

# An Act

ENROLLED SENATE  
BILL NO. 1000

By: Leewright and Rader of the  
Senate

and

Fetgatter of the House

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

SUBJECT: Oklahoma Energy Independence Act

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:

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

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

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

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

C. Any loan made pursuant to the Oklahoma Energy Independence Act shall constitute a lien on the property which is the subject of the loan only upon the recording of ~~a mortgage covering an~~ assessment contract provided by the county on the property in the office of the county clerk. Any mortgage securing a loan lien imposed pursuant to the Oklahoma Energy Independence Act shall be junior and inferior to all previously recorded liens or mortgages of any kind run with the property and have the same priority and status as a lien for unpaid ad valorem property taxes and shall not be extinguished by virtue of a sale by the county for delinquent property taxes. The exclusive method of enforcing a lien for failure to repay any loan made pursuant to the Oklahoma Energy Independence Act shall be by ~~judicial or nonjudicial foreclosure as provided by law~~ the local government in the same manner and with the same priority as the enforcement of a lien for unpaid ad valorem property taxes.

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

SECTION 2. This act shall become effective November 1, 2019.

Passed the Senate the 6th day of May, 2019.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2019.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_