

SECOND REGULAR SESSION

SENATE BILL NO. 458

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4498S.011

AN ACT

To amend chapters 393, 442, and 640, RSMo, by adding thereto fifteen new sections relating to the green jobs-green Missouri act.

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

Section A. Chapters 393, 442, and 640, RSMo, are amended by adding
2 thereto fifteen new sections, to be known as sections 393.093, 393.095, 393.097,
3 442.559, 640.870, 640.873, 640.876, 640.879, 640.882, 640.885, 640.888, 640.891,
4 640.894, 640.897, and 640.900, to read as follows:

**393.093. 1. The commission shall require each gas and electrical
2 corporation to file tariffs to provide for the billing and collection of on-
3 bill recovery charges for payment of obligations of its customers for
4 loans received under sections 640.870 to 640.900. To the extent
5 practicable, gas and electrical corporations shall utilize existing
6 electronic data interchange infrastructure or other existing billing
7 infrastructure to implement their billing and collection responsibilities
8 under this section so as to minimize cost.**

9 **2. To ensure proper program design and implementation, each
10 electrical and gas corporation shall initially limit the number of
11 customers who pay a green jobs-green Missouri on-bill recovery charge
12 at any given time to no more than three percent of its total customers,
13 on a first-come, first-served basis. Prior to reaching such limit, the
14 department of natural resources shall petition the public service
15 commission to review said limit, and the commission shall increase
16 such limit unless the commission finds that the program has caused
17 significant harm to the electrical or gas corporation or its ratepayers.**

18 **3. The commission may suspend an electrical or gas corporation's
19 offer of the on-bill recovery charge provided that the commission, after**

20 **conducting a hearing, makes a finding:**

21 **(1) That there is a significant increase in utility service arrears**
22 **or disconnections that the commission determines is directly related to**
23 **the on-bill recovery charge; or**

24 **(2) For other good cause.**

25 **4. The on-bill recovery charge shall be collected on the bill from**
26 **the customer's electrical provider unless the qualified energy efficiency**
27 **services at that customer's premises result in more projected energy**
28 **savings on the customer's gas bill than the electric bill, in which case**
29 **the on-bill recovery charge shall be collected on the customer's gas**
30 **provider's bill.**

31 **5. Tariffs for the collection and billing of on-bill recovery**
32 **charges shall provide:**

33 **(1) That billing and collection services shall be available to**
34 **customers who have met the standards established by the department**
35 **of natural resources for participation in the on-bill recovery**
36 **mechanism under the green jobs-green Missouri program under**
37 **sections 640.870 to 640.900 and have executed an agreement for the**
38 **performance of qualified energy efficiency services under such**
39 **program; provided, however, that for residential properties any such**
40 **customer must hold primary ownership or represent the primary owner**
41 **or owners of the premises and hold primary meter account**
42 **responsibility or represent the primary holder or holders of meter**
43 **account responsibility for all meters to which such on-bill recovery**
44 **charges will apply;**

45 **(2) That the responsibilities of the electric or gas corporation are**
46 **limited to providing billing and collection services for on-bill recovery**
47 **charges as directed by the department;**

48 **(3) Unless fully satisfied prior to sale or transfer, that:**

49 **(a) The on-bill recovery charges for any services provided at the**
50 **customer's premises shall survive changes in ownership, tenancy or**
51 **meter account responsibility; and**

52 **(b) Arrears in on-bill recovery charges at the time of account**
53 **closure or meter transfer shall remain the responsibility of the**
54 **incurring customer, unless expressly assumed by a subsequent**
55 **purchaser of the property subject to such on-bill recovery charges;**

56 **(4) That underpayments of bills shall be allocated between on-bill**

57 recovery charges and other charges in the same proportion such
58 charges comprise the overall bill total;

59 (5) That billing and collection services shall be available without
60 regard to whether the energy or fuel delivered by the utility is the
61 customer's primary energy source;

62 (6) Unless otherwise precluded by law, that participation in the
63 green jobs-green Missouri program shall not affect a customer's
64 eligibility for any rebate or incentive offered by a utility; and

65 (7) Any other provisions necessary to provide for the billing and
66 collection of on-bill recovery charges.

393.095. (1) The rights and responsibilities of customers
2 participating in green jobs-green Missouri on-bill recovery pursuant to
3 section 393.093 shall be substantially comparable to those of gas and
4 electric customers not participating in such on-bill recovery, and
5 charges for on-bill recovery shall be treated as charges for utility
6 service for the purpose of this section.

7 (2) All determinations and safeguards related to the termination
8 and reconnection of service shall apply to on-bill recovery charges
9 billed by a utility in accordance with other applicable state law.

10 (3) In the event that the responsibility for making utility
11 payments has been assumed by occupants of a multiple dwelling or by
12 occupants of a two-family dwelling, such occupants shall not be billed
13 for any arrears of on-bill recovery charges or prospective on-bill
14 recovery charges, which shall remain the responsibility of the
15 incurring customer.

16 (4) Deferred payment agreements shall be available to customers
17 participating in on-bill recovery on the same terms as other customers,
18 and the utility shall retain the same discretion to defer termination of
19 service as for any other delinquent customer.

20 (5) Where a customer has a budget billing plan or levelized
21 payment plan, the utility shall recalculate the payments under such
22 plan to reflect the projected effects of installing energy efficiency
23 measures as soon as practicable after receipt of information on the
24 energy audit and qualified energy efficiency services selected.

25 (6) When a complaint is related solely to work performed under
26 the green jobs-green Missouri program or to the on-bill recovery
27 charges, the utility shall only be required to inform the customer of the

28 **complaint handling procedures of the department of natural resources,**
29 **which shall retain responsibility for handling such complaints, and**
30 **such complaints shall not be deemed to be complaints about utility**
31 **service in any other commission action or proceeding.**

32 **(7) Billing information provided to customers shall include**
33 **information on green jobs-green Missouri on-bill recovery charges,**
34 **including the basis for such charges, and any information or inserts**
35 **provided by the department of natural resources related thereto. In**
36 **addition, at least annually the department of natural resources shall**
37 **provide the utility with information for inclusion or insertion in the**
38 **customer's bill that sets forth the amount and duration of remaining**
39 **on-bill recovery charges and the department's contact information and**
40 **procedures for resolving customer complaints with such charges.**

393.097. The public service commission shall promulgate rules to
2 **implement sections 393.093 to 393.097. Any rule or portion of a rule, as**
3 **that term is defined in section 536.010 that is created under the**
4 **authority delegated in this section shall become effective only if it**
5 **complies with and is subject to all of the provisions of chapter 536, and,**
6 **if applicable, section 536.028. This section and chapter 536 are**
7 **nonseverable and if any of the powers vested with the general assembly**
8 **pursuant to chapter 536, to review, to delay the effective date, or to**
9 **disapprove and annul a rule are subsequently held unconstitutional,**
10 **then the grant of rulemaking authority and any rule proposed or**
11 **adopted after August 28, 2012, shall be invalid and void.**

442.559. 1. Any person, firm, company, partnership or
2 **corporation offering to sell real property which is subject to a green**
3 **jobs-green Missouri on-bill recovery charge pursuant to section 393.093**
4 **shall provide written notice to the prospective purchaser or the**
5 **prospective purchaser's agent, stating as follows: "this property is**
6 **subject to a green jobs-green Missouri on-bill recovery charge". Such**
7 **notice shall also state the total amount of the original charge, the**
8 **payment schedule and the approximate remaining balance, a**
9 **description of the energy efficiency services performed, including**
10 **improvements to the property, and an explanation of the benefit of the**
11 **green jobs-green Missouri qualified energy efficiency services. Such**
12 **notice shall be provided by the seller prior to accepting a purchase**
13 **offer.**

14 2. Any prospective or actual purchaser who has suffered a loss
15 due to a violation of this section is entitled to recover any actual
16 damages incurred from the person offering to sell or selling said real
17 property.

 640.870. As used in sections 393.093 to 393.097, section 442.559,
2 and sections 640.870 to 640.900, the following terms shall mean:

3 (1) "Applicant", a person who owns, leases or manages a structure
4 and who has the authority to contract for the provision of qualified
5 energy efficiency services to such structure;

6 (2) "Constituency-based organization", an organization
7 incorporated for the purpose of providing services or other assistance
8 to economically or socially disadvantaged persons within a specified
9 community, and which is supported by, or whose actions are directed
10 by, members of the community in which it operates;

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

12 (4) "Eligible project", qualified energy efficiency services for a
13 non-residential structure, a residential structure or a multifamily
14 structure;

15 (5) "Energy audit", a formal evaluation of a building's energy
16 consumption for the purpose of identifying methods to improve energy
17 efficiency and conserve energy, including associated health and safety
18 issues, conducted by a qualified home energy auditor certified under
19 section 640.153;

20 (6) "Green jobs-green Missouri revolving loan fund" or "revolving
21 loan fund", the green jobs-green Missouri revolving loan fund created
22 by section 640.897;

23 (7) "Multifamily structure", a multi-unit residential building with
24 five or more dwelling units;

25 (8) "Non-residential structure", a building that is used or
26 occupied by a small business or a not-for-profit corporation;

27 (9) "Program", the green jobs-green Missouri program created by
28 this section;

29 (10) "Public utility", any gas corporation, electrical corporation,
30 rural electric cooperative, or municipally-owned utility providing gas
31 or electricity to end-use customers;

32 (11) "Qualified energy efficiency services", a modification to a
33 structure, based on recommendations contained in an energy audit or

34 as otherwise approved by the department, which is consistent with
35 standards established by the department, that will increase the energy
36 efficiency and conservation of an existing structure, including but not
37 limited to:

38 (a) Application of weatherstripping, caulking, sealant and other
39 materials around doors, windows, and other areas of a building for the
40 purpose of insulating or sealing openings in the building envelope and
41 within the building to mitigate energy loss;

42 (b) Testing, repairing and replacing heating or cooling systems
43 or components of such systems;

44 (c) Thermostat upgrades;

45 (d) Water heater repair and replacement;

46 (e) Roof, chimney, fireplace and roof vent repair, insofar as such
47 repairs are determined by an energy audit to be necessary to mitigate
48 energy loss or resolve energy-system related health and safety issues;

49 (f) Repair and replacement of storm windows, permanent
50 windows and exterior doors;

51 (g) Repair or replacement of major household appliances;

52 (h) Installation of thermal solar heat or hot water systems;

53 (i) Addition of insulation to exterior walls or ceilings;

54 (j) Replacement of inefficient light bulbs and lighting fixtures
55 and systems;

56 (k) Minor repairs that are necessary to ensure maximum
57 efficiency from the provision of qualified energy efficiency services;

58 (l) Installation of carbon monoxide detectors and indoor
59 environmental testing and mitigation deemed necessary as a result of
60 the provision of other qualified energy efficiency services; and

61 (m) Fuel switching to convert an electrically-heated building to
62 a more efficient heating source provided that significant energy cost-
63 savings can be demonstrated pursuant to standards established by the
64 department;

65 (12) "Residential structure", a residential building that has four
66 or fewer dwelling units;

67 (13) "Structure":

68 (a) A non-residential structure;

69 (b) A residential structure; and

70 (c) A multi-family structure.

640.873. There is hereby created the "Green Jobs-Green Missouri
2 Program". The purpose of the program is to:
3 (1) Promote energy efficiency, energy conservation, and the
4 installation of clean energy technologies;
5 (2) Reduce energy consumption and energy costs;
6 (3) Reduce greenhouse gas emissions;
7 (4) Support sustainable community development;
8 (5) Create green job opportunities, including opportunities for
9 new entrants into the state's workforce, the long-term unemployed and
10 displaced workers; and
11 (6) Use innovative financing mechanisms to finance energy
12 efficiency improvements through energy cost savings.

640.876. The department shall administer the program created
2 under section 640.873. In administering the program, the department
3 shall have the authority to:

4 (1) Use monies made available for the green jobs-green Missouri
5 revolving loan fund to achieve the purposes of sections 640.870 to
6 640.900, including but not limited to making loans available for eligible
7 projects;
8 (2) Enter into contracts with one or more program implementers
9 to carry out its duties under sections 640.870 to 640.900 as the
10 department deems appropriate;
11 (3) Consult with the public service commission, the department
12 of economic development, and the department of labor and industrial
13 relations, as appropriate, in carrying out its duties under sections
14 640.870 to 640.900;
15 (4) Work cooperatively with the state environmental
16 improvement and energy resources authority created under section
17 260.010 to carry out its duties under sections 640.870 to 640.900; and
18 (5) Exercise such other powers as are necessary for the proper
19 administration of the program, including at the discretion of the
20 department, entering into agreements with applicants and with such
21 state or federal agencies as necessary to directly receive rebates and
22 grants available for eligible projects and apply such funds to
23 repayment of applicant loan obligations.

640.879. 1. The department shall provide financial assistance in
2 the form of loans for the performance of qualified energy efficiency

3 services for eligible projects on terms and conditions established by the
4 department.

5 2. Loans made by the department pursuant to this section shall
6 be subject to the following limitations:

7 (1) Eligible projects shall meet cost effectiveness standards
8 developed by the department;

9 (2) Loans shall not exceed thirteen thousand dollars per
10 applicant for approved qualified energy efficiency services for
11 residential structures, and twenty-six thousand dollars per applicant
12 for approved qualified energy efficiency services for non-residential
13 structures, provided, however, that the department may permit a loan
14 in excess of such amounts if the total cost of energy efficiency measures
15 financed by such loan will achieve a payback period of fifteen years or
16 less, but in no event shall any such loan exceed twenty-five thousand
17 dollars per applicant for residential structures and fifty thousand
18 dollars per applicant for non-residential structures; and for multifamily
19 structures loans shall be in amounts determined by the department,
20 provided, however, that the department shall assure that a significant
21 number of residential structures are included in the program;

22 (3) No fees or penalties shall be charged or collected for
23 prepayment of any such loan; and

24 (4) Loans shall be at interest rates determined by the department
25 to be no higher than necessary to make the provision of the qualified
26 energy efficiency services feasible. In determining whether to make a
27 loan, and the amount of any loan that is made, the department is
28 authorized to consider whether the applicant or borrower has received,
29 or is eligible to receive, financial assistance and other incentives from
30 any other source for the qualified energy efficiency services which
31 would be the subject of the loan. In determining whether a loan will
32 achieve a payback period of fifteen years or less pursuant to
33 subdivision (2) of this subsection, the department may consider the
34 amount of the loan to be reduced by the amount of any rebates for
35 qualified energy efficiency services received by the applicant or by the
36 department on behalf of an applicant.

37 3. Applications for financial assistance under this section shall
38 be reviewed and evaluated by the department or its designee pursuant
39 to eligibility and qualification requirements and criteria established by

40 the department. The department shall establish standards for qualified
41 energy efficiency services, and measurement and verification of energy
42 savings. Such standards shall meet or exceed the standards used by the
43 department for similar programs in existence on the effective date of
44 this section.

45 4. The amount of a fee paid for an energy audit may be added to
46 the amount of a loan that is made under this section to finance the cost
47 of an eligible project conducted in response to such energy audit.

48 5. Any person entering into a loan agreement under this section
49 shall have the right to cancel any such loan agreement until midnight
50 of the fifth business day following the day on which such person signs
51 such agreement provided the loan proceeds have not yet been
52 disbursed.

640.882. 1. The department shall establish an on-bill recovery
2 mechanism for repayment of loans made under section 640.879. In
3 establishing an on-bill recovery mechanism:

4 (1) The department shall establish standards for customer
5 participation in such on-bill recovery mechanism, including standards
6 for reliable utility bill payment, current good standing on any mortgage
7 obligations, and such additional standards as the department deems
8 necessary; provided that in order to provide broad access to on-bill
9 recovery, the department shall, to the fullest extent practicable,
10 consider alternative measures of creditworthiness that are prudent in
11 order to include participation by customers who are less likely to have
12 access to traditional sources of financing;

13 (2) The cost-effectiveness of an eligible project shall be evaluated
14 solely on the basis of the costs and projected savings to the applying
15 customer, using standard engineering assessments and prior billing
16 data and usage patterns; provided however, that based upon the most
17 recent customer data available, on an annualized basis, the monthly on-
18 bill repayment amount for a package of measures shall not exceed one-
19 twelfth of the savings projected to result from the installation of the
20 measures. Nothing in this section shall be construed to prohibit or
21 prevent customers whose primary heating energy source is from
22 deliverable fuels from participating in the program;

23 (3) The department shall establish a process for receipt and
24 resolution of customer complaints concerning on-bill recovery charges

25 and for addressing delays and defaults in customer payments; and

26 (4) The department may limit the availability of lighting
27 measures or household appliances that are not permanently affixed to
28 real property.

29 2. The department shall evaluate the cost-effectiveness of the on-
30 bill recovery mechanism on an on-going basis. In conducting such
31 evaluation, the department shall request each customer to provide:

32 (1) Information on energy usage or permission to collect
33 information on energy usage from utilities and other retail vendors;

34 (2) Information on other sources of energy used in the customer's
35 premises; and

36 (3) Information on any improvements or modifications to the
37 premises that may significantly affect energy usage.

38 At a minimum, the department shall collect and maintain information
39 for dates prior to the performance of qualified energy efficiency
40 services, to establish a baseline, and for dates covering a subsequent
41 time period to measure the effectiveness of such measures. Such data
42 shall be correlated with information from the energy audit and any
43 other relevant information, including information on local weather
44 conditions, and shall be used to evaluate the on-bill recovery program
45 and to improve the accuracy of projections of cost-effectiveness on an
46 on-going basis. An analysis of such data shall be included in the annual
47 report prepared under section 640.894.

48 3. All information collected by the department under this section
49 shall be confidential and shall be used exclusively for the purposes of
50 administering sections 640.870 to 640.900.

640.885. Prior to, or at the closing of each loan made under
2 section 640.879, the department shall cause a notice to be provided to
3 each customer receiving such loan stating, in clear and conspicuous
4 terms:

5 (1) The financial and legal obligations and risks of accepting
6 such loan responsibilities, including the obligation to provide or
7 consent to the customer's utility providing the department information
8 on the sources and quantities of energy used in the customer's premises
9 and any improvements or modifications to the premises, use of the
10 premises or energy consuming appliances or equipment of any type
11 that may significantly affect energy usage;

12 (2) That the on-bill recovery charge will be billed by such
13 customer's utility provider and that failure to pay such on-bill recovery
14 charge may result in the customer having his or her electricity or gas
15 terminated for non-payment, in accordance with other applicable state
16 law with respect to termination of service;

17 (3) That incurring such loan to undertake energy-efficiency
18 projects may not result in lower monthly energy costs over time, based
19 on additional factors that contribute to monthly energy costs;

20 (4) That the program is operated by the department and it is the
21 sole responsibility of the department to handle consumer inquiries and
22 complaints related to the operation and lending associated with the
23 program, provided further that the department shall provide a
24 mechanism to receive such consumer inquiries and complaints; and

25 (5) That any person entering into a loan agreement under
26 section 640.879 shall have the right to cancel any such loan agreement
27 until midnight of the fifth business day following the day on which such
28 person signs such agreement provided the loan proceeds have not yet
29 been disbursed.

640.888. 1. The department, in consultation with the department
2 of economic development and the department of labor and industrial
3 relations, may enter into contracts with constituency-based
4 organizations, workforce development organizations, labor
5 organizations, and other training-related organizations, for the purpose
6 of supporting the green jobs-green Missouri program with employment
7 and training services. Such contracts shall provide for training of
8 individuals to participate in outreach and marketing activities, perform
9 energy audits and provide qualified energy efficiency services and
10 provision of job placement services to such individuals. To the extent
11 permitted by statute, regulation, or federal grant, a preference shall be
12 given for training and placement of women, minorities, low-income
13 individuals and populations with barriers to employment.

14 2. Training services authorized under this section shall include,
15 as appropriate, but not be limited to:

16 (1) Incremental occupational training to unemployed workers
17 with good work histories;

18 (2) Work-readiness and entry-level technical training to
19 individuals with weak work histories;

20 **(3) Apprenticeship qualifying, apprenticeship and labor-**
21 **management certification training;**

22 **(4) Training that is designed to lead to certification in energy**
23 **auditing and energy performance contracting;**

24 **(5) Skills upgrading for incumbent workers, including workers**
25 **performing weatherization activities;**

26 **(6) Work support, where appropriate and to the extent that**
27 **funding is available, to individuals who obtain employment through the**
28 **green jobs-green Missouri program created by sections 640.870 to**
29 **640.900, to assist such individuals to retain employment and continue**
30 **to upgrade their skills.**

31 **3. For quality assurance purposes, organizations providing**
32 **training services pursuant to this section shall possess certifications**
33 **and accreditations deemed appropriate by the department.**

34 **4. The department shall facilitate coordination between**
35 **constituency-based organizations, workforce development**
36 **organizations, labor organizations and auditing and energy**
37 **performance services contractors to provide job opportunities for**
38 **individuals participating in training programs and receiving placement**
39 **services pursuant to this section.**

40 **5. The department shall prescribe conditions for training that**
41 **shall include identifiable standards for all education and training**
42 **activities authorized under this section.**

640.891. 1. The department shall establish the "Green Jobs-Green
2 **Missouri Advisory Council" to advise the department on the creation**
3 **and implementation of the program created under sections 640.870 to**
4 **640.900. The council shall consist of:**

5 **(1) The director of the department; the chairperson of the**
6 **Missouri housing development commission; the director of the**
7 **department of labor and industrial relations; the chairperson of the**
8 **public service commission; the director of the department of economic**
9 **development; or the designees of such persons; and**

10 **(2) Representatives of constituency-based community groups;**
11 **consumer advocates on utility and housing issues; community-based**
12 **workforce development groups; unions, including building trades and**
13 **property services; home performance contractors; large-scale**
14 **construction contractors; and investment market experts.**

15 2. The director of the department shall serve as the chair of the
16 council. The council shall meet no less than three times a year.

 640.894. No later than October 1, 2013, and October first of each
2 year thereafter, the director of the department shall issue an annual
3 report to the governor, the president pro tempore of the senate, the
4 speaker of the house of representatives, the minority leader of the
5 senate and the minority leader of the house of representatives
6 concerning the department's activities related to the green jobs-green
7 Missouri program created under sections 640.870 to 640.900. Such
8 report shall include, but not be limited to the following information:

9 (1) The number of persons who have applied for and received
10 financial assistance through the loan program under section 640.879,
11 including;

12 (a) The number of persons who have applied for and who have
13 received financial assistance that utilizes on-bill recovery;

14 (b) The number of residential and non-residential customers and
15 the amounts financed;

16 (c) The number of loans in default;

17 (d) The number of program participants who are in arrears in
18 their utility accounts for electric or gas service;

19 (e) The number of program participants who are in arrears in
20 their on-bill recovery charge payments;

21 (f) The number of program participants whose utility service has
22 been terminated for non-payment;

23 (g) A description of the geographic distribution of loans made;

24 (h) An estimate of the energy savings resulting from the loan
25 program; and

26 (i) An estimate of the average project cost; and

27 (2) The status of the department's activities and outcomes
28 related to section 640.888 including, but not limited to:

29 (a) The number of individuals receiving training services;

30 (b) The type of training services provided to such individuals;

31 (c) The identity of organizations providing training services;

32 (d) The number of individuals placed in full-time employment;

33 and

34 (e) In consultation with the departments of economic
35 development and labor and industrial relations, an estimate of the

36 number of jobs created under the program; and

37 (3) The overall effectiveness, progress and outcomes related to
38 the green jobs-green Missouri program, which shall include but not be
39 limited to:

40 (a) Key findings by the department;

41 (b) To the extent possible, a calculation of the energy savings
42 achieved;

43 (c) The amount expended by the department in support of the
44 program and the purposes for which such funds have been expended;
45 and

46 (d) Any recommendations for program improvements and
47 expansion of the program.

640.897. 1. There is hereby created in the state treasury the
2 "Green Jobs-Green Missouri Revolving Loan Fund", which shall consist
3 of money from payments of principal and interest, including any late
4 payment charges, made pursuant to loan or financing agreements
5 entered into with the department or its designee under sections 640.870
6 to 640.900. The state treasurer shall be custodian of the fund. In
7 accordance with sections 30.170 and 30.180, the state treasurer may
8 approve disbursements. The fund shall be a dedicated fund and, upon
9 appropriation, money in the fund shall be used for the administration
10 of sections 640.870 to 640.900.

11 2. Notwithstanding the provisions of section 33.080, to the
12 contrary, any moneys remaining in the fund at the end of the biennium
13 shall not revert to the credit of the general revenue fund.

14 3. The state treasurer shall invest moneys in the fund in the
15 same manner as other funds are invested. Any interest and moneys
16 earned on such investments shall be credited to the fund.

640.900. 1. The department is authorized to accept, as agent of
2 the state, any gift, grant, devise or bequest, whether conditional or
3 unconditional, including but not limited to federal grants, and to use
4 monies made available for the green jobs-green Missouri program from
5 any public or private source, for the purpose of administering sections
6 640.870 to 640.900.

7 2. The department of natural resources shall promulgate rules
8 for the implementation of sections 640.870 to 640.900. Any rule or
9 portion of a rule, as that term is defined in section 536.010 that is

10 created under the authority delegated in this section shall become
11 effective only if it complies with and is subject to all of the provisions
12 of chapter 536, and, if applicable, section 536.028. This section and
13 chapter 536 are nonseverable and if any of the powers vested with the
14 general assembly pursuant to chapter 536, to review, to delay the
15 effective date, or to disapprove and annul a rule are subsequently held
16 unconstitutional, then the grant of rulemaking authority and any rule
17 proposed or adopted after August 28, 2012, shall be invalid and void.

Unofficial

Bill

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