair of the

12 authority.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 25-103 of Title 11, unless there
15 is created a duplication in numbering, reads as follows:

16 The trustees of a municipal energy district authority shall
17 establish a time and place for regular meetings and may hold special
18 meetings as may be required for the proper transaction of business.

19 Three trustees shall constitute a quorum for the transaction of

20 business and upon all questions requiring a vote of the trustees

21 there shall be a concurrence of three trustees for approval.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 25-104 of Title 11, unless there
24 is created a duplication in numbering, reads as follows:

- 1 A. The trustees of a municipal energy district authority shall
2 be authorized to:
- 3 1. Manage and conduct the business and affairs of the
4 authority;
 - 5 2. Make and execute all necessary contracts;
 - 6 3. Secure funding through sources which may include:
 - 7 a. issuance of notes or bonds,
 - 8 b. public or private lenders,
 - 9 c. grants or loans from other governmental entities when
10 funds are available, or
 - 11 d. any other public or private funding source;
 - 12 4. Make loans directly to willing and consenting property
13 owners or through a financial institution for the following
14 purposes:
 - 15 a. to finance the purchase and installation of
16 distributed-generation renewable energy sources,
 - 17 b. to make energy-efficient improvements or retrofits
18 that are permanently affixed to residential,
19 commercial, or industrial property,
 - 20 c. to conduct residential and commercial building energy
21 audits, and
 - 22 d. to establish financial incentive programs for energy-
23 efficient improvements; and
- 24

1 5. Make loans or other repayment mechanisms for capital
2 expenditures available to implement green community programs and
3 qualified energy-conservation projects.

4 B. The trustees of an energy district authority shall
5 coordinate with electric utilities that provide electric service
6 within the borders of the municipality on programs offered by the
7 authority pursuant to the Oklahoma Municipal Energy Independence
8 Act. No program offered by a municipal energy district authority
9 shall be used directly or indirectly to compete against an electric
10 service provider's similar program within the borders of the
11 municipality for electric customers.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 25-105 of Title 11, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The Oklahoma Municipal Energy Independence Act shall apply
16 to developed property located within the borders of the municipality
17 on which property taxes are paid and on which the owners of the
18 property are current in the payment of the property taxes.

19 B. Unless other repayment arrangements are agreed to, the
20 trustees of a municipal energy district authority may enter into an
21 agreement with a county to collect repayment of any loan made
22 pursuant to the Oklahoma Municipal Energy Independence Act in the
23 same manner and at the same time as property taxes are paid.

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1 C. Any loan made pursuant to the Oklahoma Municipal Energy
2 Independence Act shall constitute a lien on the property which is
3 the subject of the loan.

4 D. Only appliances or energy-efficient improvements that are
5 permanently affixed to the property shall be eligible for financing
6 pursuant to the Oklahoma Municipal Energy Independence Act.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 25-106 of Title 11, unless there
9 is created a duplication in numbering, reads as follows:

10 A municipal energy district authority may make grants to
11 nonprofit organizations to perform energy-efficiency audits or
12 retrofits on tax-exempt property.

13 SECTION 7. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 25-107 of Title 11, unless there
15 is created a duplication in numbering, reads as follows:

16 A municipal energy district authority shall require those
17 property owners participating in the program to:

18 1. Have an energy audit conducted on the property to be
19 improved to demonstrate the value of the project; and

20 2. Submit proof that the improvements at a minimum meet "Energy
21 Star" ratings.

22 SECTION 8. This act shall become effective November 1, 2011.

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