

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 122

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR NODLER.

Pre-filed December 1, 2004, and ordered printed.

Read 2nd time January 13, 2005, and referred to the Committee on Governmental Accountability and Fiscal Oversight.

Reported from the Committee February 14, 2005, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Removed from the Consent Calendar February 17, 2005.

Re-reported from the Committee on February 21, 2005, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up February 28, 2005. Read 3rd time and placed upon its final passage; bill passed.

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TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 8, RSMo, by adding thereto one new section relating to the creation of the energy efficiency implementation act.

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

Section A. Chapter 8, RSMo, is amended by adding thereto one new section, to be known as section 8.238, to read as follows:

**8.238. 1. This section shall be known as the "Energy Efficiency Implementation Act".**

**2. The office of administration shall identify and cause to be deposited into the office of administration revolving "Administrative Trust Fund" created in section 37.005, RSMo, no more than two and one-half percent of the total cost savings realized as a result of implementing sections 8.231 to 8.237. "Cost savings" shall be defined as expenses eliminated and future replacement expenditures avoided as a direct result of implementing sections 8.231 to 8.237. The percentage of cost savings and the means of calculating such cost savings shall be determined by the commissioner of administration or his designated agent and shall be set forth in the performance contract.**

**3. At least annually, a report shall be prepared and forwarded to the governor, the speaker of the house of representatives and the president pro tem of the senate outlining the cost savings identified by the office of administration pursuant to subsection 2 of this section.**

**4. In order to advise the governor, and consistent with this section, the**

office of administration shall have authority to:

- (1) Establish policies and procedures for facility management and valuation;
- (2) Coordinate a state facility review;
- (3) Implement a capital improvement plan;
- (4) Solicit and evaluate state facility investment proposals;
- (5) Establish performance measures for facility management operations; and
- (6) Prepare annual reports and plans concerning operation savings.

5. Subject to appropriation from the general assembly, the office of administration may expend the cost savings and the interest thereon, if any, at such time or times as are necessary to offset all reasonable costs associated with the implementation of sections 8.231 to 8.237.

6. The provisions of section 33.080, RSMo, requiring the transfer of unexpended funds to the general revenue fund of the state shall not apply to funds identified and not otherwise expended for the implementation of this section.

7. The office of administration shall have the authority, pursuant to chapter 537, RSMo, to promulgate rules regarding the implementation 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, 2005, shall be invalid and void.

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