

SECOND REGULAR SESSION

SENATE BILL NO. 926

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time January 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5092S.011

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to building energy performance standards.

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

Section A. Chapter 640, RSMo, is amended by adding thereto one new
2 section, to be known as section 640.860, to read as follows:

**640.860. 1. All non-state owned buildings twenty-five thousand
2 square feet in size and larger shall begin to report their greenhouse gas
3 emissions beginning December 31, 2021, to establish a greenhouse gas
4 baseline. The division of energy within the department of natural
5 resources shall adopt rules setting forth the reporting
6 requirements. Buildings over fifty thousand square feet shall report
7 2020 emissions by the end of 2021. Buildings between twenty-five
8 thousand square feet and fifty thousand square feet shall report their
9 2021 emissions by the end of 2022.**

10 **2. The buildings sector of Missouri shall achieve a forty percent
11 reduction in greenhouse gas emissions from 2006 levels, as reported by
12 the United States Environmental Protection Agency, by 2030, and at
13 least an eighty percent reduction from the 2006 levels by 2050. At least
14 seventy-five percent of such reductions shall be achieved through
15 energy efficiency, onsite fuel switching, and building technologies. The
16 other twenty-five percent of reductions may be achieved through
17 mechanisms such as energy credits or other emissions trading
18 mechanisms.**

19 **3. The division of energy shall develop rules setting out
20 greenhouse gas emissions reductions on five-year cycles starting in
21 2025 that shall achieve the sector-wide targets set forth in subsection**

22 2 of this section. Emissions reductions targets for the two categories
23 of buildings set forth in subsection 1 of this section shall occur in
24 alternating cycles.

25 4. Every two years the division of energy shall report on
26 progress in emissions reductions from the building sector to the
27 general assembly.

28 5. Any non-state owned building that is eligible for listing in the
29 National Register of Historic Places and any building listed as a
30 historic property under local or state law is exempted from any form
31 of compliance with this section or energy efficiency upgrade necessary
32 to reduce greenhouse gas emissions that would compromise the
33 historical integrity of the building or part of the building.

34 6. The division of energy shall establish exemption criteria for
35 qualifying buildings to delay compliance with the building energy
36 performance standards for up to three years if the owner demonstrates,
37 to the satisfaction of the division, financial distress, change of
38 ownership, vacancy, major renovation, pending demolition, or another
39 acceptable circumstance determined by the division by rule.

40 7. The division of energy may establish exemption criteria for
41 qualifying affordable housing buildings to delay compliance with the
42 building energy performance standards for more than three years,
43 provided that the owner demonstrates, to the satisfaction of the
44 division, financial distress, change of ownership, vacancy, major
45 renovation, pending demolition, or other acceptable circumstances as
46 determined by the division by rule. For the purposes of this section,
47 the term "affordable housing" has the same meaning as "affordable
48 housing unit" as defined in section 32.105.

49 8. Buildings failing to comply with the building energy
50 performance standards at the end of the five-year compliance period
51 shall pay an alternative compliance penalty established by the division
52 of energy. Penalties collected pursuant to this subsection shall be
53 deposited into the natural resources protection fund established in
54 section 640.220. The division may impose civil penalties for a violation
55 of this section or a rule promulgated pursuant to this section. The
56 penalties shall be set at a level in which the cost of non-compliance
57 exceeds the cost of compliance. The attorney general may commence
58 a civil action for damages, cost recovery, reasonable attorney and

59 expert witness fees, and injunctive or other appropriate relief to
60 enforce compliance with this section or a rule promulgated pursuant
61 to this section.

62 **9. The division shall coordinate with the Missouri Green Bank or**
63 **a successor organization to establish an incentive and financial**
64 **assistance program for qualifying building owners and affordable**
65 **housing providers to meet building energy performance standards. In**
66 **establishing the program, the division shall consider, and report back**
67 **to the general assembly, whether additional funding shall be necessary**
68 **by October 1, 2021.**

69 **10. (1) There is hereby established the "Building Energy**
70 **Performance Standards Task Force", which shall:**

71 **(a) Advise the division on the creation of an implementation plan**
72 **for the building energy performance standards;**

73 **(b) Recommend amendments to proposed rules promulgated by**
74 **the division; and**

75 **(c) Recommend complementary programs or policies.**

76 **(2) The task force shall be comprised of the following members:**

77 **(a) One member of the senate to be appointed by the president**
78 **pro tempore of the senate;**

79 **(b) One member of the house of representatives to be appointed**
80 **by the speaker of the house of representatives;**

81 **(c) One member of the senate to be appointed by the minority**
82 **floor leader of the senate;**

83 **(d) One member of the house of representatives to be appointed**
84 **by the minority floor leader of the house of representatives;**

85 **(e) The director of the department of natural resources, or his or**
86 **her designee;**

87 **(f) The director of the division of energy, or his or her designee;**

88 **(g) A representative from the Missouri Green Bank, appointed by**
89 **the governor;**

90 **(h) A representative who is an affordable housing developer,**
91 **appointed by the governor;**

92 **(i) An owner of an apartment building, appointed by the**
93 **governor;**

94 **(j) An owner of a commercial building, appointed by the**
95 **governor;**

96 **(k) A representative from the Missouri Apartment Association,**
97 **appointed by the governor;**

98 **(l) A representative from a nonprofit or professional association**
99 **advocating for energy efficient buildings or a low-carbon environment,**
100 **appointed by the governor; and**

101 **(m) A provider of energy efficiency or renewable energy services**
102 **to large buildings or affordable housing in Missouri, appointed by the**
103 **governor.**

104 **(3) The task force shall meet within thirty days after its creation**
105 **and organize by selecting a chair.**

106 **(4) The division of energy shall provide administrative support**
107 **as the task force may require in the performance of its duties.**

108 **(5) The task force shall dissolve on December 31, 2025.**

109 **11. The division of energy shall promulgate rules as necessary**
110 **for the implementation of this section. Any rule or portion of a rule, as**
111 **that term is defined in section 536.010, that is created under the**
112 **authority delegated in this section shall become effective only if it**
113 **complies with and is subject to all of the provisions of chapter 536 and,**
114 **if applicable, section 536.028. This section and chapter 536 are**
115 **nonseverable and if any of the powers vested with the general assembly**
116 **pursuant to chapter 536 to review, to delay the effective date, or to**
117 **disapprove and annul a rule are subsequently held unconstitutional,**
118 **then the grant of rulemaking authority and any rule proposed or**
119 **adopted after August 28, 2020, shall be invalid and void.**

✓

Copy