

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Energy and Technology to which was referred House
3 Bill No. 411 entitled “An act relating to Vermont’s energy efficiency standards
4 for appliances and equipment” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 9 V.S.A. § 2793 is amended to read:

8 § 2793. DEFINITIONS

9 As used in this chapter:

10 * * *

11 (15) “General service lamp” has the same meaning as set forth in the
12 action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and
13 modified by the action published at 82 Fed. Reg. 7322, 7333 (January 19,
14 2017).

15 Sec. 2. 9 V.S.A. § 2794 is amended to read:

16 § 2794. SCOPE

17 (a) The provisions of this chapter apply to the following types of new
18 products sold, offered for sale, or installed in the State:

19 (1) Medium voltage dry-type distribution transformers.

20 (2) Metal halide lamp fixtures.

21 (3) Residential furnaces and residential boilers.

1 (4) Single-voltage external AC to DC power supplies.

2 (5) State-regulated incandescent reflector lamps.

3 (6) General service lamps.

4 (7) Each other product for which the Commissioner is required to adopt
5 an efficiency or water conservation standard by rule pursuant to section 2795
6 of this title.

7 (8) Any other product that may be designated by the Commissioner in
8 accordance with section 2797 of this title.

9 (b) The provisions of this chapter do not apply to:

10 (1) New products manufactured in the State and sold outside the State
11 and the equipment used in manufacturing those products.

12 (2) New products manufactured outside the State and sold at wholesale
13 inside the State for final retail sale and installation outside the State.

14 (3) Products installed in mobile manufactured homes at the time of
15 construction.

16 (4) Products designed expressly for installation and use in recreational
17 vehicles.

18 Sec. 3. 9 V.S.A. § 2795 is amended to read:

19 § 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

20 ~~Not later than June 1, 2007, the~~ The Commissioner shall adopt rules in
21 accordance with the provisions of 3 V.S.A. chapter 25 establishing minimum

1 efficiency standards for the types of new products set forth in section 2794 of
2 this title. The rules shall provide for the following minimum efficiency
3 standards for products sold or installed in this State:

4 * * *

5 (6) In the rules, the Commissioner shall adopt minimum efficiency and
6 water conservation standards for each product that is subject to a standard
7 under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19,
8 2017. The minimum standard and the testing protocol for each product shall
9 be the same as adopted in those sections of the Code of Federal Regulations.

10 (7) In the rules, the Commissioner shall adopt a minimum efficacy
11 standard for general service lamps of 45 lumens per watt, when tested in
12 accordance with 10 C.F.R. § 430.23(gg) as that provision existed on January
13 19, 2017.

14 Sec. 4. 9 V.S.A. § 2796 is amended to read:

15 § 2796. IMPLEMENTATION

16 * * *

17 (f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a
18 standard adopted pursuant to this chapter for a product, the standard shall
19 become enforceable on the occurrence of the earliest of the following:

20 (A) The federal energy or water conservation standard for the product
21 under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided.

1 However, this subdivision (A) shall not apply to any federal energy or water
2 conservation standard set aside by a court of competent jurisdiction upon the
3 petition of a person who will be adversely affected, as provided in 42 U.S.C.
4 § 6306(b).

5 (B) A waiver is issued pursuant to 42 U.S.C. § 6297.

6 (2) The federal standard for general service lamps shall be considered to
7 be withdrawn, repealed, or otherwise voided within the meaning of this
8 subsection if it does not come into effect on January 20, 2020 pursuant to the
9 actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

10 (3) When a standard adopted pursuant to this chapter becomes
11 enforceable under this subsection, a person shall not sell or offer for sale in the
12 State a new product subject to the standard unless the efficiency or water
13 conservation of the new product meets or exceeds the requirements set forth in
14 the standard.

15 Sec. 5. RULE ADOPTION; SCHEDULE; REPORT

16 (a) Rule adoption; schedule.

17 (1) On or before August 1, 2017, the Commissioner of Public Service
18 shall file with the Secretary of State proposed rules to effect Sec. 2 of this act.

19 (2) On or before April 1, 2018, the Commissioner shall finally adopt
20 these rules, unless the Legislative Committee on Administrative Rules extends
21 this date pursuant to 3 V.S.A. § 843(c).

1 (b) Reports.

2 (1) On or before December 15, 2017, the Commissioner of Public
3 Service shall file a progress report on the rulemaking required by this act. The
4 report shall attach the proposed rules as filed with the Secretary of State.

5 (2) On or before December 15, 2018, the Commissioner of Public
6 Service shall file a further progress report on the rulemaking required by this
7 act. The report shall attach the rules as finally adopted by the Commissioner.

8 Sec. 6. EFFECTIVE DATE

9 This act shall take effect on passage.

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13 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE