

Amendments to House Bill No. 361
1st Reading Copy

Requested by Representative Brady Wiseman

For the House Local Government Committee

Prepared by Joe Kolman
February 12, 2009 (9:25pm)

1. Title, line 7.

Strike: "DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES"

Insert: "ALTERNATIVE ENERGY SYSTEMS"

2. Title, page 1, line 9.

Following: "PROPERTY;"

Strike: "CLARIFYING" on line 9 through "MCA;" on line 11

Insert: "ALLOWING LOAN PAYMENTS TO BE COLLECTED WITH PROPERTY TAXES;"

3. Page 1, line 17.

Following: "is to provide"

Insert: "voluntary"

4. Page 1, line 18.

Strike: "distributed" through "sources"

Insert: "alternative energy systems"

5. Page 1, line 24 through line 28.

Strike: subsection (3) in its entirety

Insert: "(3) As used in [sections 1 through 7]:

(a) "alternative energy systems" has the meaning provided in 15-32-102. It does not include a net metering system as defined in 69-8-103.

(b) "energy efficiency improvements" means reducing the waste or dissipation of energy or reducing the amount of energy required to accomplish a given quantity of work. It includes, but is not limited to, the installation of gray water reuse system as defined in 75-5-325."

6. Page 2.

Following: line 27

Insert: "(b) that assessments will be levied only against property owners who voluntarily agree to a loan financed by the district for alternative energy systems or energy efficiency improvements;"

Renumber: subsequent subsections

7. Page 3.

Following: line 11

Insert: "(7) Within 60 days after the creation of an energy improvement district or by January 1 of the effective tax year, whichever occurs first, the governing body shall provide to the department of revenue a:
(a) legal description of the energy improvement district;
(b) map of its boundaries;
(c) copy of the certificate of establishment issued pursuant to [section 4]; and
(d) copy of any adopted method of assessment."

8. Page 4, line 14 through line 17.

Following: "issuance of" on line 14

Strike: ":" on line 14 through "(ii)" on line 17

9. Page 4, line 22.

Following: "Loans"

Insert: "-- property assessment to repay loans"

Following: "lien."

Insert: "(1)"

10. Page 4, line 23 through line 24.

Strike: "distributed generation" on line 23 through "sources" on line 24

Insert: "alternative energy systems"

11. Page 4, line 27.

Following: "appropriate."

Insert:

"(2) Loan payments may be assessed on property as provided in subsections (3) and (4). The legal description and geocode for each real property subject to this subsection must be reported by the entity administering the energy improvement district to the department of revenue annually by February 1.

(3) (a) Except as provided in subsection (4), in each city or town where taxes for general, municipal, and administrative purposes are certified to and collected by the county treasurer immediately after the second Monday of August of each year, it is the duty of the city treasurer or town clerk to certify to the department of revenue, at the same time that the copy of the resolution determining the annual levy for general taxes is certified by the city or town clerk to the county clerk, all assessments levied and assessed in accordance with the provisions of this section.

(b) The department of revenue shall enter the assessments upon the property tax record for the county. The county treasurer shall collect the assessments in the same manner and at the same time as taxes for general, municipal, and administrative purposes are collected.

(4) (a) In a city or town where taxes for general, municipal, and administrative purposes are certified to and

collected by the county treasurer in accordance with the provisions of 7-6-4423, the city or town may provide by ordinance for the collection by its city treasurer or town clerk of all assessments levied and assessed in accordance with the provisions of this section in the same manner and at the same time as taxes for general, municipal, and administrative purposes are collected by the county treasurer. All of the provisions of 7-6-4423 apply to the collection of the assessments in the same manner as the provisions apply to the collection of other city or town taxes.

(b) (i) When the payment of any one installment of any assessment becomes delinquent, all payments of subsequent installments, at the option of the city or town council and by appropriate resolution duly adopted, become delinquent. The city or town council may order that all assessments that are delinquent as a result of acceleration be withdrawn.

(ii) Delinquent assessments must be certified to the county clerk of the county in which the city or town is situated. The county treasurer shall collect the delinquent assessments in the same manner and at the same time that taxes for general, municipal, and administrative purposes are collected. If the delinquent assessments and taxes are not paid, the whole property must be sold in the same manner that other property is sold for taxes. The enforcement of the lien of any installment of a assessment by any method authorized by law does not prevent the enforcement of the lien of any subsequent installment when it becomes delinquent.

(5) "

12. Page 4, line 30.

Following: "the property"

Insert: "; however, the energy improvement district may allow the lien to transfer with the sale of the property"

13. Page 5, line 16.

Following: "secretary of state"

Insert: "and the department of revenue"

14. Page 5, line 18.

Following: "(6) "

Insert: "(a) "

15. Page 5.

Following: line 19

Insert: "(b) If loan payments are still being collected by the governing body pursuant to [section 6] after the dissolution of the energy improvement district, the governing body shall continue to annually report assessments to the department of revenue."

16. Page 5, line 25 through page 7, line 7.