

FIRST REGULAR SESSION

# HOUSE BILL NO. 660

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RUZICKA (Sponsor), BIVINS, WILSON (119), NANCE,  
JONES (89), RUESTMAN AND HOLSMAN (Co-sponsors).

1617L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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 393.1122, to read as follows:

**393.1122. 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:**

**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**

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.

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 twelve 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 minimal interest rates to recover costs incurred under**  
95 **this section.**

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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