

SECOND REGULAR SESSION

SENATE BILL NO. 1263

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5199S.02I

AN ACT

To repeal sections 8.812, 64.170, 64.196, 64.205, 67.280, and 170.011, RSMo, and to enact in lieu thereof sixteen new sections relating to energy efficiency, with penalty provisions.

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

Section A. Sections 8.812, 64.170, 64.196, 64.205, 67.280, and 170.011, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 8.615, 8.812, 64.170, 64.196, 64.205, 67.280, 170.011, 640.151, 640.154, 640.160, 701.500, 701.503, 701.506, 701.509, 701.512, and 701.515, to read as follows:

8.615. The requirements set forth in this section shall apply to all energy-using buildings and facilities that are constructed, purchased, leased, enlarged or renovated in whole or in part with the use of state funds or the funds of any political subdivision of this state. Said buildings or facilities shall meet the requirements and standards set forth in the International Energy Conservation Code 2006, or the latest subsequent version thereof. In the case of a building or facility enlargement or renovation, new portions of the building or facility and new components of a renovation shall meet the requirements of said code. Nothing in this section shall preclude a city or county from adopting an energy code more stringent than the International Energy Conservation Code 2006, or the latest subsequent version, for use in energy-using buildings and facilities constructed, purchased, leased, enlarged, or renovated in whole or in part with funds of a political subdivision of this state.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8.812. 1. By January 1, [1995] **2009**, the department[, in consultation
2 with the division and the voluntary working group created in subsection 1 of
3 section 8.815,] shall establish, by rule, a minimum energy efficiency standard for
4 construction of a state building, substantial renovation of a state building when
5 major energy systems are involved or a building which the state or state agency
6 considers for acquisition or lease. Such standard shall be at least as stringent as
7 the [American Society of Heating, Refrigerating and Air Conditioning Engineers
8 (ASHRAE) Standard 90, latest revision] **International Energy Conservation
9 Code 2006, or the latest subsequent version thereof.**

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

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

15 2. For the purpose of promoting the public safety, health and general
16 welfare, to protect life and property, the county commission in a county of the
17 first classification having a population of more than one hundred sixty thousand
18 but less than two hundred thousand, as provided by law, is for this purpose
19 empowered to adopt by order or ordinance regulations to control the construction,
20 reconstruction, alteration or repair of any building or structure, and provide for
21 the issuance of building permits and adopt regulations licensing contractors,
22 firms or corporations other than federal, state or local governments, public

23 utilities and their contractors engaged in the business of plumbing or drain laying
24 and provide for the inspection thereof and establish a schedule of permit, license
25 and inspection fee and appoint a building commission to prepare the regulations,
26 as herein provided.

27 3. Any county which has not adopted a building code prior to August 28,
28 2001, pursuant to sections 64.170 to 64.200, shall not have the authority to adopt
29 a building code pursuant to such sections unless the authority is approved by
30 voters, subject to the provisions of subsection 4 of this section.

31 The ballot of submission for authority pursuant to this subsection shall be in
32 substantially the following form:

33 "Shall (insert name of county) have authority to create, adopt
34 and impose a county building code?"

35 YES NO

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

64.196. [After August 28, 2001,] Any county seeking to adopt a building
2 code in a manner set forth in section 64.180 shall, in creating or amending such
3 code, adopt a current, calendar year 1999 or later edition, nationally recognized
4 building code, as amended. **Any county seeking to adopt energy**
5 **requirements for residential or commercial buildings shall adopt the**
6 **International Energy Conservation Code 2006, or the latest subsequent**
7 **version thereof, or an energy code that exceeds the requirements of**
8 **said code.**

64.205. Sections 64.170 to 64.200 shall apply to all counties of the first
2 [and], second, **and third** class.

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

- 2 (1) "Community", any county, fire protection district or municipality;
- 3 (2) "County", any county in the state;
- 4 (3) "Fire protection district", any fire protection district in the state;
- 5 (4) "Municipality", any incorporated city, town or village;
- 6 (5) "Technical code", any published compilation of rules prepared by
- 7 various technical trade associations, federal agencies, this state or any agency
- 8 thereof, but shall be limited to: regulations concerning the construction of
- 9 buildings and continued occupancy thereof; mechanical, plumbing, **energy**, and

10 electrical construction; and fire prevention.

11 2. Any community, if the community otherwise has the power under the
12 law to adopt such an ordinance, may adopt or repeal an ordinance which
13 incorporates by reference the provisions of any code or portions of any code, or
14 any amendment thereof, property identified as to date and source, without setting
15 forth the provisions of such code in full. At least three copies of such code,
16 portion or amendment which is incorporated or adopted by reference, shall be
17 filed in the office of the clerk of the community and there kept available for public
18 use, inspection, and examination. The filing requirements herein prescribed shall
19 not be deemed to be complied with unless the required copies of such codes,
20 portion, or amendment or public record are filed with the clerk of such community
21 for a period of ninety days prior to the adoption of the ordinance which
22 incorporates such code, portion, or amendment by reference.

23 3. **Any community, if the community otherwise has the power**
24 **under the law to adopt an ordinance establishing an energy technical**
25 **code for residential and commercial buildings and seeks to adopt such**
26 **an ordinance, shall adopt the International Energy Conservation Code**
27 **2006, or the latest subsequent version thereof, or a code that exceeds**
28 **the requirements of said code.**

29 4. Any ordinance adopting a code, portion, or amendment by reference
30 shall state the penalty for violating such code, portion, or amendment, or any
31 provisions thereof separately, and no part of any such penalty shall be
32 incorporated by reference.

170.011. 1. Regular courses of instruction in the Constitution of the
2 United States and of the state of Missouri and in American history and
3 institutions shall be given in all public and private schools in the state of
4 Missouri, except privately operated trade schools, and shall begin not later than
5 the seventh grade and continue in high school to an extent determined by the
6 state commissioner of education, and shall continue in college and university
7 courses to an extent determined by the state commissioner of higher education.
8 In the 1990-91 school year and each year thereafter, local school districts
9 maintaining high schools shall comply with the provisions of this section by
10 offering in grade nine, ten, eleven, or twelve a course of instruction in the
11 institutions, branches and functions of the government of the state of Missouri,
12 including local governments, and of the government of the United States, and in
13 the electoral process. A local school district maintaining such a high school shall

14 require that prior to the completion of the twelfth grade each pupil, who receives
15 a high school diploma or certificate of graduation on or after January 1, 1994,
16 shall satisfactorily complete such a course of study. Such course shall be of at
17 least one semester in length and may be two semesters in length. The
18 department of elementary and secondary education may provide assistance in
19 developing such a course if the district requests assistance.

20 2. American history courses at the elementary and secondary levels shall
21 include in their proper time-line sequence specific referrals to the details and
22 events of the racial equality movement that have caused major changes in United
23 States and Missouri laws and attitudes.

24 3. No pupil shall receive a certificate of graduation from any public or
25 private school other than private trade schools unless he has satisfactorily passed
26 an examination on the provisions and principles of the Constitution of the United
27 States and of the state of Missouri, and in American history and American
28 institutions. A student of a college or university, who, after having completed a
29 course of instruction prescribed in this section and successfully passed an
30 examination on the United States Constitution, and in American history and
31 American institutions required hereby, transfers to another college or university,
32 is not required to complete another such course or pass another such examination
33 as a condition precedent to his graduation from the college or university.

34 4. In the 1990-91 school year and each year thereafter, each school district
35 maintaining a high school may annually nominate to the state board of education
36 a student who has demonstrated knowledge of the principles of government and
37 citizenship through academic achievement, participation in extracurricular
38 activities, and service to the community. Annually, the state board of education
39 shall select fifteen students from those nominated by the local school districts and
40 shall recognize and award them for their academic achievement, participation and
41 service.

42 5. **In the 2009-2010 school year and in each year thereafter, each**
43 **school district maintaining a high school shall ensure that each**
44 **student, prior to graduation, receives instruction in environmental**
45 **science, sustainability, resource endowments, past and present**
46 **pollution levels, environmental management efforts, and society's**
47 **capacity to improve its environmental performance over time. Such**
48 **environmental curricula shall be offered in conjunction with Earth Day**
49 **and occur between April sixteenth and April twenty-second**

50 **annually. Local school districts may consult with the department of**
51 **elementary and secondary education and the energy center within the**
52 **department of natural resources for assistance in training teachers and**
53 **creating appropriate curricula in order to fulfill the provisions of this**
54 **subsection.**

55 **6.** The state commissioner of education and the state commissioner of
56 higher education shall make arrangements for carrying out the provisions of this
57 section and prescribe a list of suitable texts adapted to the needs of the school
58 grades and college courses, respectively.

59 **[6.] 7.** The willful neglect of any superintendent, principal or teacher to
60 observe and carry out the requirements of this section is sufficient cause for
61 termination of his contract.

62 **[7.] 8.** The provisions of this section shall not apply to students from
63 foreign countries who are enrolled in public or private high schools in Missouri,
64 if such students are foreign exchange students sponsored by a national
65 organization recognized by the department of elementary and secondary
66 education.

640.151. 1. As used in this section, the following terms shall
2 **mean:**

3 **(1) "Department", the department of natural resources;**

4 **(2) "Energy efficiency premium", the lesser of the cost of**
5 **improvements or the present value of the energy saved by energy**
6 **improvements made to the home over the improvements' useful lives.**

7 **2.** The department shall administer the home energy rebate
8 **option program, which is hereby created. The program shall provide**
9 **rebates for energy efficiency improvements made to existing homes.**

10 **3.** The rebate shall be twenty percent of the energy efficiency
11 **premium, not to exceed two thousand dollars per home.**

12 **4.** Any homeowner participating in the program shall conduct a
13 **home energy rating on the home, which shall be conducted by a home**
14 **energy rater certified by the department under subsection 6 of this**
15 **section.**

16 **5.** Homeowners shall apply to the department to participate in
17 **the program prior to making any energy improvements. Only projects**
18 **that show an estimated home energy efficiency improvement of thirty**
19 **percent or greater shall be approved to participate in the program.**

20 **6.** The department shall develop procedures to certify home

21 energy raters for the program under this section.

22 7. The department shall promulgate rules for the implementation
23 of this section including eligibility criteria, application procedures, and
24 inspection procedures. Any rule or portion of a rule, as that term is
25 defined in section 536.010, RSMo, that is created under the authority
26 delegated in this section shall become effective only if it complies with
27 and is subject to all of the provisions of chapter 536, RSMo, and, if
28 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
29 are nonseverable and if any of the powers vested with the general
30 assembly pursuant to chapter 536, RSMo, to review, to delay the
31 effective date, or to disapprove and annul a rule are subsequently held
32 unconstitutional, then the grant of rulemaking authority and any rule
33 proposed or adopted after August 28, 2008, shall be invalid and void.

34 8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

35 (1) The provisions of the new program authorized under this
36 section shall sunset automatically six years after the effective date of
37 this section unless reauthorized by an act of the general assembly; and

38 (2) If such program is reauthorized, the program authorized
39 under this section shall sunset automatically twelve years after the
40 effective date of the reauthorization of this section; and

41 (3) This section shall terminate on September first of the
42 calendar year immediately following the calendar year in which the
43 program authorized under this section is sunset.

 640.154. 1. Beginning July 1, 2009, through June 30, 2019, the
2 department shall provide a rebate up to five hundred dollars for the
3 purchase and installation in residential structures of any of the
4 following components, when such components are installed to replace
5 a similar but less energy-efficient component:

6 (1) Natural gas furnaces or boilers that meet or exceed federal
7 Energy Star standards and propane and oil furnaces and boilers that
8 are not less than eight-four percent efficient;

9 (2) Energy-efficient heating, ventilation, and air conditioning
10 systems;

11 (3) Energy-efficient lighting;

12 (4) Energy-efficient windows;

13 (5) Energy-efficient insulation;

14 (6) Energy-efficient zone heating products; and

15 **(7) Energy-efficient weatherization systems.**

16 **2. Rebates under this section shall not exceed five million dollars**
17 **in aggregate per year. No single rebate shall exceed the actual cost of**
18 **purchase and installation. Persons may apply to the department, on a**
19 **form prescribed by the department, to receive such rebate. The rebate**
20 **shall be available for only residential structures containing not more**
21 **than four dwelling units. Eligibility for the rebate program shall be**
22 **determined as follows:**

23 **(1) For the taxable year commencing on or after January 1, 2009,**
24 **but prior to January 1, 2010, in the case of any such taxpayer who files**
25 **under the federal income tax for such taxable year as an unmarried**
26 **individual whose Missouri adjusted gross income exceeds fifty-five**
27 **thousand five hundred dollars, the amount of the rebate shall be**
28 **reduced by ten percent for each ten thousand dollars, or fraction**
29 **thereof, by which the taxpayer's Missouri adjusted gross income**
30 **exceeds said amount;**

31 **(2) For the taxable year commencing on or after January 1, 2010,**
32 **but prior to January 1, 2011, in the case of any such taxpayer who files**
33 **under the federal income tax for such taxable year as an unmarried**
34 **individual whose Missouri adjusted gross income exceeds fifty-six**
35 **thousand five hundred dollars, the amount of the rebate shall be**
36 **reduced by ten percent for each ten thousand dollars, or fraction**
37 **thereof, by which the taxpayer's Missouri adjusted gross income**
38 **exceeds said amount;**

39 **(3) For the taxable year commencing on or after January 1, 2011,**
40 **but prior to January 1, 2012, in the case of any such taxpayer who files**
41 **under the federal income tax for such taxable year as an unmarried**
42 **individual whose Missouri adjusted gross income exceeds fifty-eight**
43 **thousand five hundred dollars, the amount of the rebate shall be**
44 **reduced by ten percent for each ten thousand dollars, or fraction**
45 **thereof, by which the taxpayer's Missouri adjusted gross income**
46 **exceeds said amount;**

47 **(4) For the taxable year commencing on or after January 1, 2012,**
48 **but prior to January 1, 2013, in the case of any such taxpayer who files**
49 **under the federal income tax for such taxable year as an unmarried**
50 **individual whose Missouri adjusted gross income exceeds sixty**
51 **thousand five hundred dollars, the amount of the rebate shall be**

52 reduced by ten percent for each ten thousand dollars, or fraction
53 thereof, by which the taxpayer's Missouri adjusted gross income
54 exceeds said amount;

55 (5) For the taxable year commencing on or after January 1, 2013,
56 but prior to January 1, 2014, in the case of any such taxpayer who files
57 under the federal income tax for such taxable year as an unmarried
58 individual whose Missouri adjusted gross income exceeds sixty-two
59 thousand five hundred dollars, the amount of the rebate shall be
60 reduced by ten percent for each ten thousand dollars, or fraction
61 thereof, by which the taxpayer's Missouri adjusted gross income
62 exceeds said amount;

63 (6) For the taxable year commencing on or after January 1, 2014,
64 in the case of any such taxpayer who files under the federal income tax
65 for such taxable year as an unmarried individual whose Missouri
66 adjusted gross income exceeds sixty-four thousand five hundred
67 dollars, the amount of the rebate shall be reduced by ten percent for
68 each ten thousand dollars, or fraction thereof, by which the taxpayer's
69 Missouri adjusted gross income exceeds said amount;

70 (7) In the case of any such taxpayer who files under the federal
71 income tax for such taxable year as a married individual filing
72 separately whose Missouri adjusted gross income exceeds fifty
73 thousand two hundred fifty dollars, the amount of the rebate shall be
74 reduced by ten percent for each five thousand dollars, or fraction
75 thereof, by which the taxpayer's Missouri adjusted gross income
76 exceeds said amount;

77 (8) In the case of a taxpayer who files under the federal income
78 tax for such taxable year as a head of household whose Missouri
79 adjusted gross income exceeds seventy-eight thousand five hundred
80 dollars, the amount of the rebate shall be reduced by ten percent for
81 each ten thousand dollars or fraction thereof, by which the taxpayer's
82 Missouri adjusted gross income exceeds said amount;

83 (9) In the case of a taxpayer who files under federal income tax
84 for such taxable year as married individuals filing jointly whose
85 Missouri adjusted gross income exceeds one hundred thousand five
86 hundred dollars, the amount of the rebate shall be reduced by ten
87 percent for each ten thousand dollars, or fraction thereof, by which the
88 taxpayer's Missouri adjusted gross income exceeds said amount.

89 **3. On or before January 1, 2011, the department shall report to**
90 **the standing committees of the general assembly relating to energy**
91 **regarding the cost-effectiveness of the rebate program established**
92 **under this section.**

93 **4. The department shall promulgate rules for the implementation**
94 **of this section. Any rule or portion of a rule, as that term is defined in**
95 **section 536.010, RSMo, that is created under the authority delegated in**
96 **this section shall become effective only if it complies with and is**
97 **subject to all of the provisions of chapter 536, RSMo, and, if applicable,**
98 **section 536.028, RSMo. This section and chapter 536, RSMo, are**
99 **nonseverable and if any of the powers vested with the general assembly**
100 **pursuant to chapter 536, RSMo, to review, to delay the effective date,**
101 **or to disapprove and annul a rule are subsequently held**
102 **unconstitutional, then the grant of rulemaking authority and any rule**
103 **proposed or adopted after August 28, 2008, shall be invalid and void.**

104 **5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

105 **(1) The provisions of the new program authorized under this**
106 **section shall automatically sunset six years after the effective date of**
107 **this section unless reauthorized by an act of the general assembly; and**

108 **(2) If such program is reauthorized, the program authorized**
109 **under this section shall automatically sunset twelve years after the**
110 **effective date of the reauthorization of this section; and**

111 **(3) This section shall terminate on September first of the**
112 **calendar year immediately following the calendar year in which the**
113 **program authorized under this section is sunset.**

640.160. 1. The department shall administer the "Residential
2 **Lighting Rebate Program", which is hereby created. The program shall**
3 **provide rebate coupons for the purchase of energy efficient lighting by**
4 **consumers for residential use.**

5 **2. Rebate coupons shall be provided to any retailer who chooses**
6 **to participate in the program. The retailer shall offer the rebate**
7 **coupons to consumers who may redeem the coupons with the retailer**
8 **at the time of purchase for the rebate amount. The department shall**
9 **reimburse the retailer for the amount of any rebate coupons redeemed**
10 **by consumers under this section.**

11 **3. Rebate coupons shall be available up to two dollars for any**
12 **qualified compact fluorescent light bulbs and up to twelve dollars for**

13 any qualified outdoor compact fluorescent lightbulb hard-wired fixture,
14 indoor hard-wired fixture, table lamp, floor lamp, torchiere, and ceiling
15 fan with an integrated lighting system. Any product for which a rebate
16 coupon is offered under this section shall meet the requirements for the
17 Energy Star rating under the Energy Star program sponsored by the
18 U.S. Department of Energy and the U.S. Environmental Protection
19 Agency.

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

31 5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

32 (1) The provisions of the new program authorized under this
33 section shall sunset automatically six years after the effective date of
34 this section unless reauthorized by an act of the general assembly; and

35 (2) If such program is reauthorized, the program authorized
36 under this section shall sunset automatically twelve years after the
37 effective date of the reauthorization of this section; and

38 (3) This section shall terminate on September first of the
39 calendar year immediately following the calendar year in which the
40 program authorized under this section is sunset.

701.500. 1. As used in sections 701.500 to 701.515, the following
2 terms shall mean:

3 (1) "Ceiling fan", a nonportable device that is suspended from a
4 ceiling for circulating air via the rotation of fan blades;

5 (2) "Ceiling fan light kit", equipment designed to provide light
6 from a ceiling fan which can be:

7 (a) Integral, such that the equipment is hardwired to the ceiling
8 fan; or

9 (b) Attachable, such that at the time of sale, the equipment is not

10 physically attached to the ceiling fan, but may be included inside the
11 ceiling fan package at the time of sale or sold separately for subsequent
12 attachment to the fan;

13 (3) "Commercial clothes washer", a soft mount horizontal- or
14 vertical-axis clothes washer that:

15 (a) Has a clothes container compartment no greater than three
16 and five-tenths cubic feet in the case of a horizontal-axis product or not
17 greater than four cubic feet in the case of a vertical-axis product; and

18 (b) Is designed for use by more than one household, such as in
19 multi-family housing, apartments, or coin laundries;

20 (4) "Commercial refrigerators and freezers", refrigerators,
21 freezers, or refrigerator-freezers designed for use by commercial or
22 institutional facilities for the purpose of storing food products, ice, or
23 other perishable items at specified temperatures that:

24 (a) Incorporate most components involved in the vapor-
25 compression cycle and the refrigerated compartment in a single
26 package; and

27 (b) May be configured with either solid or transparent doors as
28 a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through
29 cabinet;

30 This term does not include products with eighty-five cubic feet or more
31 of internal volume, walk-in refrigerators or freezers, or consumer
32 products that are federally regulated pursuant to 42 U.S.C. Section 6291
33 and subsequent sections;

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

35 (6) "Digital cable television box", a device that acts as a tuner for
36 cable television programming and converts digital signals received
37 from a cable service provider to a signal usable by a television set;

38 (7) "Digital television converter box", a device that receives and
39 decodes digital broadcast signals for display by an analog television
40 set, and is not a digital cable television box or wireless television
41 receiver;

42 (8) "Director", the director of the department of natural
43 resources;

44 (9) "Illuminated exit sign", an internally-illuminated sign that is
45 designed to be permanently fixed in place to identify an exit and
46 consists of an electrically powered integral light source that

47 illuminates the legend "EXIT" and any directional indicators and
48 provides contrast between the legend, any directional indicators, and
49 the background;

50 (10) "Large packaged air-conditioning equipment", packaged air-
51 conditioning equipment having two hundred forty thousand Btu/hour
52 or more of cooling capacity that is built as a package and shipped as a
53 whole to end-user sites;

54 (11) "Low voltage dry-type distribution transformer", a
55 distribution transformer that has an input voltage of six hundred volts
56 or less, is air-cooled, does not use oil as a coolant, and is rated for
57 operation at a frequency of sixty Hertz. The term "low voltage dry-type
58 transformer" does not include:

59 (a) Transformers with multiple voltage taps, with the highest
60 voltage tap equaling at least twenty percent more than the lowest
61 voltage tap; or

62 (b) Transformers, such as those commonly known as drive
63 transformers, rectifier transformers, auto-transformers,
64 Uninterruptible Power System transformers, impedance transformers,
65 harmonic transformers, regulating transformers, sealed and non-
66 ventilating transformers, machine tool transformers, welding
67 transformers, grounding transformers, or testing transformers, that are
68 designed to be used in a special purpose application and are unlikely
69 to be used in general purpose applications;

70 (12) "Multi-function device", a physically integrated electronic
71 device that has the core function of a digital cable television box and
72 one or more additional functionalities, such as Internet access,
73 personal digital recording, or video game operation;

74 (13) "Pass-through cabinet", a commercial refrigerator or freezer
75 with hinged or sliding doors on both the front and rear of the unit;

76 (14) "Reach-in cabinet", a commercial refrigerator or freezer with
77 hinged or sliding doors or lids, but does not include roll-in or roll-
78 through cabinets or pass-through cabinets;

79 (15) "Roll-in cabinet", a commercial refrigerator or freezer with
80 hinged or sliding doors that allow wheeled racks of product to be rolled
81 into the unit;

82 (16) "Roll-through cabinet", a commercial refrigerator or freezer
83 with hinged or sliding doors on two sides of the cabinet that allow

84 wheeled racks of product to be rolled through the unit;

85 (17) "Set-top box", a digital cable television box, wireless
86 television receiver, or digital television converter box;

87 (18) "Torchiere", a portable electric lamp with a reflective bowl
88 that directs light upward onto a ceiling so as to produce indirect
89 illumination on the surfaces below;

90 (19) "Traffic signal module", a standard eight inch (200mm) or
91 twelve inch (300mm) traffic signal indication, consisting of a light
92 source, a lens, and all other parts necessary for operation;

93 (20) "Transformer", a device consisting of two or more coils of
94 insulated wire that is designed to transfer alternating current by
95 electromagnetic induction from one coil to another to change the
96 original voltage or current value;

97 (21) "Unit heater", a self-contained, vented fan-type commercial
98 space heater that uses natural gas, propane, or fuel oil that is designed
99 to be installed without ducts within a heated space, except that such
100 term does not include any products covered by federal standards
101 established pursuant to 42 U.S.C. Section 6291 and subsequent sections
102 or any product that is a direct vent, forced flue heater with a sealed
103 combustion burner;

104 (22) "Wireless television receiver", a device used in conjunction
105 with a dish antenna to receive satellite or other wireless television
106 programming and that converts signals from a dish antenna for use by
107 a television set.

108 2. The provisions of this section shall apply to the following
109 products:

110 (1) Ceiling fans and ceiling fan light kits;

111 (2) Commercial clothes washers;

112 (3) Commercial refrigerators and freezers;

113 (4) Illuminated exit signs;

114 (5) Large packaged air-conditioning equipment;

115 (6) Low voltage dry-type distribution transformers;

116 (7) Set-top boxes;

117 (8) Torchieres;

118 (9) Traffic signal modules;

119 (10) Unit heaters; and

120 (11) Any other products as may be designated by the director in

121 accordance with section 701.503.

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

126 4. The provisions of sections 701.500 to 701.515 shall not apply to
127 products:

128 (1) Manufactured in the state and sold outside the state;

129 (2) Manufactured outside the state and sold at wholesale inside
130 the state for final retail sale outside the state;

131 (3) Installed in mobile manufactured homes at the time of
132 construction; or

133 (4) Designed expressly for installation and use in recreational
134 vehicles.

701.503. 1. In conjunction with the advisory group under section
2 701.509, the director shall promulgate, by rule, the minimum energy
3 efficiency standards for the products listed in subsection 2 of this
4 section as well as for any other products under subdivision (11) of
5 subsection 2 of section 701.500. Any rule or portion of a rule, as that
6 term is defined in section 536.010, RSMo, that is created under the
7 authority delegated in this section shall become effective only if it
8 complies with and is subject to all of the provisions of chapter 536,
9 RSMo, and, if applicable, section 536.028, RSMo. This section and
10 chapter 536, RSMo, are nonseverable and if any of the powers vested
11 with the general assembly pursuant to chapter 536, RSMo, to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2008, shall
15 be invalid and void.

16 2. The standards shall at least be as stringent as the following:

17 (1) Ceiling fans and ceiling fan light kits shall meet the Tier 1
18 criteria of Version 1.1 of the product specification contained in the
19 "Energy Star Program Requirements for Residential Ceiling Fans"
20 prescribed by the United States Environmental Protection Agency;

21 (2) Commercial clothes washers shall meet the requirements
22 shown in Table P-3 of section 1605.3 of the California Code of
23 Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance

24 **Efficiency Regulations that took effect on November 27, 2002;**

25 **(3) Commercial refrigerators and freezers shall meet the August**
26 **1, 2004 requirements shown in Table A-6 of section 1605.3 of the**
27 **California Code of Regulations, Title 20: Division 2, Chapter 4, Article**
28 **4: Appliance Efficiency Regulations that took effect on November 27,**
29 **2002;**

30 **(4) Illuminated exit signs shall meet the Version 2.0 Energy Star**
31 **Program performance requirements for illuminated exit signs**
32 **prescribed by the U.S. Environmental Protection Agency;**

33 **(5) Large packaged air-conditioning equipment shall meet the**
34 **Tier 2 efficiency levels of the "Minimum Equipment Efficiencies for**
35 **Unitary Commercial Air Conditioners" or "Minimum Equipment**
36 **Efficiencies for Heat Pumps", as appropriate, developed by the**
37 **Consortium for Energy Efficiency, Boston, Massachusetts, as in effect**
38 **on January 1, 2002;**

39 **(6) Low voltage dry-type distribution transformers shall meet the**
40 **Class 1 efficiency levels for distribution transformers specified in Table**
41 **4-2 of the "Guide for Determining Energy Efficiency for Distribution**
42 **Transformers" published by the National Electrical Manufacturers**
43 **Association (NEMA Standard TP-1-2002);**

44 **(7) Set-top boxes other than multi-function devices shall meet the**
45 **Tier 1 criteria of the product specification of the United States**
46 **Environmental Protection Agency's "Energy Star Program**
47 **Requirements for Set-top Boxes" that took effect on January 1, 2001;**

48 **(8) Torchieres shall consume not more than one hundred ninety**
49 **watts and shall not be capable of operating with lamps that total more**
50 **than one hundred ninety watts;**

51 **(9) Red and green traffic signal modules shall meet the product**
52 **specification of the "Energy Star Program Requirements for Traffic**
53 **Signals" developed by the United States Environmental Protection**
54 **Agency that took effect in February 2001 and shall be installed with**
55 **compatible, electrically-connected signal control interface devices and**
56 **conflict monitoring systems. The director, in consultation with the**
57 **department of transportation, may exempt specific traffic signals from**
58 **this requirement upon a determination that installing compliant signals**
59 **would not be cost-effective on a life-cycle cost basis;**

60 **(10) Unit heaters shall be equipped with an intermittent ignition**

61 device and shall have either power venting or an automatic flue
62 damper.

701.506. In conjunction with the advisory group under section
2 701.509, the department shall update the minimum appliance energy
3 efficiency standards in section 701.503 not less than once every three
4 years beginning from the date the standards were first promulgated by
5 rule. The purpose of any such update shall be to keep the state
6 standards current with technological advancements and industry
7 practices with regard to energy efficiency, while also giving due
8 consideration to consumer and environmental costs and benefits. The
9 department shall strive to have the standards achieve greater energy
10 efficiency over time in a prudent and reasonable manner.

701.509. 1. The "Appliance Energy Efficiency Advisory Group" is
2 hereby created. The purpose of the advisory group is to advise the
3 department on the development and updating of the minimum energy
4 efficiency standards for products under sections 701.500 to 701.515. The
5 advisory group shall consist of the following ten members who shall be
6 appointed, in staggered terms, by the director.

7 (1) A representative from the public service commission who is
8 knowledgeable in energy efficiency;

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

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

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

14 (5) Three representatives from the appliance manufacturing
15 industry; and

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

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

701.512. 1. The department shall adopt procedures for testing

2 the energy efficiency of the new products covered by sections 701.500
3 to 701.515. The department shall use United States Department of
4 Energy approved test methods, or in the absence of such test methods,
5 other appropriate nationally recognized test methods. The
6 manufacturers of such products shall cause samples of their products
7 to be tested in accordance with the test procedures adopted pursuant
8 to sections 701.500 to 701.515.

9 2. Manufacturers of new products covered by sections 701.500 to
10 701.515 shall certify to the director that such products are in
11 compliance with the provisions of sections 701.500 to 701.515. The
12 director shall promulgate regulations governing the certification of
13 such products and may coordinate with the certification program of
14 other states with similar standards.

15 3. Manufacturers of new products covered by sections 701.500 to
16 701.515 shall identify each product offered for sale or installation in the
17 state as in compliance with the provisions of section 701.500 to 701.515
18 by means of a mark, label, or tag on the product and packaging at the
19 time of sale or installation. The director shall promulgate regulations
20 governing the identification of such products and packaging, which
21 shall be coordinated to the greatest practical extent with the labeling
22 programs of other states and federal agencies with equivalent
23 efficiency standards.

24 4. The director may test products covered by sections 701.500 to
25 701.515. If products so tested are found not to be in compliance with
26 the minimum efficiency standards established under section 701.503,
27 the director shall:

28 (1) Charge the manufacturer of such product for the cost of
29 product purchase and testing, and

30 (2) Make information available to the public on products found
31 not to be in compliance with the standards.

32 5. The director may cause periodic inspections to be made of
33 distributors or retailers of new products covered by sections 701.500 to
34 701.515 in order to determine compliance with the provisions of these
35 sections.

36 6. The director is hereby granted the authority to adopt such
37 further regulations as necessary to insure the proper implementation
38 and enforcement of the provisions of sections 701.500 to 701.515. Any

39 rule or portion of a rule, as that term is defined in section 536.010,
40 RSMo, that is created under the authority delegated in this section
41 shall become effective only if it complies with and is subject to all of
42 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
43 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
44 of the powers vested with the general assembly pursuant to chapter
45 536, RSMo, to review, to delay the effective date, or to disapprove and
46 annul a rule are subsequently held unconstitutional, then the grant of
47 rulemaking authority and any rule proposed or adopted after August
48 28, 2008, shall be invalid and void.

701.515. 1. The director shall investigate complaints received
2 concerning violations of sections 701.500 to 701.515 and shall report the
3 results of such investigations to the attorney general. The attorney
4 general may institute proceedings to enforce the provisions of sections
5 701.500 to 701.515. Any manufacturer, distributor, or retailer who
6 violates any provision of sections 701.500 to 701.515 shall be issued a
7 warning by the director for any first violation. Repeat violations shall
8 be subject to a civil penalty of not more than two hundred fifty
9 dollars. Each violation shall constitute a separate offense, and each
10 day that such violation continues shall constitute a separate
11 offense. Penalties assessed under this section are in addition to costs
12 assessed under subsection 4 of section 701.512.

2. Notwithstanding the provisions of subsection 1 of this section
14 to the contrary, any person who issues a certification that a product
15 listed in sections 701.500 to 701.515 complies with the energy efficiency
16 standards established under sections 701.500 to 701.515, knowing that
17 such product does not comply with those standards, shall be liable for
18 a civil penalty of not more than ten thousand dollars for each such
19 product certified and an additional penalty of not more than ten
20 thousand dollars for each day during which such violation continues.

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