SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1181, 1100, 1262 & 1263
94TH GENERAL ASSEMBLY
2008

AN ACT
To repeal sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758,
30.760, 30.765, 64.170, and 143.121, RSMo, and to enact in lieu thereof thirty
new sections relating to energy regulation, with penalty provisions.

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

Section A. Sections 8.800, 8.810, 8.812, 8.815, 8.837, 30.750, 30.753,
30.756, 30.758, 30.760, 30.765, 64.170, and 143.121, RSMo, are repealed and
thirty new sections enacted in lieu thereof, to be known as sections 8.295, 8.800,
8.810, 8.812, 8.815, 8.837, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 64.170,
143.121, 144.526, 161.365, 251.650, 386.850, 393.1045, 640.017, 640.153, 640.157,
640.216, 701.500, 701.503, 701.506, 701.509, 701.512, 701.515, and 1, to read as
follows:

8.295. Up to ten percent of the amount appropriated each year
from the Facilities Maintenance Reserve Fund created in Section 27(b)
of Article IV of the Missouri Constitution shall be expended on
maintenance, repair, or renovation projects that are otherwise
allowable under the constitution but that are also considered energy
projects with a fifteen year payback or less.

8.800. As used in sections 8.800 to 8.825, the following terms mean:
(1) "Builder", the prime contractor that hires and coordinates building
subcontractors or if there is no prime contractor, the contractor that completes

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is
intended to be omitted in the law.
more than fifty percent of the total construction work performed on the building. Construction work includes, but is not limited to, foundation, framing, wiring, plumbing and finishing work;

(2) "Department", the department of natural resources;

(3) "Designer", the architect, engineer, landscape architect, builder, interior designer or other person who performs the actual design work or is under the direct supervision and responsibility of the person who performs the actual design work;

(4) "District heating and cooling systems", heat pump systems which use waste heat from factories, sewage treatment plants, municipal solid waste incineration, lighting and other heat sources in office buildings or which use ambient thermal energy from sources including temperature differences in rivers to provide regional heating or cooling;

(5) "Division", the division of design and construction;

(6) "Energy efficiency", the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) "Gray water", all domestic wastewater from a state building except wastewater from urinals, toilets, laboratory sinks, and garbage disposals;

(8) "Life cycle costs", the costs associated with the initial construction or renovation and the proposed energy consumption, operation and maintenance costs over the useful life of a state building or over the first twenty-five years after the construction or renovation is completed;

(9) "Public building", a building owned or operated by a governmental subdivision of the state, including, but not limited to, a city, county or school district;

(10) "Renewable energy source", a source of thermal, mechanical or electrical energy produced from solar, wind, low-head hydropower, biomass, hydrogen or geothermal sources, but not from the incineration of hazardous waste, municipal solid waste or sludge from sewage treatment facilities;

(11) "State agency", a department, commission, authority, office, college or university of this state;

(12) "State building", a building owned by this state or an agency of this state;

(13) "Substantial renovation" or "substantially renovated", modifications that will affect at least fifty percent of the square footage
of the building or modifications that will cost at least fifty percent of
the building's fair market value.

8.810. 1. In addition to all other requirements imposed by law, the
director of the division shall require, for construction of a state building or
substantial renovation of an existing state building when major energy systems
are involved, that a design professional submit an analysis which meets the
design program's space and use requirements and reflects the lowest life cycle
cost possible in light of existing commercially available technology. The analysis,
using existing commercially available technology, shall include, but shall not be
limited to, designs which use renewable energy sources, earth-sheltered
construction, systems to recover and use waste heat, thermal storage heat pump
systems, ambient thermal energy, district heating and cooling systems, devices
to reduce water consumption, and plumbing systems to recover gray water for
appropriate reuse.

2. The director of the division shall not let a contract after January 1,
1996, for construction of a state building or substantial renovation of an existing
state building when major energy systems are involved before completing an
evaluation of the design documents and construction documents based upon life
cycle cost factors and the minimum energy efficiency standard established in
subsection 1 of section 8.812.

3. Any design documents submitted to the division under this
section shall, in addition to any other requirements under law, include
a projection of the energy savings that will result from the design
features that are employed in order to comply with the minimum
energy efficiency standard established in subsection 1 of section 8.812.

with the division and the voluntary working group created in subsection 1 of
section 8.815,] shall establish, by rule, a minimum energy efficiency standard for
construction of a state building over five thousand square feet, substantial
renovation of a state building over five thousand square feet when major
energy systems are involved or a building over five thousand square feet
which the state or state agency considers for acquisition or lease. Such standard
shall be at least as stringent as the [American Society of Heating, Refrigerating
and Air Conditioning Engineers (ASHRAE) Standard 90] International Energy
Conservation Code 2006, or the latest [revision] version thereof.

2. All design which is initiated on or after July 1, [1995] 2009, for
construction of a state building over five thousand square feet or substantial
renovation of a state building over five thousand square feet when major
energy systems are involved or any building over five thousand square feet
which the state or state agency considers for acquisition or lease after July 1,
[1995] 2009, shall meet applicable provisions of the minimum energy efficiency
standard.

3. The commissioner of the office of administration may exempt
any building from the requirements of subsection 2 of this section:

(1) When compliance with the minimum energy efficiency
standard may compromise the safety of the building or any of its
occupants; or

(2) When the cost of compliance is expected to exceed the
projected energy cost savings gained.

8.815. The department and the division shall establish a voluntary
working group of persons and interest groups with expertise in energy efficiency,
including, but not limited to, such persons as electrical engineers, mechanical
engineers, builders, contractors, architects, landscape architects, interior
designers, nonprofit organizations, persons affiliated with gas or electric
utilities, and persons with expertise in solar and renewable energy forms. The
voluntary working group shall advise the department on the development of the
energy efficiency standard and shall assist the department in implementation of
the standard by recommending, reviewing and coordinating education programs
for designers, builders, businesses and other interested persons to facilitate
incorporation of the standard into existing practices.

8.837. 1. By [July 1, 1994] January 1, 2009, the department shall
establish, by rule, a minimum energy efficiency standard for new and
substantially renovated state buildings over five thousand square feet which
shall be at least as stringent as the [American Society of Heating, Refrigerating
and Air Conditioning Engineers (ASHRAE) Standard 90.01-1989, as revised, and
shall be at least as stringent as any statewide energy efficiency standard required
pursuant to the Energy Policy Act of 1992 (Public Law 102-486)] International
Energy Conservation Code 2006, or the latest version thereof.

2. All new or substantially renovated state buildings over five thousand
square feet for which design of such construction or renovation is initiated on
or after July 1, [1994] 2009, shall meet applicable provisions of the minimum
energy efficiency standard.
30.750. As used in sections 30.750 to 30.767, the following terms mean:

(1) "Eligible agribusiness", a person engaged in the processing or adding of value to agricultural products produced in Missouri;

(2) "Eligible alternative energy operation", a business enterprise engaged in the production and sale of fuel or power from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass. Such business enterprise shall conform to the characteristics of paragraphs (a), (b), and (d) of subdivision (5) of this section;

(3) "Eligible beginning farmer";

(a) For any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:

a. Is a Missouri resident;

b. Wishes to borrow for a farm operation located in Missouri;

c. Is at least eighteen years old; and

d. In the preceding five years has not owned, either directly or indirectly, farm land greater than fifty percent of the average size farm in the county where the proposed farm operation is located or farm land with an appraised value greater than four hundred fifty thousand dollars.

A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;

(b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:

a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax-exempt financing, including the limitations on the use of loan proceeds; and

b. Meets all other requirements established by the Missouri agriculture and small business development authority;

[(3)] (4) "Eligible facility borrower", a borrower qualified under section 30.860 to apply for a reduced-rate loan under sections 30.750 to 30.767;

[(4)] (5) "Eligible farming operation", any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo, that has all of the following characteristics:

(a) Is headquartered in this state;
Maintains offices, operating facilities, or farming operations and transacts business in this state;

(c) Employs less than ten employees;

(d) Is organized for profit;

(e) Possesses not more than sixty percent equity, where "percent equity" is defined as total assets minus total liabilities divided by total assets, except that an otherwise eligible farming operation applying for a loan for the purpose of installing or improving a waste management practice in order to comply with environmental protection regulations shall be exempt from this eligibility requirement;

[(5)] (6) "Eligible higher education institution", any approved public or private institution as defined in section 173.205, RSMo;

[(6)] (7) "Eligible job enhancement business", a new, existing, or expanding firm operating in Missouri, or as a condition of accepting the linked deposit, will locate a facility or office in Missouri associated with said linked deposit, which employs ten or more employees in Missouri on a yearly average and which, as nearly as possible, is able to establish or retain at least one job in Missouri for each fifty thousand dollars received from a linked deposit loan;

[(7)] (8) "Eligible lending institution", a financial institution that is eligible to make commercial or agricultural or student loans or discount or purchase such loans, is a public depository of state funds or obtains its funds through the issuance of obligations, either directly or through a related entity, eligible for the placement of state funds under the provisions of section 15, article IV, Constitution of Missouri, and agrees to participate in the linked deposit program;

[(8)] (9) "Eligible livestock operation", any person engaged in production of livestock or poultry in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo;

[(9)] (10) "Eligible locally owned business", any person seeking to establish a new firm, partnership, cooperative company, or corporation that shall retain at least fifty-one percent ownership by residents in a county in which the business is headquartered, that consists of the following characteristics:

(a) The county has a median population of twelve thousand five hundred or less; and

(b) The median income of residents in the county are equal to or less than the state median income; or
(c) The unemployment rate of the county is equal to or greater than the state’s unemployment rate;

[(10) (11)] "Eligible marketing enterprise", a business enterprise operating in this state which is in the process of marketing its goods, products or services within or outside of this state or overseas, which marketing is designed to increase manufacturing, transportation, mining, communications, or other enterprises in this state, which has proposed its marketing plan and strategy to the department of economic development and which plan and strategy has been approved by the department for purposes of eligibility pursuant to sections 30.750 to 30.767. Such business enterprise shall conform to the characteristics of paragraphs (a), (b) and (d) of subdivision [(4) (5)] of this section and also employ less than twenty-five employees;

[(11) (12)] "Eligible multitenant development enterprise", a new enterprise that develops multitenant space for targeted industries as determined by the department of economic development and approved by the department for the purposes of eligibility pursuant to sections 30.750 to 30.767;

[(12) (13)] "Eligible residential property developer", an individual who purchases and develops a residential structure of either two or four units, if such residential property developer uses and agrees to continue to use, for at least the five years immediately following the date of issuance of the linked deposit loan, one of the units as his principal residence or if such person's principal residence is located within one-half mile from the developed structure and such person agrees to maintain the principal residence within one-half mile of the developed structure for at least the five years immediately following the date of issuance of the linked deposit loan;

[(13) (14)] "Eligible residential property owner", a person, firm or corporation who purchases, develops or rehabilitates a multifamily residential structure;

[(14) (15)] "Eligible small business", a person engaged in an activity with the purpose of obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision [(4) (5)] of this section, and also employs less than twenty-five employees;

[(15) (16)] "Eligible student borrower", any person attending, or the parent of a dependent undergraduate attending, an eligible higher education institution in Missouri who may or may not qualify for need-based student financial aid calculated by the federal analysis called Congressional Methodology
Formulas pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986);

[(16)] (17) "Eligible water supply system", a water system which serves fewer than fifty thousand persons and which is owned and operated by:

(a) A public water supply district established pursuant to chapter 247, RSMo; or
(b) A municipality or other political subdivision; or
(c) A water corporation;

and which is certified by the department of natural resources in accordance with its rules and regulations to have suffered a significant decrease in its capacity to meet its service needs as a result of drought;

[(17)] (18) "Farming", using or cultivating land for the production of agricultural crops, livestock or livestock products, forest products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products;

[(18)] (19) "Linked deposit", a certificate of deposit, or in the case of production credit associations, the subscription or purchase outright of obligations described in section 15, article IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at rates otherwise provided by law in section 30.758, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.767, to eligible small businesses, eligible alternative energy operations, eligible locally owned businesses, farming operations, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems at below the present borrowing rate applicable to each small business, farming operation, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, or supply system at the time of the deposit of state funds in the institution;

[(19)] (20) "Market rate", the interest rate tied to federal government securities and more specifically described in subsection 4 of section 30.260;

(21) "Professional forester", any individual who holds a bachelor of science degree in forestry from a regionally accredited college or university with a minimum of two years of professional forest
management experience;

(22) "Qualified biomass", any agriculture-derived organic material or any wood-derived organic material harvested in accordance with a site specific forest management plan focused on long-term forest sustainability developed by a professional forester and qualified, in consultation with the conservation commission, by the agriculture and small business development authority;

[(20)] (23) "Water corporation", as such term is defined in section 386.020, RSMo;

[(21)] (24) "Water system", as such term is defined in section 386.020, RSMo.

30.753. 1. The state treasurer may invest in linked deposits; however, the total amount so deposited at any one time shall not exceed, in the aggregate, seven hundred twenty million dollars. No more than three hundred thirty million dollars of the aggregate deposit shall be used for linked deposits to eligible farming operations, eligible locally owned businesses, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, and eligible facility borrowers, no more than one hundred ten million of the aggregate deposit shall be used for linked deposits to small businesses, no more than twenty million dollars shall be used for linked deposits to eligible multitenant development enterprises, and no more than twenty million dollars of the aggregate deposit shall be used for linked deposits to eligible residential property developers and eligible residential property owners, no more than two hundred twenty million dollars of the aggregate deposit shall be used for linked deposits to eligible job enhancement businesses and no more than twenty million dollars of the aggregate deposit shall be used for linked deposit loans to eligible water systems. Linked deposit loans may be made to eligible student borrowers and eligible alternative energy operations from the aggregate deposit. If demand for a particular type of linked deposit exceeds the initial allocation, and funds initially allocated to another type are available and not in demand, the state treasurer may commingle allocations among the types of linked deposits.

2. The minimum deposit to be made by the state treasurer to an eligible lending institution for eligible job enhancement business loans shall be ninety thousand dollars. Linked deposit loans for eligible job enhancement businesses may be made for the purposes of assisting with relocation expenses, working capital, interim construction, inventory, site development, machinery and
equipment, or other expenses necessary to create or retain jobs in the recipient firm.

30.756. 1. An eligible lending institution that desires to receive a linked deposit shall accept and review applications for linked deposit loans from eligible multitenant enterprises, eligible farming operations, eligible alternative energy operations, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible residential property developers, eligible residential property owners, eligible student borrowers, eligible facility borrowers, and eligible water supply systems. An eligible residential property owner shall certify on his or her loan application that the reduced rate loan will be used exclusively to purchase, develop or rehabilitate a multifamily residential property. The lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system. No linked deposit loan made to any eligible farming operation, eligible alternative energy operation, eligible locally owned business, eligible livestock operation, eligible agribusiness or eligible small business shall exceed a dollar limit determined by the state treasurer in the state treasurer's best judgment, except as otherwise limited. Any linked deposit loan made to an eligible facility borrower shall be in accordance with the loan amount and loan term requirements in section 30.860.

2. An eligible farming operation, small business or job enhancement business shall certify on its loan application that the reduced rate loan will be used exclusively for necessary production expenses or the expenses listed in subsection 2 of section 30.753 or the refinancing of an existing loan for production expenses or the expenses listed in subsection 2 of section 30.753 of an eligible farming operation, small business or job enhancement business. Whoever knowingly makes a false statement concerning such application is guilty of a class A misdemeanor. An eligible water supply system shall certify on its loan application that the reduced rate loan shall be used exclusively to pay the costs
of upgrading or repairing an existing water system, constructing a new water
system, or making other capital improvements to a water system which are
necessary to improve the service capacity of the system.

3. In considering which eligible farming operations should receive
reduced-rate loans, the eligible lending institution shall give priority to those
farming operations which have suffered reduced yields due to drought or other
natural disasters and for which the receipt of a reduced-rate loan will make a
significant contribution to the continued operation of the recipient farming
operation.

4. The eligible financial institution shall forward to the state treasurer a
linked deposit loan package, in the form and manner as prescribed by the state
treasurer. The package shall include such information as required by the state
treasurer, including the amount of each loan requested. The institution shall
certify that each applicant is an eligible farming operation, eligible alternative
ergory operation, eligible locally owned business, eligible small business,
eligible job enhancement business, eligible marketing enterprise, eligible
residential property developer, eligible residential property owner, eligible
agribusiness, eligible beginning farmer, eligible livestock operation, eligible
student borrower, eligible facility borrower, or eligible water supply system, and
shall, for each eligible farming operation, small business, eligible job
enhancement business, eligible marketing enterprise, eligible residential property
developer, eligible residential property owner, eligible agribusiness, eligible
beginning farmer, eligible livestock operation, eligible student borrower, eligible
facility borrower, or eligible water supply system, certify the present borrowing
rate applicable.

5. The eligible lending institution shall be responsible for determining if
a student borrower is an eligible student borrower. A student borrower shall be
eligible for an initial or renewal reduced-rate loan only if, at the time of the
application for the loan, the student is a citizen or permanent resident of the
United States, a resident of the state of Missouri as defined by the coordinating
board for higher education, is enrolled or has been accepted for enrollment in an
eligible higher education institution, and establishes that the student has
financial need. In considering which eligible student borrowers may receive
reduced-rate loans, the eligible lending institution may give priority to those
eligible student borrowers whose income, or whose family income, if the eligible
student borrower is a dependent, is such that the eligible student borrower does
not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986). The eligible lending institution shall require the eligible student borrower to document that the student has applied for and has obtained all need-based student financial aid for which the student is eligible prior to application for a reduced-rate loan pursuant to this section. In no case shall the combination of all financial aid awarded to any student in any particular enrollment period exceed the total cost of attendance at the institution in which the student is enrolled. No eligible lending institution shall charge any additional fees, including but not limited to an origination, service or insurance fee on any loan agreement under the provisions of sections 30.750 to 30.765.

6. The eligible lending institution making an initial loan to an eligible student borrower may make a renewal loan or loans to the student. The total of such reduced-rate loans from eligible lending institutions made pursuant to this section to any individual student shall not exceed the cumulative totals established by 20 U.S.C. 1078, as amended. An eligible student borrower shall certify on his or her loan application that the reduced rate loan shall be used exclusively to pay the costs of tuition, incidental fees, books and academic supplies, room and board and other fees directly related to enrollment in an eligible higher education institution. The eligible lending institution shall make the loan payable to the eligible student borrower and the eligible higher education institution as co-payees. The method of repayment of the loan shall be the same as for repayment of loans made pursuant to sections 173.095 to 173.186, RSMo.

7. Beginning August 28, 2005, in considering which eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system should receive reduced-rate loans, the eligible lending institution shall give priority to an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning
farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system that has not previously received a reduced-rate loan through the linked deposit program. However, nothing shall prohibit an eligible lending institution from making a reduced-rate loan to any entity that previously has received such a loan, if such entity otherwise qualifies for such a reduced-rate loan.

30.758. 1. The state treasurer may accept or reject a linked deposit loan package or any portion thereof.

2. The state treasurer shall make a good faith effort to ensure that the linked deposits are placed with eligible lending institutions to make linked deposit loans to minority- or female-owned eligible multitenant enterprises, eligible farming operations, eligible alternative energy operations, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems. Results of such effort shall be included in the linked deposit review committee's annual report to the governor.

3. Upon acceptance of the linked deposit loan package or any portion thereof, the state treasurer may place linked deposits with the eligible lending institution as follows: when market rates are five percent or above, the state treasurer shall reduce the market rate by up to three percentage points to obtain the linked deposit rate; when market rates are less than five percent, the state treasurer shall reduce the market rate by up to sixty percent to obtain the linked deposit rate, provided that the linked deposit rate is not below one percent. All linked deposit rates are determined and calculated by the state treasurer. When necessary, the treasurer may place linked deposits prior to acceptance of a linked deposit loan package.

4. The eligible lending institution shall enter into a deposit agreement with the state treasurer, which shall include requirements necessary to carry out the purposes of sections 30.750 to 30.767. The deposit agreement shall specify the length of time for which the lending institution will lend funds upon receiving a linked deposit, and the original deposit plus renewals shall not exceed five years, except as otherwise provided in this chapter. The agreement shall also include provisions for the linked deposit of a linked deposit for an eligible facility
borrower, eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower or job enhancement business. Interest shall be paid at the times determined by the state treasurer.

5. The period of time for which such linked deposit is placed with an eligible lending institution shall be neither longer nor shorter than the period of time for which the linked deposit is used to provide loans at reduced interest rates. The agreement shall further provide that the state shall receive market interest rates on any linked deposit or any portion thereof for any period of time for which there is no corresponding linked deposit loan outstanding to an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, except as otherwise provided in this subsection. Within thirty days after the annual anniversary date of the linked deposit, the eligible lending institution shall repay the state treasurer any linked deposit principal received from borrowers in the previous yearly period and thereafter repay such principal within thirty days of the yearly anniversary date calculated separately for each linked deposit loan, and repaid at the linked deposit rate. Such principal payment shall be accelerated when more than thirty percent of the linked deposit loan is repaid within a single monthly period. Any principal received and not repaid, up to the point of the thirty percent or more payment, shall be repaid within thirty days of that payment at the linked deposit rate. Finally, when the linked deposit is tied to a revolving line of credit agreement between the banking institution and its borrower, the full amount of the line of credit shall be excluded from the repayment provisions of this subsection.

30.760. 1. Upon the placement of a linked deposit with an eligible lending institution, such institution is required to lend such funds to each approved eligible multitenant enterprise, eligible farm operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible
residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system listed in the linked deposit loan package required by section 30.756 and in accordance with the deposit agreement required by section 30.758. The loan shall be at a fixed rate of interest reduced by the amount established under subsection 3 of section 30.758 to each eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system as determined pursuant to rules and regulations promulgated by the state treasurer under the provisions of chapter 536, RSMo, including emergency rules issued pursuant to section 536.025, RSMo. In addition, the loan agreement shall specify that the eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system shall use the proceeds as required by sections 30.750 to 30.765, and that in the event the loan recipient does not use the proceeds in the manner prescribed by sections 30.750 to 30.765, the remaining proceeds shall be immediately returned to the lending institution and that any proceeds used by the loan recipient shall be repaid to the lending institution as soon as practicable. All records and documents pertaining to the programs established by sections 30.750 to 30.765 shall be segregated by the lending institution for ease of identification and examination. A certification of compliance with this section in the form and manner as prescribed by the state treasurer shall be required of the eligible lending institution. Any lender or lending officer of an eligible lending institution who knowingly violates the provisions of sections 30.750 to 30.765 is guilty of a class A misdemeanor.

2. The state treasurer shall take any and all steps necessary to implement the linked deposit program and monitor compliance of eligible multitenant enterprises, eligible lending institutions, eligible farming operations, eligible
alternative energy operations, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible facility borrowers, or eligible water supply systems.

30.765. The state and the state treasurer are not liable to any eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible multitenant enterprise, eligible farm operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system. Any delay in payments or default on the part of an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system does not in any manner affect the deposit agreement between the eligible lending institution and the state treasurer.

64.170. 1. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties of the first and second classification, as provided by law, is for this purpose empowered, subject to the provisions of subsections 2 and 3 [and 4] of this section, to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation, plumbing or drain laying therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

2. [For the purpose of promoting the public safety, health and general
welfare, to protect life and property, the county commission in a county of the
first classification having a population of more than one hundred sixty thousand
but less than two hundred thousand, as provided by law, is for this purpose
empowered to adopt by order or ordinance regulations to control the construction,
reconstruction, alteration or repair of any building or structure, and provide for
the issuance of building permits and adopt regulations licensing contractors,
firms or corporations other than federal, state or local governments, public
utilities and their contractors engaged in the business of plumbing or drain laying
and provide for the inspection thereof and establish a schedule of permit, license
and inspection fee and appoint a building commission to prepare the regulations,
as herein provided.

3. Any county which has not adopted a building code prior to August 28,
2001, pursuant to sections 64.170 to 64.200, shall not have the authority to adopt
a building code pursuant to such sections unless the authority is approved by
voters, subject to the provisions of subsection [4] 3 of this section.
The ballot of submission for authority pursuant to this subsection shall be in
substantially the following form:
"Shall ................................................. (insert name of county) have
authority to create, adopt and impose a county building code?"

[4.] 3. The proposal of the authority to adopt a building code shall be
voted on only by voters in the area affected by the proposed code, such that a code
affecting a county shall not be voted upon by citizens of any incorporated
territory.

143.121. 1. The Missouri adjusted gross income of a resident individual
shall be the taxpayer's federal adjusted gross income subject to the modifications
in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:
(a) The amount of any federal income tax refund received for a prior year
which resulted in a Missouri income tax benefit;
(b) Interest on certain governmental obligations excluded from federal
gross income by Section 103 of the Internal Revenue Code. The previous sentence
shall not apply to interest on obligations of the state of Missouri or any of its
political subdivisions or authorities and shall not apply to the interest described
in subdivision (a) of subsection 3 of this section. The amount added pursuant to
this paragraph shall be reduced by the amounts applicable to such interest that
would have been deductible in computing the taxable income of the taxpayer
except only for the application of Section 265 of the Internal Revenue Code. The
reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of
federal taxable income pursuant to Section 168 of the Internal Revenue Code as
amended by the Job Creation and Worker Assistance Act of 2002 to the extent the
amount deducted relates to property purchased on or after July 1, 2002, but
before July 1, 2003, and to the extent the amount deducted exceeds the amount
that would have been deductible pursuant to Section 168 of the Internal Revenue
Code of 1986 as in effect on January 1, 2002;

(d) The amount of any deduction that is included in the computation of
federal taxable income for net operating loss allowed by Section 172 of the
Internal Revenue Code of 1986, as amended, other than the deduction allowed by
Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as
amended, for a net operating loss the taxpayer claims in the tax year in which the
net operating loss occurred or carries forward for a period of more than twenty
years and carries backward for more than two years. Any amount of net
operating loss taken against federal taxable income but disallowed for Missouri
income tax purposes pursuant to this paragraph after June 18, 2002, may be
carried forward and taken against any income on the Missouri income tax return
for a period of not more than twenty years from the year of the initial loss; and

(e) For nonresident individuals in all taxable years ending on or after
December 31, 2006, the amount of any property taxes paid to another state or a
political subdivision of another state for which a deduction was allowed on such
nonresident’s federal return in the taxable year.

3. There shall be subtracted from the taxpayer's federal adjusted gross
income the following amounts to the extent included in federal adjusted gross
income:

(a) Interest or dividends on obligations of the United States and its
territories and possessions or of any authority, commission or instrumentality of
the United States to the extent exempt from Missouri income taxes pursuant to
the laws of the United States. The amount subtracted pursuant to this
paragraph shall be reduced by any interest on indebtedness incurred to carry the
described obligations or securities and by any expenses incurred in the production
of interest or dividend income described in this paragraph. The reduction in the
previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service
is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2009, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by
the department of natural resources under section 640.153, RSMo, or
the implementation of any energy efficiency recommendations made in
such an audit shall be subtracted from the taxpayer's federal adjusted
gross income to the extent the amount paid for any such activity is
included in federal taxable income. The taxpayer shall provide the
department of revenue with a summary of any recommendations made
in a qualified home energy audit, the name and certification number of
the qualified home energy auditor who conducted the audit, and proof
of the amount paid for any activities under this subsection for which
a deduction is claimed. The taxpayer shall also provide a copy of the
summary of any recommendations made in a qualified home energy
audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by
an individual taxpayer or taxpayers filing combined returns exceed one
thousand dollars per year or cumulatively exceed two thousand dollars
per taxpayer or taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed
for the tax year in which the qualified home energy audit was
conducted or in which the implementation of the energy efficiency
recommendations occurred. If implementation of the energy efficiency
recommendations occurred during more than one year, the deduction
may be claimed in more than one year, subject to the limitations
provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible
activity under this subsection if such activity qualified for and received
any rebate or other incentive through a state-sponsored energy
program or through an electric corporation, gas corporation, electric
cooperative, or municipally-owned utility.

9. The provisions of subsection 8 of this section shall expire on
December 31, 2013.

144.526. 1. This section shall be known, and may be cited as the
"Show Me Green Sales Tax Holiday".

2. For purposes of this section, the following terms mean:
(1) "Appliance", clothes washers and dryers, water heaters, trash
compactors, dishwashers, conventional ovens, ranges, stoves, air
conditioners, furnaces, refrigerators and freezers; and
(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3. In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any energy star certified new appliance, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

161.365. 1. The department of elementary and secondary education shall, in consultation with the department of health and senior services, and a panel of interested stakeholders, including cleaning product industry representatives, nongovernmental organizations, and others, establish and amend on an annual basis guidelines and specifications for green cleaning programs, including environmentally-sensitive cleaning and maintenance products, paper product purchases, and equipment purchases for cleaning programs. The department shall provide multiple avenues by which cleaning products may be determined to be environmentally-sensitive under the guidelines. Guidelines and specifications shall be established after a review and evaluation of existing research and shall be completed no later than one hundred eighty days after August 28, 2008. Guidelines and specifications may include implementation practices, including inspection. The completed guidelines and specifications shall be posted on the department of elementary and
secondary education's official web site.

2. Upon completion of the guidelines and specifications required under subsection 1 of this section, the department of elementary and secondary education shall provide each district with a printed copy of the guidelines and specifications. Each district shall then immediately disseminate the guidelines and specifications to every school in the district. In the event the guidelines and specifications are updated by the department of elementary and secondary education, the department shall provide the updates to each district for immediate dissemination to each school. Additionally, the department of elementary and secondary education shall post all updated materials on the department's official web site.

3. The department of elementary and secondary education may promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

251.650. 1. Not less than twice each calendar year, representatives from the department of labor and industrial relations, the department of elementary and secondary education, the department of agriculture, the department of economic development, and the department of natural resources shall meet to discuss ways in which their respective agencies may collaborate in order to secure grants established in the Energy Independence and Security Act of 2007, Public Law 110-140, or other such grants that would fund: green jobs; the production of renewable fuels; increasing energy efficiency of products, buildings and vehicles; and increasing research and development relating to the manufacturing of renewable energy technologies. The department of natural resources is hereby
designated as the coordinating agency for the inter-agency collaboration under this section.

2. In fulfilling the goals under this section, any of the departments under subsection 1 of this section may confer with, or invite participation by, any other interested individual, agency, or organization, which shall include but not be limited to non-profit organizations, private sector entities, institutions of higher education, and local governments. Such departments may enter into partnerships with, in accordance with federal grant requirements and as otherwise allowable by law, any individual, agency, or organization in securing a grant under this section.

3. No later than the first Wednesday after the first Monday of January each year, the departments outlined in subsection 1 of this section shall report jointly to the general assembly and to the governor the actions taken by their agencies in securing the grants outlined in this section.

386.850. The Missouri energy task force created by executive order 05-46 shall reconvene at least one time per year for the purpose of reviewing progress made toward meeting the recommendations set forth in the task force's final report as issued under the executive order. The task force shall issue its findings in a status report to the governor and general assembly no later than December thirty-first of each year.

393.1045. Any renewable mandate required by law shall not raise the retail rates charged to the customers of electric retail suppliers by an average of more than one percent in any year, and all the costs associated with any such renewable mandate shall be recoverable in the retail rates charged by the electric supplier. Solar rebates shall be included in the one percent rate cap provided for in this section.

640.017. 1. For activities that may require multiple environmental state permits, an applicant may request to coordinate a unified permit schedule with the department which covers the timing and order to obtain such permits. In determining the schedule, the department and applicant shall consider which permits are most critical for the regulated activity, the need for unified public participation for all of the regulated aspects of the permitted activity,
the applicant's anticipated staging of construction and financing for
the permitted activity, and the applicant's use of innovative
environmental approaches or strategies to minimize its environmental
impacts.

2. The department may initiate the unified permits process for
a class of similar activities by notifying any known applicants
interested in those regulated activities of the intent to use the unified
process. To the extent practicable and consistent with the purposes of
this section, the department shall coordinate with interested applicants
on the unified permit schedule.

3. The department shall determine all of the permits required for
a specific proposed activity based on information provided by the
applicant; additional information regarding the proposed activity may
result in different permits being required. The department shall
propose a unified permitting schedule to interested applicants. Any
multiple-permit applicant may decline at any time to have its permits
processed in accordance with the schedule and instead proceed in a
permit-by-permit approach. The department shall publicize the order
and tentative schedule on the department's Internet web site.

4. Following the establishment of a unified permit schedule, the
director shall notify the applicant in writing of the order in which the
applicant shall obtain permits. The department shall proceed to
consider applications accordingly and may only modify the schedule
with the consent of the applicant through the date of the public
hearing. Each application shall be reviewed by the department based
solely on its own merits and compliance with the applicable law.

5. The department shall coordinate with the applicant, to the
extent possible, to align the unified permit process so that all public
meetings or hearings related to the permits are consolidated into one
hearing in a location near the facility.

6. In furtherance of this section, the director may waive
otherwise applicable procedural requirements related to timing as set
forth in state environmental laws or rules found in this chapter and
chapters 260, 444, and 644, RSMo, so long as:

(1) The public comment periods related to each permit are not
shortened; and
(2) The unified permitting schedule does not impair the ability of the applicant or the department to comply with substantive legal requirements related to the permit application.

7. The director shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

640.153. 1. As used in this section, the following terms mean:

(1) "Applicant", an entity that applies to the department for certification as a qualified home energy auditor;

(2) "Department", the department of natural resources;

(3) "Qualified home energy audit", a home energy audit conducted by an entity certified by the department as a qualified home energy auditor, the purpose of which is to provide energy efficiency recommendations that will reduce the energy use or the utility costs or both, of a residential or commercial building;

(4) "Qualified home energy auditor", an applicant who has met the certification requirements established by the department and whose certification has been approved by the department.

2. The department shall develop criteria and requirements for certification of qualified home energy auditors. Any applicant shall provide the department with an application, documentation, or other information as the department may require. The department may establish periodic requirements for qualified home energy auditors to maintain certification.

3. The department shall provide successful applicants with written notice that the applicant meets the certification requirements.

640.157. The energy center of the department of natural resources shall serve as a central point of coordination for activities
relating to energy sustainability in the state. As such, the energy
center shall:

1. Consult and cooperate with other state agencies to serve as
a technical advisor on sustainability issues, including but not limited
to, renewable energy use and green building design and construction;

2. Provide technical assistance to local governments, businesses,
schools, and homeowners on sustainability issues, including but not
limited to, renewable energy use and green building design and
construction; and

3. Conduct outreach and education efforts, which may be in
coordination with community action agencies, for the purpose of
informing the general public about financial assistance opportunities
for energy conservation, including but not limited to, tax incentives.

640.216. 1. There is hereby created in the state treasury the
"Studies in Energy Conservation Fund", which shall consist of moneys
appropriated by the general assembly or donated by any individual or
entity. The fund shall be administered by the department of higher
education in coordination with the department of natural
resources. Upon appropriation, money in the fund shall be used solely
for the purposes set forth in this section and for any administrative
expenses involving the implementation of this section. Notwithstanding
the provisions of section 33.080, RSMo, to the contrary, any moneys
remaining in the fund at the end of the biennium shall not revert to the
credit of the general revenue fund. The state treasurer shall invest
moneys in the fund in the same manner as other funds are
invested. Any interest and moneys earned on such investments shall be
credited to the fund.

2. Subject to an initial appropriation from the fund, there is
hereby established at the discretion of the department of higher
education in coordination with the department of natural resources a
full professorship of energy efficiency and conservation.

3. At such time as the professorship of energy efficiency and
conservation required by subsection 2 of this section has been
established, the department of higher education in coordination with
the department of natural resources may appropriate any remaining
moneys from the fund for the purpose of establishing substantially
similar full professorships of energy efficiency and conservation at any
public university within this state.

4. The duties of the full professor of energy efficiency and
conservation and of any professors holding positions established under
subsection 3 of this section shall primarily be to conduct studies and
research regarding energy efficiency, but may also include studies and
research regarding renewable energy. Such research may involve the
evaluation of policy proposals and legislation relating to energy
efficiency or renewable energy.

701.500. 1. As used in sections 701.500 to 701.515, the following
terms shall mean:
(1) "Department", the department of natural resources;
(2) "Director", the director of the department of natural
resources;
(3) "Energy Star program", a joint program of the United States
Environmental Protection Agency and the United States Department of
Energy that identifies and promotes energy efficient products and
practices.

2. The provisions of sections 701.500 to 701.515 shall apply to
appliances and consumer electronics that have earned the Energy Star
under the Energy Star program or that have minimum energy
efficiency standards required under federal law.

3. No person shall sell, offer for sale, or install any new product
listed in subsection 2 of this section in the state unless the product
meets the minimum energy efficiency standards under sections 701.500
to 701.515.

4. The provisions of sections 701.500 to 701.515 shall not apply to
products:
(1) Manufactured in the state and sold outside the state;
(2) Manufactured outside the state and sold at wholesale inside
the state for final retail sale outside the state;
(3) Installed in mobile manufactured homes at the time of
construction; or
(4) Designed expressly for installation and use in recreational
vehicles.

701.503. 1. In conjunction with the advisory group under section
701.509, the director shall promulgate, by rule, the minimum energy
efficiency standards for the products in subsection 2 of section
701.500. Any rule or portion of a rule, as that term is defined in section
536.010, RSMo, that is created under the authority delegated in this
section shall become effective only if it complies with and is subject to
all of the provisions of chapter 536, RSMo, and, if applicable, section
536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
and if any of the powers vested with the general assembly pursuant to
chapter 536, RSMo, to review, to delay the effective date, or to
disapprove and annul a rule are subsequently held unconstitutional,
then the grant of rulemaking authority and any rule proposed or
adopted after August 28, 2008, shall be invalid and void.

2. The standards enacted by the director, in conjunction with the
advisory group under section 701.509, shall not be more stringent than
the federal Energy Star program requirements or, if no such
requirements are applicable, the minimum standard required by
federal law.

701.506. In conjunction with the advisory group under section
701.509, the department shall update the minimum energy efficiency
standards in section 701.503 not less than once every three years
beginning from the date the standards were first promulgated by
rule. The purpose of any such update shall be to keep the state
standards current with technological advancements and industry
practices with regard to energy efficiency, while also giving due
consideration to consumer and environmental costs and benefits. The
department shall strive to have the standards achieve greater energy
efficiency over time in a prudent and reasonable manner. Standards
shall not be more stringent than required by the federal Energy Star
program requirements or, if no such requirements are applicable, the
minimum standard required by federal law.

701.509. 1. The "Appliance Energy Efficiency Advisory Group" is
hereby created. The purpose of the advisory group is to advise the
department on the development and updating of the minimum energy
efficiency standards for products under sections 701.500 to 701.515. The
advisory group shall consist of the following eleven members who shall
be appointed, in staggered terms, by the director:
(1) A representative from the public service commission who is knowledgeable in energy efficiency;

(2) A representative of the office of public counsel;

(3) A representative of an electric or natural gas utility who is knowledgeable in energy efficiency;

(4) The director of the energy center at the department of natural resources, or his or her designee;

(5) Two representatives from the appliance manufacturing industry;

(6) Three representatives with technical knowledge in energy efficiency and appliances, including but not limited to, electrical or energy engineers;

(7) One representative from the home construction industry; and

(8) One representative from the commercial building industry.

2. Each member shall serve a term of three years and may be reappointed. The advisory group members shall serve without compensation but may be reimbursed for expenses incurred in connection with their duties. The advisory group shall meet as needed, but not less than two times per year. The department shall provide staff for the advisory group.

701.512. 1. The department shall adopt procedures for testing the energy efficiency of the new products covered by sections 701.500 to 701.515. The department shall use United States Department of Energy approved test methods, or in the absence of such test methods, other appropriate nationally recognized test methods. The manufacturers of such products shall cause samples of their products to be tested in accordance with the test procedures adopted pursuant to sections 701.500 to 701.515.

2. Manufacturers of new products covered by sections 701.500 to 701.515 shall certify to the director that such products are in compliance with the provisions of sections 701.500 to 701.515. The director shall promulgate regulations governing the certification of such products and may coordinate with the certification program of other states with similar standards.

3. Manufacturers of new products covered by sections 701.500 to 701.515 shall identify each product offered for sale or installation in the
state as in compliance with the provisions of sections 701.500 to 701.515 by means of a mark, label, or tag on the product and packaging at the time of sale or installation. The director shall promulgate regulations governing the identification of such products and packaging, which shall be coordinated to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent efficiency standards.

4. The director may test products covered by sections 701.500 to 701.515. If products so tested are found not to be in compliance with the minimum efficiency standards established under sections 701.500 to 701.515, the director shall:

   (1) Charge the manufacturer of such product for the cost of product purchase and testing, and
   (2) Make information available to the public on products found not to be in compliance with the standards.

5. The director may cause periodic inspections to be made of distributors or retailers of new products covered by sections 701.500 to 701.515 in order to determine compliance with the provisions of these sections.

6. The director is hereby granted the authority to adopt such further regulations as necessary to insure the proper implementation and enforcement of the provisions of sections 701.500 to 701.515. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

701.515. The director shall investigate complaints received concerning violations of sections 701.500 to 701.515 and shall report the results of such investigations to the attorney general. The attorney general may institute proceedings to enforce the provisions of sections
Section 1. Notwithstanding any other provision of law, any electrical corporation as defined by subdivision 15 of section 386.020, RSMo, which, by January 20, 2009, achieves an amount of eligible renewable energy technology nameplate capacity equal to or greater than fifteen percent of such corporation's total owned fossil-fired generating capacity, shall be exempt thereafter from a requirement to pay any installation subsidy, fee, or rebate to its customers that install their own solar electric energy system and shall be exempt from meeting any mandated solar renewable energy standard requirements. Any disputes or denial of exemptions under this section may be reviewable by the circuit court of Cole County as prescribed by law.