

HOUSE BILL NO. 752

Introduced: 02/12/83

Referred to Committee on Business & Industry: 02/12/83

Hearing: 2/17/83

Report: 02/17/83, Do Pass

2nd Reading: 02/19/83, Do Pass

3rd Reading: 2/22/83, Do Not Pass

Bill Killed

1 *House* BILL NO. *752*
2 INTRODUCED BY *Kader Dan Ben*-----

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
5 DEPARTMENT OF COMMERCE TO ADOPT ENERGY EFFICIENCY STANDARDS
6 FOR CERTAIN APPLIANCES AND TO PROHIBIT THE SALE OF
7 APPLIANCES NOT MEETING SUCH STANDARDS."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Department to adopt appliance standards.

11 (1) The department of commerce shall by rule prescribe
12 standards for minimum levels of operating efficiency, based
13 on a reasonable use pattern, for all appliances whose use,
14 as determined by the department in consultation with the
15 public service commission, the Montana members of the
16 Pacific Northwest electric power and conservation planning
17 council, and the department of natural resources and
18 conservation, requires a significant amount of energy on a
19 statewide basis.

20 (2) The minimum levels of operating efficiency must be
21 based on feasible and attainable efficiencies or feasible
22 improved efficiencies that will reduce the electrical energy
23 consumption growth rate.

24 (3) The standards must be established so that they do
25 not result in any added total costs to the consumer over the

1 designed life of the appliances as certified by the
2 manufacturer and covered in the standards.

3 Section 2. Prohibition on sale of appliances not
4 meeting standards -- penalties. (1) One year after the date
5 of the adoption of the standards required under [section 1],
6 no new appliance may be sold or offered for sale in the
7 state that is not certified by the manufacturer of the
8 appliance to be in compliance with the applicable standards.

9 (2) A person who sells or offers for sale an appliance
10 in violation of subsection (1) is guilty of a misdemeanor
11 and upon conviction is punishable as provided in 46-18-212.

12 (3) A manufacturer that falsely certifies an appliance
13 as being in compliance with standards adopted under [section
14 1] is subject to a civil penalty, recoverable by the
15 department, of no more than \$5,000 for each such appliance
16 sold or offered for sale in this state. Penalties collected
17 under this subsection must be deposited in the general fund.

-End-

STATE OF MONTANA

REQUEST NO. 406-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 14, 19 83, there is hereby submitted a Fiscal Note for House Bill 752 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 752 requires the Department of Commerce to adopt energy efficiency standards for certain appliances and to prohibit the sale of appliances not meeting such standards.

ASSUMPTIONS:

- 1) Assume that minimum levels of operating efficiency standards have been developed by other organizations, little or no testing expense results from this bill.
- 2) Assuming that use of "a significant amount of energy" refers to "major appliances" used for personal or household purposes (dryers, refrigerators, TV's, etc.), standards for commercial usage would not be contemplated by this bill, thus limiting standards to approximately 12.
- 3) Assume initial rulemaking will take some staff and legal time.
- 4) Assume enforcement is passive (complaint basis) rather than active (field inspection and testing), enforcement can be absorbed by Consumer Unit with some support for supplies and travel.

FISCAL IMPACT:

Expenditures:	<u>FY84</u>	<u>FY85</u>	<u>BIENNIUM TOTAL</u>
Under Current Law	-0-	-0-	-0-
Under Proposed Law			
Personal Services	10,209	-0-	10,209
Operating Expenses	<u>6,644</u>	<u>5,125</u>	<u>11,769</u>
Increased Expenditures to General Fund	<u>16,853</u>	<u>5,125</u>	<u>21,978</u>

FISCAL NOTE 15: D/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-83

1 STATEMENT OF INTENT

2 HOUSE BILL 752

3 House Business and Industry Committee
4

5 A statement of intent is necessary for this bill
6 because it grants rulemaking authority to the Department of
7 Commerce for the purpose of establishing standards for
8 operating efficiency for appliances whose use requires a
9 significant amount of energy on a statewide basis.

10 It is the intent of the Legislature that the Department
11 of Commerce adopt standards that conform to any standards
12 that may be adopted by the Pacific Northwest Electric Power
13 and Conservation Planning Council.

14 The Legislature also directs the Department of Commerce
15 to take steps necessary to secure Montana's standards
16 against preemption by the U.S. Department of Energy under a
17 "no-standard" standard, as proposed in recent federal
18 regulations.

SECOND READING

HB 752

Approved by Committee
on Business and Industry

HOUSE BILL NO. 752

INTRODUCED BY KADAS, D. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
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council, and the department of natural resources and
conservation, requires a significant amount of energy on a
statewide basis.

(2) The minimum levels of operating efficiency must be
based on feasible and attainable efficiencies or feasible
improved efficiencies that will reduce the electrical energy
consumption growth rate.

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state that is not certified by the manufacturer of the
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and upon conviction is punishable as provided in 46-18-212.

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as being in compliance with standards adopted under [section
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department, of no more than \$5,000 for each such appliance
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HB 752

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(2) The minimum levels of operating efficiency must be based on feasible and attainable efficiencies or feasible improved efficiencies that will reduce the electrical energy consumption growth rate.

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-End-