

2011 DRAFTING REQUEST

Bill

Received: **01/30/2012**

Received By: **emueller**

Wanted: **As time permits**

Companion to LRB: **-3731**

For: **Chad Weininger (608) 266-5840**

By/Representing: **Shawn**

May Contact: **Ray Carey (608-220-6461)**

Drafter: **emueller**

Subject: **Local Gov't - munis generally
Local Gov't - counties**

Addl. Drafters:

Extra Copies: **MES**

Submit via email: **YES**

Requester's email: **Rep.Weininger@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Property assessed clean energy.

Instructions:

Companion to 11-3731

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 02/01/2012	kfollett 02/01/2012		_____			Local
/1			jmurphy 02/01/2012	_____	mbarman 02/01/2012	ggodwin 02/02/2012	

FE Sent For: **02/02/2012.**

<END>

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FE Sent For:

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1/2	emueller	1/15/12	pm	self			
1/1	EUM 2/1/12	2/1	2/1	2/1			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-6731/1 3972/1
EVM:sbb&kjf:ph

Stays
RMNR

No Charges/
Companion Bill

2011 BILL

In 2/1/12

Today

Reger

1 AN ACT *to renumber and amend* 66.0627 (8); and *to create* 66.0627 (8) (b),
2 66.0627 (8) (c), 66.0627 (8) (d) and 66.0627 (8) (e) of the statutes; **relating to:**
3 loans and repayment assistance by a political subdivision for energy and water
4 improvements to premises and collection of the debt by special charge.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, or town may impose a special charge against real property for services rendered by allocating the cost of the service to the properties that are served. Generally, a special charge is not payable in installments. Also under current law, a city, village, town, or county (political subdivision) may make a loan to, or enter into a loan repayment agreement with, an owner or lessee of a premises for making or installing certain energy or water efficiency improvements (property assessed clean energy or PACE program). The political subdivision may collect a loan repayment under the PACE program as a special charge. A special charge imposed under the PACE program may be collected in installments.

Under this bill, a political subdivision that imposes a special charge under the PACE program and allows the charge to be paid in installments may allow a third party that has provided financing for the PACE program project to collect the installments. Also under this bill, a delinquent PACE program special charge installment becomes a lien on the property that benefits from the PACE program project. Also under this bill, if the political subdivision funds a PACE program project that costs \$250,000 or more, the political subdivision must require the owner

BILL

of the premises to obtain a written guarantee from the contractor or project engineer that the PACE program project will achieve a savings-to-investment ratio greater than 1.0 or that the contractor or engineer will pay the owner any shortfall in savings. For a PACE program project that costs less than \$250,000, a political subdivision may require a third party technical review of the projected savings before making a PACE program loan or agreement.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 66.0627 (8) of the statutes is renumbered 66.0627 (8) (a) and
2 amended to read:

3 66.0627 (8) (a) A political subdivision may make a loan, or enter into an
4 agreement regarding loan repayments to a 3rd party for owner-arranged or
5 lessee-arranged financing, to an owner or lessee of a premises located in the political
6 subdivision for making or installing an energy efficiency improvement, a water
7 efficiency improvement, or a renewable resource application to the premises, ~~or enter~~
8 ~~into an agreement with the owner or lessee regarding loan repayments to a 3rd party~~
9 ~~for owner-arranged or lessee-arranged financing for such purposes~~. If a political
10 subdivision makes ~~such~~ a loan or enters into ~~such~~ an agreement under this
11 paragraph, the political subdivision may collect the loan repayment as a special
12 charge under this section. Notwithstanding the ~~provisions of sub. (4)~~, a special
13 charge imposed under this ~~subsection~~ paragraph may be collected in installments
14 and may be included in the current or next tax roll for collection and settlement under
15 ch. 74 even if the special charge is not delinquent.

16 SECTION 2. 66.0627 (8) (b) of the statutes is created to read:

17 66.0627 (8) (b) A political subdivision that imposes a special charge under par.
18 (a) may permit special charge installments to be collected by a 3rd party that has

BILL

1 provided financing for the improvement or application and may require that the 3rd
2 party inform the political subdivision if a special charge installment is delinquent.

3 **SECTION 3.** 66.0627 (8) (c) of the statutes is created to read:

4 66.0627 (8) (c) An installment payment authorized under par. (a) that is
5 delinquent becomes a lien on the property that benefits from the improvement or
6 application as of the date of delinquency. A lien under this paragraph has the same
7 priority as a special assessment lien.

8 **SECTION 4.** 66.0627 (8) (d) of the statutes is created to read:

9 66.0627 (8) (d) A political subdivision that, under par. (a), makes a loan to, or
10 enters an agreement with, an owner for making or installing an improvement or
11 application that costs \$250,000 or more shall require the owner to obtain a written
12 guarantee from the contractor or project engineer that the improvement or
13 application will achieve a savings-to-investment ratio of greater than 1.0 and that
14 the contract or engineer will annually pay the owner any shortfall in savings below
15 this level. The political subdivision may determine the method by which a guarantee
16 under this paragraph is enforced.

17 **SECTION 5.** 66.0627 (8) (e) of the statutes is created to read:

18 66.0627 (8) (e) If the making or installing of an improvement or application
19 under par. (a) costs less than \$250,000, the political subdivision may require a
20 3rd-party technical review of the projected savings of the improvement or
21 application as a condition of making a loan or entering into an agreement under par.
22 (a).

23 **SECTION 6. Initial applicability.**

Godwin, Gigi

From: Smith, Shawn
Sent: Thursday, February 02, 2012 4:32 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3972/1 Topic: Property assessed clean energy.

The Co-Sponsors Include:
Rep. Larson, Rep. Spanbauer, Rep. Tauchen, Sen. Holperin, Sen. Wanggaard,

Please Jacket LRB 11-3972/1 for the ASSEMBLY.

We could use a copy of this asap for the Committee Hearing on Tuesday (Energy and Utilities)

Memo

To: Representative **Weininger**

(The Draft's Requester)

Per your request ... the attached fiscal estimate was prepared for your un-introduced 2011 session draft.

LRB Number: LRB-3972

Version: "/1"

Fiscal Estimate Prepared By: DOR

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 02/03/2012

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Un-introduced Draft*

> **If re-drafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file "guts" ... after the draft's old version (the version that this fiscal estimate was based on), and just before re-draft of the updated version.

> **If introduced** ... please make sure the attached fiscal estimate is for the **current version** ... write the draft's new introduction number below and give this packet to Mike (or Tom) to re-process the fiscal estimate (w/intro. number included).

THIS DRAFT WAS INTRODUCED AS: 2011 AB 526

Parisi, Lori

From: Parisi, Lori
Sent: Friday, February 03, 2012 3:38 PM
To: Rep.Weininger
Subject: 11-3972/1 (unintroduced-FE by DOR attached for your review) (Subject: Property assessed clean energy)

Attachments: FE-3972_DOR.PDF



FE-3972_DOR.PDF
(140 KB)

E-3972_DOR.PDF