

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1000 By: Leewright of the Senate
3 and
4 Fetgatter of the House
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7 An Act relating to the Oklahoma Energy Independence
8 Act; amending 19 O.S. 2011, Section 460.5, which
9 relates to applicability of Act and liens; modifying
10 property to which Act applies; modifying repayment
11 structure of certain loans; requiring certain
12 recording; modifying lien status of certain loans;
13 modifying authority over certain liens; and providing
14 an effective date.

15 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
16 and replace with:

17 "An Act relating to the Oklahoma Energy Independence
18 Act; amending 19 O.S. 2011, Section 460.5, which
19 relates to applicability of Act and liens; modifying
20 property to which Act applies; authorizing counties
21 to establish Property Assessed Clean Energy
22 programs; modifying repayment structure of certain
23 loans; requiring certain recording; modifying lien
24 status of certain loans; modifying authority over
certain liens; stating improvements eligible for
financing; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 460.5, is
amended to read as follows:

1 Section 460.5 A. The Oklahoma Energy Independence Act shall
2 apply only to ~~developed~~ property zoned as commercial property on
3 which property taxes are paid and on which the owners of the
4 property are current in the payment of the property taxes. The
5 Oklahoma Energy Independence Act shall not apply to any property
6 zoned as residential property. Counties are authorized to establish
7 commercial Property Assessed Clean Energy (PACE) programs to
8 facilitate financing between commercial property owners and private
9 lenders.

10 B. The repayment of any loan made pursuant to the Oklahoma
11 Energy Independence Act shall be upon such terms as may be agreed to
12 by ~~the~~ a property owner and the County Energy District Authority a
13 private lender.

14 1. In the event of a mortgage on the property where a lien is
15 recorded pursuant to the Oklahoma Energy Independence Act, the
16 property owner shall obtain written consent from any mortgage holder
17 or holders prior to the issuance of any loan pursuant to the
18 Oklahoma Energy Independence Act.

19 2. Such loans issued in accordance with the Oklahoma Energy
20 Independence Act between a commercial property owner and a private
21 lender shall not accelerate upon default of a mortgage.

22 C. Any loan made pursuant to the Oklahoma Energy Independence
23 Act shall constitute a lien on the property which is the subject of
24 the loan only upon the recording of ~~a mortgage covering an~~ an

1 assessment contract provided by the county on the property in the
2 office of the county clerk. Any ~~mortgage securing a loan~~ lien
3 imposed pursuant to the Oklahoma Energy Independence Act shall be
4 ~~junior and inferior to all previously recorded liens or mortgages of~~
5 ~~any kind~~ run with the property and have the same priority and status
6 as a lien for unpaid ad valorem property taxes and shall not be
7 extinguished by virtue of a sale by the county for delinquent
8 property taxes. The exclusive method of enforcing a lien for
9 failure to repay any loan made pursuant to the Oklahoma Energy
10 Independence Act shall be by ~~judicial or nonjudicial foreclosure as~~
11 ~~provided by law~~ the local government in the same manner and with the
12 same priority as the enforcement of a lien for unpaid ad valorem
13 property taxes.

14 D. Only appliances or improvements that are permanently affixed
15 to the property shall be eligible for financing pursuant to the
16 Oklahoma Energy Independence Act. Improvements shall be related to
17 energy efficiency, water conservation or building resiliency and are
18 available for new construction or improvements on existing buildings
19 that are commercial properties.

20 SECTION 2. This act shall become effective November 1, 2019."
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1 ENGROSSED SENATE
2 BILL NO. 1000

By: Leewright of the Senate

3 and

4 Fetgatter of the House

5
6 An Act relating to the Oklahoma Energy Independence
7 Act; amending 19 O.S. 2011, Section 460.5, which
8 relates to applicability of Act and liens; modifying
9 property to which Act applies; modifying repayment
10 structure of certain loans; requiring certain
11 recording; modifying lien status of certain loans;
12 modifying authority over certain liens; and providing
13 an effective date.

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

15 SECTION 3. AMENDATORY 19 O.S. 2011, Section 460.5, is
16 amended to read as follows:

17 Section 460.5. A. The Oklahoma Energy Independence Act shall
18 apply only to developed property zoned as commercial property on
19 which property taxes are paid and on which the owners of the
20 property are current in the payment of the property taxes. The
21 Oklahoma Energy Independence Act shall not apply to any property
22 zoned as residential property.

23 B. The repayment of any loan made pursuant to the Oklahoma
24 Energy Independence Act shall be upon such terms as may be agreed to
by the property owner and the County Energy District Authority.

1 1. In the event of a mortgage on the property where a lien is
2 recorded pursuant to the Oklahoma Energy Independence Act, the
3 property owner shall obtain written consent from any mortgage holder
4 or holders prior to the issuance of any loan pursuant to the
5 Oklahoma Energy Independence Act.

6 2. Such loans issued in accordance with the Oklahoma Energy
7 Independence Act between a property owner and the County Energy
8 District Authority shall not accelerate upon default of a mortgage.

9 C. Any loan made pursuant to the Oklahoma Energy Independence
10 Act shall constitute a lien on the property which is the subject of
11 the loan only upon the recording of a ~~mortgage covering an~~
12 assessment contract provided by the County Energy District Authority
13 on the property in the office of the county clerk. Any ~~mortgage~~
14 ~~securing a loan~~ lien imposed pursuant to the Oklahoma Energy
15 Independence Act shall be junior and inferior to all previously
16 ~~recorded liens or mortgages of any kind~~ run with the property and
17 have the same priority and status as a lien for unpaid ad valorem
18 property taxes. The exclusive method of enforcing a lien for
19 failure to repay any loan made pursuant to the Oklahoma Energy
20 Independence Act shall be by ~~judicial or nonjudicial foreclosure as~~
21 provided by law the local government in the same manner and with the
22 same priority as the enforcement of a lien for unpaid ad valorem
23 property taxes.

1 D. Only appliances or improvements that are permanently affixed
2 to the property shall be eligible for financing pursuant to the
3 Oklahoma Energy Independence Act.

4 SECTION 4. This act shall become effective November 1, 2019.

5 Passed the Senate the 12th day of March, 2019.

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Presiding Officer of the Senate

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9 Passed the House of Representatives the ____ day of _____,

10 2019.

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Presiding Officer of the House
of Representatives

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