

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 625

FINAL READING

Introduced by Larson, 40.

Read first time January 18, 2017

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to the Property Assessed Clean Energy Act; to
2 amend sections 18-3201, 18-3202, 18-3203, 18-3204, 18-3205, 18-3206,
3 18-3207, 18-3208, 18-3209, 18-3210, and 18-3211, Revised Statutes
4 Cumulative Supplement, 2016; to redefine terms; to change provisions
5 relating to the creation of clean energy assessment districts,
6 annual assessment collection, and reporting requirements; to
7 eliminate a requirement relating to ongoing measurements for certain
8 projects; to harmonize provisions; to provide a duty for the Revisor
9 of Statutes; to repeal the original sections; and to declare an
10 emergency.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-3201, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 ~~18-3201~~ Sections 1 to 11 of this act ~~18-3201 to 18-3211~~ shall be
4 known and may be cited as the Property Assessed Clean Energy Act.

5 Sec. 2. Section 18-3202, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 ~~18-3202~~ The Legislature finds that:

8 (1) Energy efficiency and the use of renewable energy are important
9 for preserving the health and economic well-being of Nebraska's citizens.
10 Using less energy decreases the cost of living and keeps the cost of
11 public power low by delaying the need for additional power plants. By
12 building the market for energy efficiency and renewable energy products,
13 new jobs will be created for Nebraskans in the energy efficiency and
14 renewable energy job sectors;

15 (2) To further these goals, the state should promote energy
16 efficiency improvements and renewable energy systems;

17 (3) The upfront costs for energy efficiency improvements and
18 renewable energy systems prohibit many property owners from making
19 improvements. Therefore, it is necessary to authorize municipalities to
20 implement an alternative financing method through the creation of clean
21 energy assessment districts; and

22 (4) A public purpose will be served by providing municipalities with
23 the authority to finance the installation of energy efficiency
24 improvements and renewable energy systems through the creation of clean
25 energy assessment districts.

26 Sec. 3. Section 18-3203, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 ~~18-3203~~ For purposes of the Property Assessed Clean Energy Act:

29 (1) Assessment contract means a contract entered into between a
30 municipality, a property owner, and, if applicable, a third-party lender
31 under which the municipality agrees to provide financing for an energy

1 project in exchange for a property owner's agreement to pay an annual
2 assessment for a period not to exceed the weighted average useful life of
3 the energy project;

4 (2) Clean energy assessment district means a district created by a
5 municipality to provide financing for energy projects;

6 (3) Energy efficiency improvement means any acquisition,
7 installation, or modification benefiting publicly or privately owned
8 property that is designed to reduce the electric, gas, water, or other
9 utility demand or consumption of the buildings on or to be constructed on
10 such property or to promote the efficient and effective management of
11 natural resources or storm water, including, but not limited to:

12 (a) Insulation in walls, roofs, floors, foundations, or heating and
13 cooling distribution systems;

14 (b) Storm windows and doors; multiglazed windows and doors; heat-
15 absorbing or heat-reflective glazed and coated window and door systems;
16 and additional glazing, reductions in glass area, and other window and
17 door system modifications that reduce energy consumption;

18 (c) Automated energy control systems;

19 (d) Heating, ventilating, or air conditioning and distribution
20 system modifications or replacements;

21 (e) Caulking, weatherstripping, and air sealing;

22 (f) Replacement or modification of lighting fixtures to reduce the
23 energy use of the lighting system;

24 (g) Energy recovery systems;

25 (h) Daylighting systems;

26 (i) Installation or upgrade of electrical wiring or outlets to
27 charge a motor vehicle that is fully or partially powered by electricity;

28 (j) Facilities providing for water conservation or pollutant
29 control;

30 (k) Roofs designed to reduce energy consumption or support
31 additional loads necessitated by other energy efficiency improvements;

1 (l) Installation of energy-efficient fixtures, including, but not
2 limited to, water heating systems, escalators, and elevators;

3 (m) Energy efficiency related items so long as the cost of the
4 energy efficiency related items financed by the municipality does not
5 exceed twenty-five percent of the total cost of the energy project; and

6 (n) Any other installation or modification of equipment, devices, or
7 materials approved as a utility cost-saving measure by the municipality;

8 (4) Energy efficiency related item means any repair, replacement,
9 improvement, or modification to real property that is necessary or
10 desirable in conjunction with an energy efficiency improvement,
11 including, but not limited to, structural support improvements and the
12 repair or replacement of any building components, paved surfaces, or
13 fixtures disrupted or altered by the installation of an energy efficiency
14 improvement;

15 (5) Energy project means the installation or modification of an
16 energy efficiency improvement or the acquisition, installation, or
17 improvement of a renewable energy system;

18 (6) Municipality means any county, city, or village in this state;

19 (7) Qualifying property means any of the following types of property
20 located within a municipality:

21 (a) Agricultural property;

22 (b) {a} Commercial property, including multifamily residential
23 property comprised of more than four dwelling units;

24 (c) {b} Industrial property; or

25 (d) {e} Single-family residential property, which may include up to
26 four dwelling units;

27 (8)(a) Renewable energy resource means a resource that naturally
28 replenishes over time and that minimizes the output of toxic material in
29 the conversion to energy. Renewable energy resource includes, but is not
30 limited to, the following:

31 (i) Nonhazardous biomass;

- 1 (ii) Solar and solar thermal energy;
- 2 (iii) Wind energy;
- 3 (iv) Geothermal energy;
- 4 (v) Methane gas captured from a landfill or elsewhere;
- 5 (vi) Photovoltaic systems; and
- 6 (vii) Cogeneration and trigeneration systems; and

7 (b) Renewable energy resource does not include petroleum, nuclear
8 power, natural gas, coal, or hazardous biomass; and

9 (9) Renewable energy system means a fixture, product, device, or
10 interacting group of fixtures, products, or devices on the customer's
11 side of the meter that uses one or more renewable energy resources to
12 generate electricity. Renewable energy system includes a biomass stove
13 but does not include an incinerator.

14 Sec. 4. Section 18-3204, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 ~~18-3204~~ (1) Pursuant to the procedures provided in this section, a
17 municipality may, from time to time, create one or more clean energy
18 assessment districts. Such districts may be separate, overlapping, or
19 coterminous and may be created anywhere within the municipality or its
20 extraterritorial zoning jurisdiction, except that a county shall not
21 create a district that includes any area within the corporate boundaries
22 or extraterritorial zoning jurisdiction of any city or village located in
23 whole or in part within such county. The governing body of the
24 municipality shall be the governing body for any district so created.

25 (2) Prior to creating any clean energy assessment district, the
26 municipality shall hold a public hearing at which the public may comment
27 on the creation of such district. Notice of the public hearing shall be
28 given by publication in a legal newspaper in or of general circulation in
29 the municipality at least ten days prior to the hearing.

30 (3) After the public hearing, the municipality may create a clean
31 energy assessment district by ordinance or, for counties, by resolution.

1 The ordinance or resolution shall include:

2 (a) A finding that the financing of energy projects is a valid
3 public purpose;

4 (b) A contract form to be used for assessment contracts between the
5 municipality, the owner of the qualifying property, and, if applicable, a
6 third-party lender governing the terms and conditions of financing and
7 annual assessments;

8 (c) Identification of an official authorized to enter into
9 assessment contracts on behalf of the municipality;

10 (d) An application process and eligibility requirements for
11 financing energy projects;

12 (e) An explanation of how annual assessments will be made and
13 collected;

14 (f) For energy projects involving residential property, a
15 requirement that any interest rate on assessment installments must be a
16 fixed rate;

17 (g) For energy projects involving residential property, a
18 requirement that the repayment period for assessments must be according
19 to a fixed repayment schedule;

20 (h) Information regarding the following, to the extent known, or
21 procedures to determine the following in the future:

22 (i) Provisions for an adequate debt service reserve fund created
23 under section 9 of this act 18-3209, if applicable;

24 (ii) Provisions for an adequate loss reserve fund created under
25 section 8 of this act 18-3208; and

26 (iii) Any application, administration, or other program fees to be
27 charged to owners participating in the program that will be used to
28 finance costs incurred by the municipality as a result of the program;

29 (i) A requirement that the term of the annual assessments not exceed
30 the weighted average useful life of the energy project paid for by the
31 annual assessments;

1 (j) A requirement that any energy efficiency improvement that is not
2 permanently affixed to the qualifying property upon which an annual
3 assessment is imposed to repay the cost of such energy efficiency
4 improvement must be conveyed with the qualifying property if a transfer
5 of ownership of the qualifying property occurs;

6 (k) A requirement that, prior to the effective date of any contract
7 that binds the purchaser to purchase qualifying property upon which an
8 annual assessment is imposed, the owner shall provide notice to the
9 purchaser that the purchaser assumes responsibility for payment of the
10 annual assessment as provided in subdivision (3)(d) of section 5 of this
11 act 18-3205;

12 (l) Provisions for marketing and participant education;

13 (m) A requirement that after the energy project is completed, the
14 municipality shall obtain verification that the renewable energy system
15 or energy efficiency improvement was properly installed and is operating
16 as intended; and

17 ~~(n) For an energy project financed with more than two hundred fifty~~
18 ~~thousand dollars in annual assessments, a requirement for ongoing~~
19 ~~measurements that establish the savings realized by the record owner of~~
20 ~~the qualifying property from the energy project; and~~

21 (n) ~~(o)~~ A requirement that the clean energy assessment district,
22 with respect to single-family residential property, comply with the
23 Property Assessed Clean Energy Act and with directives or guidelines
24 issued by the Federal Housing Administration and the Federal Housing
25 Finance Agency on or after January 1, 2016, relating to property assessed
26 clean energy financing.

27 Sec. 5. Section 18-3205, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 ~~18-3205~~ (1) After passage of an ordinance or resolution under
30 section 4 of this act 18-3204, a municipality may enter into an
31 assessment contract with the record owner of qualifying property within a

1 clean energy assessment district and, if applicable, with a third-party
2 lender to finance an energy project on the qualifying property. The costs
3 financed under the assessment contract may include the cost of materials
4 and labor necessary for installation, permit fees, inspection fees,
5 application and administrative fees, bank fees, and all other fees that
6 may be incurred by the owner pursuant to the installation. The assessment
7 contract shall provide for the repayment of all such costs through annual
8 assessments upon the qualifying property benefited by the energy project.
9 A municipality may not impose an annual assessment under the Property
10 Assessed Clean Energy Act unless such annual assessment is part of an
11 assessment contract entered into under this section.

12 (2) Before entering into an assessment contract with an owner and,
13 if applicable, a third-party lender under this section, the municipality
14 shall verify:

15 (a) In all cases involving qualifying property other than single-
16 family residential property, that the owner has obtained an acknowledged
17 and verified written consent and subordination agreement executed by each
18 mortgage holder or trust deed beneficiary stating that the mortgagee or
19 beneficiary consents to the imposition of the annual assessment and that
20 the priority of the mortgage or trust deed is subordinated to the PACE
21 lien established in section 6 of this act 18-3206. The consent and
22 subordination agreement shall be in a form and substance acceptable to
23 each mortgagee or beneficiary and shall be recorded in the office of the
24 register of deeds of the county in which the qualifying property is
25 located;

26 (b) That there are no delinquent taxes, special assessments, water
27 or sewer charges, or any other assessments levied on the qualifying
28 property; that there are no involuntary liens, including, but not limited
29 to, construction liens, on the qualifying property; and that the owner of
30 the qualifying property is current on all debt secured by a mortgage or
31 trust deed encumbering or otherwise securing the qualifying property;

1 (c) That there are no delinquent annual assessments on the
2 qualifying property which were imposed to pay for a different energy
3 project under the Property Assessed Clean Energy Act; and

4 (d) That there are sufficient resources to complete the energy
5 project and that the estimated economic benefit, including, but not
6 limited to, energy cost savings, maintenance cost savings, and other
7 property operating savings expected from the energy project during the
8 financing period, is equal to or greater than the principal cost of the
9 energy project.

10 (3) Upon completion of the verifications required under subsection
11 (2) of this section, an assessment contract may be executed by the
12 municipality, the owner of the qualifying property, and, if applicable, a
13 third-party lender and shall provide:

14 (a) A description of the energy project, including the estimated
15 cost of the energy project and a description of the estimated savings
16 prepared in accordance with standards acceptable to the municipality;

17 (b) A mechanism for:

18 (i) Verifying the final costs of the energy project upon its
19 completion; and

20 (ii) Ensuring that any amounts advanced, financed, or otherwise paid
21 by the municipality toward the costs of the energy project will not
22 exceed the final cost of the energy project;

23 (c) An agreement by the property owner to pay annual assessments for
24 a period not to exceed the weighted average useful life of the energy
25 project;

26 (d) A statement that the obligations set forth in the assessment
27 contract, including the obligation to pay annual assessments, are a
28 covenant that shall run with the land and be obligations upon future
29 owners of the qualifying property; and

30 (e) An acknowledgment that no subdivision of qualifying property
31 subject to the assessment contract shall be valid unless the assessment

1 contract or an amendment to such contract divides the total annual
2 assessment due between the newly subdivided parcels pro rata to the
3 special benefit realized by each subdivided parcel.

4 (4) The total annual assessments levied against qualifying property
5 under an assessment contract shall not exceed the sum of the cost of the
6 energy project, including any energy audits or inspections or portion
7 thereof financed by the municipality, plus such administration fees,
8 interest, and other financing costs reasonably required by the
9 municipality.

10 (5) Nothing in the Property Assessed Clean Energy Act shall be
11 construed to prevent a municipality from entering into more than one
12 assessment contract with respect to a single parcel of real property so
13 long as each assessment contract relates to a separate energy project and
14 subdivision (2)(c) of this section is not violated.

15 (6) The municipality shall provide a copy of each signed assessment
16 contract to the county assessor and register of deeds of the county in
17 which the qualifying property is located, and the register of deeds shall
18 record the assessment contract with the qualifying property.

19 (7) Annual assessments agreed to under an assessment contract shall
20 be levied against the qualifying property and collected at the same time
21 and in the same manner as property taxes are levied and collected, except
22 that an assessment contract for qualifying property other than single-
23 family residential property may allow third-party lenders to collect
24 annual assessments directly from the owner of the qualifying property in
25 a manner prescribed in the assessment contract. Any third-party lender
26 collecting annual assessments directly from the owner of the qualifying
27 property shall notify the municipality within three business days if an
28 annual assessment becomes delinquent.

29 (8) Collection of annual assessments shall only be sought from the
30 original owners or subsequent purchasers of qualifying property subject
31 to an assessment contract.

1 Sec. 6. Section 18-3206, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 ~~18-3206~~ (1)(a) For qualifying property other than single-family
4 residential property, any annual assessment imposed on such qualifying
5 property that becomes delinquent, including any interest on the annual
6 assessment and any penalty, shall constitute a PACE lien against the
7 qualifying property on which the annual assessment is imposed until the
8 annual assessment, including any interest and penalty, is paid in full.
9 Any annual assessment that is not paid within the time period set forth
10 in the assessment contract shall be considered delinquent. The
11 municipality shall, within fourteen days after an annual assessment
12 becomes delinquent, record a notice of such lien in the office of the
13 register of deeds of the county in which the qualifying property is
14 located.

15 (b) For qualifying property that is single-family residential
16 property, all annual assessments imposed on such qualifying property,
17 including any interest on the annual assessments and any penalty, shall,
18 upon the initial annual assessment, constitute a PACE lien against the
19 qualifying property on which the annual assessments are imposed until all
20 annual assessments, including any interest and penalty, are paid in full.
21 Any annual assessment that is not paid within the time period set forth
22 in the assessment contract shall be considered delinquent. The
23 municipality shall, upon imposition of the initial annual assessment,
24 record a notice of such lien in the office of the register of deeds of
25 the county in which the qualifying property is located.

26 (2) A notice of lien filed under this section shall, at a minimum,
27 include:

28 (a) The amount of funds disbursed or to be disbursed pursuant to the
29 assessment contract;

30 (b) The names and addresses of the current owners of the qualifying
31 property subject to the annual assessment;

1 (c) The legal description of the qualifying property subject to the
2 annual assessment;

3 (d) The duration of the assessment contract; and

4 (e) The name and address of the municipality filing the notice of
5 lien.

6 (3) The PACE lien created under this section shall:

7 (a) For qualifying property that is single-family residential
8 property, (i) be subordinate to all liens on the qualifying property
9 recorded prior to the time the notice of the PACE lien is recorded, (ii)
10 be subordinate to a first mortgage or trust deed on the qualifying
11 property recorded after the notice of the PACE lien is recorded, and
12 (iii) have priority over any other lien on the qualifying property
13 recorded after the notice of the PACE lien is recorded; and

14 (b) For qualifying property other than single-family residential
15 property and subject to the requirement in subdivision (2)(a) of section
16 5 of this act 18-3205 to obtain and record an executed consent and
17 subordination agreement, have the same priority and status as real
18 property tax liens.

19 (4)(a) Notwithstanding any other provision of law, in the event of a
20 sale pursuant to a foreclosure or a sale pursuant to the exercise of a
21 power of sale under a trust deed relating to qualifying property that is
22 single-family residential property, the holders of any mortgages, trust
23 deeds, or other liens, including delinquent annual assessments secured by
24 PACE liens, shall receive proceeds in accordance with the priorities
25 established under subdivision (3)(a) of this section. In the event there
26 are insufficient proceeds from such a sale, from the loss reserve fund
27 established pursuant to section 8 of this act 18-3208, or from any other
28 means to satisfy the delinquent annual assessments, such delinquent
29 annual assessments shall be extinguished. Any annual assessment that has
30 not yet become delinquent shall not be accelerated or extinguished in the
31 event of a sale pursuant to a foreclosure or a sale pursuant to the

1 exercise of a power of sale under a trust deed relating to qualifying
2 property that is single-family residential property. Upon the transfer of
3 ownership of qualifying property that is single-family residential
4 property, including a sale pursuant to a foreclosure or a sale pursuant
5 to the exercise of a power of sale under a trust deed, the nondelinquent
6 annual assessments shall continue as a lien on the qualifying property,
7 subject to the priorities established under subdivision (3)(a) of this
8 section.

9 (b) Upon the transfer of ownership of qualifying property other than
10 single-family residential property, including a sale pursuant to a
11 foreclosure or a sale pursuant to the exercise of a power of sale under a
12 trust deed, the obligation to pay annual assessments shall run with the
13 qualifying property.

14 (5)(a) For qualifying property other than single-family residential
15 property, when the delinquent annual assessment, including any interest
16 and penalty, is paid in full, a release of the PACE lien shall be
17 recorded in the office of the register of deeds of the county in which
18 the notice of the PACE lien was recorded.

19 (b) For qualifying property that is single-family residential
20 property, when all annual assessments, including any interest and
21 penalty, are paid in full, a release of the PACE lien shall be recorded
22 in the office of the register of deeds of the county in which the notice
23 of the PACE lien was recorded.

24 (6) If the holder or loan servicer of any existing mortgage or trust
25 deed that encumbers or that is otherwise secured by the qualifying
26 property has established a payment schedule or escrow account to accrue
27 property taxes or insurance, such holder or loan servicer may increase
28 the required monthly payment, if any, by an amount necessary to pay the
29 annual assessment imposed under the Property Assessed Clean Energy Act.

30 Sec. 7. Section 18-3207, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 ~~18-3207~~ (1) A municipality may raise capital to finance energy
2 projects undertaken pursuant to an assessment contract entered into under
3 the Property Assessed Clean Energy Act. Such capital may come from any of
4 the following:

5 (a) The sale of bonds;

6 (b) Amounts to be advanced by the municipality through funds
7 available to it from any other source; or

8 (c) Third-party lending.

9 (2) Bonds issued under subsection (1) of this section shall not be
10 general obligations of the municipality, shall be nonrecourse, and shall
11 not be backed by the full faith and credit of the issuer, the
12 municipality, or the state, but shall only be secured by payments of
13 annual assessments by owners of qualifying property within the clean
14 energy assessment district or districts specified who are subject to an
15 assessment contract under section 5 of this act ~~18-3205~~.

16 (3) Any single bond issuance by a municipality for purposes of the
17 Property Assessed Clean Energy Act shall not exceed five million dollars
18 without a vote of the registered voters of such municipality.

19 (4) A pledge of annual assessments, funds, or contractual rights
20 made in connection with the issuance of bonds by a municipality
21 constitutes a statutory lien on the annual assessments, funds, or
22 contractual rights so pledged in favor of the person or persons to whom
23 the pledge is given without further action by the municipality. The
24 statutory lien is valid and binding against all other persons, with or
25 without notice.

26 (5) Bonds of one series issued under the Property Assessed Clean
27 Energy Act may be secured on a parity with bonds of another series issued
28 by the municipality pursuant to the terms of a master indenture or master
29 resolution entered into or adopted by the municipality.

30 (6) Bonds issued under the act, and interest payable on such bonds,
31 are exempt from all taxation by this state and its political

1 subdivisions.

2 (7) Bonds issued under the act further essential public and
3 governmental purposes, including, but not limited to, reduced energy
4 costs, reduced greenhouse gas emissions, economic stimulation and
5 development, improved property valuation, and increased employment.

6 (8) The Property Assessed Clean Energy Act shall not be used to
7 finance an energy project on qualifying property owned by a municipality
8 or any other political subdivision of the State of Nebraska without
9 having first been approved by a vote of the registered voters of such
10 municipality or political subdivision owning the qualifying property.
11 Such vote shall be taken at a special election called for such purpose or
12 at an election held in conjunction with a statewide or local primary or
13 general election.

14 Sec. 8. Section 18-3208, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 ~~18-3208~~ (1) A municipality that has created a clean energy
17 assessment district shall create a loss reserve fund for:

18 (a) The payment of any delinquent annual assessments for qualifying
19 property that is single-family residential property in the event that
20 there is a sale pursuant to a foreclosure or a sale pursuant to the
21 exercise of a power of sale under a trust deed of such qualifying
22 property and the proceeds resulting from such a sale are, after all
23 superior liens have been satisfied, insufficient to pay the delinquent
24 annual assessments. Payments from the loss reserve fund under this
25 subdivision may only be made with respect to delinquent annual
26 assessments imposed upon qualifying property that is single-family
27 residential property, with no more than one such payment to be made for
28 the same qualifying property; and

29 (b) The payment of annual assessments imposed upon qualifying
30 property that is single-family residential property subsequent to a sale
31 pursuant to a foreclosure or a sale pursuant to the exercise of a power

1 of sale under a trust deed in which the mortgagee or beneficiary becomes
2 the owner of such qualifying property. Payments from the loss reserve
3 fund under this subdivision may only be made with respect to annual
4 assessments imposed upon qualifying property that is single-family
5 residential property subsequent to the date on which the mortgagee or
6 beneficiary became the owner of such qualifying property and until the
7 qualifying property is conveyed by the mortgagee or beneficiary, with no
8 more than one such payment to be made for the same qualifying property.

9 (2) The loss reserve fund may be funded by state and federal
10 sources, the proceeds of bonds issued pursuant to the Property Assessed
11 Clean Energy Act, third-party capital, and participating property owners.
12 The loss reserve fund shall only be used to provide payment of annual
13 assessments as provided in this section and for the costs of
14 administering the loss reserve fund.

15 (3) The loss reserve fund shall not be funded by, and payment of
16 annual assessments and costs of administering the loss reserve fund shall
17 not be made from, the general fund of any municipality.

18 Sec. 9. Section 18-3209, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 ~~18-3209~~ A municipality that has created a clean energy assessment
21 district may create a debt service reserve fund to be used as security
22 for capital raised under section 7 of this act ~~18-3207~~.

23 Sec. 10. Section 18-3210, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 ~~18-3210~~ (1) Two or more municipalities may enter into an agreement
26 pursuant to the Interlocal Cooperation Act for the creation,
27 administration, or creation and administration of clean energy assessment
28 districts.

29 (2) If the creation of clean energy assessment districts is
30 implemented jointly by two or more municipalities, a single public
31 hearing held jointly by the cooperating municipalities is sufficient to

1 satisfy the requirements of section 4 of this act ~~18-3204~~.

2 (3) A municipality or municipalities may contract with a third party
3 for the administration of clean energy assessment districts.

4 Sec. 11. Section 18-3211, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 ~~18-3211~~ (1) Any municipality that creates a clean energy assessment
7 district under the Property Assessed Clean Energy Act shall, on or before
8 January 31 of each year, electronically submit a report to the Urban
9 Affairs Committee of the Legislature on the following:

10 (a) ~~(1)~~ The number of clean energy assessment districts in the
11 municipality and their location;

12 (b) ~~(2)~~ The total dollar amount of energy projects undertaken
13 pursuant to the act;

14 (c) ~~(3)~~ The total dollar amount of outstanding bonds issued under
15 the act;

16 (d) ~~(4)~~ The total dollar amount of annual assessments collected as
17 of the end of the most recently completed calendar year and the total
18 amount of annual assessments yet to be collected pursuant to assessment
19 contracts signed under the act; and

20 (e) ~~(5)~~ A description of the types of energy projects undertaken
21 pursuant to the act.

22 (2) If a clean energy assessment district is administered jointly by
23 two or more municipalities, a single report submission by the cooperating
24 municipalities is sufficient to satisfy the requirements of subsection
25 (1) of this section.

26 Sec. 12. The Revisor of Statutes shall assign sections 1 to 11 of
27 this act to a new article in Chapter 13.

28 Sec. 13. Original sections 18-3201, 18-3202, 18-3203, 18-3204,
29 18-3205, 18-3206, 18-3207, 18-3208, 18-3209, 18-3210, and 18-3211,
30 Revised Statutes Cumulative Supplement, 2016, are repealed.

31 Sec. 14. Since an emergency exists, this act takes effect when

1 passed and approved according to law.