

# State of Wisconsin



2011 Senate Bill 425

Date of enactment: **March 21, 2012**

Date of publication\*: **April 4, 2012**

## 2011 WISCONSIN ACT 138

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

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

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

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

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

66.0627 (8) (b) A political subdivision that imposes a special charge under par. (a) may permit special charge installments to be collected by a 3rd party that has provided financing for the improvement or application and may require that the 3rd party inform the political subdivision if a special charge installment is delinquent.

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

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

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

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

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

66.0627 (8) (e) If the making or installing of an improvement or application under par. (a) costs less than \$250,000, the political subdivision may require a 3rd-party technical review of the projected savings of the

improvement or application as a condition of making a loan or entering into an agreement under par. (a).

**SECTION 6. Initial applicability.**

(1) This act first applies to loans made or agreements entered into on the effective date of this subsection.

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