

SECOND REGULAR SESSION

HOUSE BILL NO. 1862

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BAKER (25) (Sponsor), HOLSMAN, LOW (39), GRILL, WILDBERGER, LAMPE, CORCORAN, DARROUGH, SCHIEFFER AND OXFORD (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

4466L.01I

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to renewable energy.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 393, RSMo, is amended by adding thereto one new section, to be
2 known as section 393.1121, to read as follows:

**393.1121. 1. There is hereby established as a governmental instrumentality of the
2 state of Missouri the "Missouri Alternative Energy Loan Authority", which shall constitute
3 a body corporate and politic.**

**4 2. The authority shall ensure all applicants including local governments,
5 municipalities, cooperatives, utilities, and owners of residential, commercial, and
6 agricultural property receive a low-interest loan for the purpose of financing renewable
7 energy producing products or facilities or qualifying energy efficient and energy
8 conserving appliances and products in this state. The authority shall develop a method for
9 such applicants to apply to the authority for loans and approve disbursements of the loans.
10 Loan applications shall be considered on a need-based program as well as according to
11 efficiency and size of the project with priority given to larger and more efficient proposed
12 renewable energy and energy efficiency projects. Priorities only apply to new projects and
13 not for existing projects.**

14 3. As used in this section, the following terms mean:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (1) "Alternative energy", sources, including but not limited to, energy from wind,
16 solar, thermal, photovoltaic cells and panels, animal waste and by products, dedicated
17 crops grown for energy production, plant-based residues, fuel cells using hydrogen
18 produced by a renewable energy source, and other alternative sources of energy as defined
19 by rule by the department;

20 (2) "Applicant", any local government, municipality, cooperative, utility, and
21 owner of residential, commercial, and agricultural property, which submits an application
22 for loans on financial assistance to the authority;

23 (3) "Authority", the Missouri renewable energy loan authority;

24 (4) "Commission", the Missouri public service commission;

25 (5) "Department", the Missouri department of natural resources;

26 (6) "Energy efficiency project", any project that reduces the energy use of an entity
27 and results in a reduced cost over the life cycle of the project.

28 4. The authority shall consist of seven members appointed by the governor by and
29 with the advice and consent of the senate. Not more than three members shall be of the
30 same political party. All members shall be residents of this state. In making appointments
31 to the authority, the governor shall take into consideration nominees recommended to him
32 for appointment by the department. The members of the authority first appointed by the
33 governor shall be appointed to serve for terms of one, two, and three years, the term of
34 each member to be designated by the governor. The successor of each member shall be
35 appointed for a term of three years or until their successors have been appointed, but any
36 person appointed to fill a vacancy shall be appointed to serve only for the unexpired term.
37 Any member shall be eligible for reappointment. The authority shall elect one of its
38 members as chairman and another as vice chairman and shall appoint a secretary and a
39 treasurer, which offices may be combined, and who need not be members of the authority.
40 Five members of the authority shall constitute a quorum for the purpose of conducting
41 business and exercising the powers of the authority. Action may be taken by the authority
42 upon the affirmative vote of at least three of its members. Each member of the authority
43 shall not be entitled to compensation except for their reasonable and necessary expenses
44 actually incurred in discharging their duties under the provisions of this section. Any
45 member of the authority may be removed by the governor for misfeasance, malfeasance,
46 willful neglect of duty, or other cause after notice and a public hearing unless the notice or
47 hearing shall be expressly waived in writing.

48 5. There is hereby established in the state treasury a fund to be known as the
49 "Missouri Alternative Energy Loan Authority Fund", which shall consist of moneys
50 appropriated annually by the general assembly, which includes a one-time start-up amount

51 of fifteen million dollars to establish such fund. In addition the fund may include any gifts,
52 contributions, grants, or bequests received from federal, state, private, or other sources.
53 The fund shall be administered by the authority. Upon appropriation, money in the fund
54 shall be used solely to provide low-interest loans for renewable energy projects and energy
55 efficiency and related expenses. If any amount is used for purposes otherwise provided in
56 this section, two hundred percent of the loan amount shall be repaid and deposited into the
57 fund created under this section. Notwithstanding the provisions of section 33.080, RSMo,
58 to the contrary, moneys in the fund shall not be transferred to the credit of the general
59 revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be
60 credited to the fund.

61 6. The authority shall have the following powers, together with all powers
62 incidental thereto or necessary for the performance thereof:

63 (1) To have perpetual succession as a body politic and corporate;

64 (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

65 (3) To sue and be sued and to prosecute and defend, at law or in equity, in any
66 court having jurisdiction of the subject matter and of the parties;

67 (4) To have and to use a corporate seal and to alter the same at pleasure;

68 (5) To maintain an office at such place or places in the state of Missouri as it may
69 designate;

70 (6) To accept appropriations, gifts, grants, bequests, and devises and to utilize or
71 dispose of the same to carry out its purpose;

72 (7) To make and execute contracts, releases, compromises, and other instruments
73 necessary or convenient for the exercise of its powers, or to carry out its purpose;

74 (8) To collect reasonable fees and charges in connection with making and servicing
75 its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and
76 in connection with providing technical, consultative and project assistant services. Such
77 fees and charges shall be used to pay the costs of the authority;

78 (9) To invest any funds not required for immediate disbursement in obligations of
79 the state of Missouri or of the United States government or any instrumentality thereof, the
80 principal and interest of which are guaranteed by the state of Missouri, or the United
81 States government or any instrumentality thereof, or certificates of deposit or time deposits
82 of federally insured banks, or federally insured savings and loan associations or of insured
83 credit unions, or, with respect to moneys pledged or held under a trust estate or otherwise
84 available for the owners of bonds or other forms of indebtedness, any investment
85 authorized under the bond resolution governing the security and payment of such
86 obligations or repurchase agreements for the specified investments;

87 **(10) To acquire, hold and dispose of personal property for its purposes;**

88 **(11) To enter into agreements or other transactions with any federal or state**
89 **agency, any person and any domestic or foreign partnership, corporation, association or**
90 **organization.**

91 **7. The authority may from time to time issue renewal notes. Renewal notes may**
92 **be sold at public or private sale and the proceeds applied to the purchase, redemption, or**
93 **payment of the notes to be refunded.**

94 **8. (1) The authority may set interest rates between one percent and two points**
95 **below the prime interest rates.**

96 **(2) The ratio of loan to project cost and the amortization period of loans made by**
97 **the authority shall be determined in accordance with regulations promulgated by the**
98 **authority.**

99 **9. The renewable energy loan authority is assigned to the department. The**
100 **authority shall annually file with the director of the department a report of its previous**
101 **year's income, expenditures and bonds or other forms of indebtedness issued and**
102 **outstanding.**

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