

SECOND REGULAR SESSION

HOUSE BILL NO. 1146

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor) AND KORMAN (Co-sponsor).
4327L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 21, RSMo, by adding thereto one new section relating to exempting the intrastate manufacture of certain incandescent lightbulbs from federal regulation.

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

Section A. Chapter 21, RSMo, is amended by adding thereto one new section, to be
2 known as section 21.930, to read as follows:

**21.930. 1. The general assembly declares that the authority for this section is the
2 following:**

3 **(1) Amendment X of the Constitution of the United States guarantees to the states
4 and their people all powers not granted to the federal government elsewhere in the
5 Constitution and reserves to the state and people of Missouri certain powers as they were
6 understood at the time that Missouri was admitted to statehood. The guarantee of those
7 powers is a matter of contract between the state and people of Missouri and the United
8 States as of the time that the compact with the United States was agreed upon and adopted
9 by Missouri and the United States;**

10 **(2) Amendment IX of the Constitution of the United States guarantees to the people
11 rights not granted in the Constitution and reserves to the people of Missouri certain rights
12 as they were understood at the time that Missouri was admitted to statehood. The
13 guarantee of those rights is a matter of contract between the state and people of Missouri
14 and the United States as of the time that the compact with the United States was agreed
15 upon and adopted by Missouri and the United States;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **(3) In 2007, the United States Congress passed the Energy Independence and**
17 **Security Act (Pub. L. No. 110-140). Section 321 of that act bans the sale of certain**
18 **incandescent lightbulbs in the United States beginning in 2012.**

19 **(4) The regulation of intrastate commerce is vested in the states under Amendments**
20 **IX and X of the Constitution of the United States, particularly if not expressly preempted**
21 **by federal law. Congress has not expressly preempted state regulation of intrastate**
22 **commerce pertaining to the manufacture on an intrastate basis of incandescent lightbulbs;**

23 **(5) The legislature of the state of Missouri declares that an incandescent lightbulb**
24 **manufactured in Missouri that remains within the borders of Missouri:**

25 **(a) Has not traveled in interstate commerce; and**

26 **(b) Is not subject to federal law or federal regulation, under the authority of the**
27 **United States Congress to regulate interstate commerce.**

28 **2. As used in this section, unless the context otherwise requires, the following terms**
29 **shall mean:**

30 **(1) "Generic and insignificant part", includes an item that has manufacturing or**
31 **consumer product applications other than inclusion in an incandescent lightbulb;**

32 **(2) "Incandescent lightbulb", a standard incandescent or halogen lightbulb that:**

33 **(a) Is intended for general service applications;**

34 **(b) Has a lumen range of not less than three hundred ten lumens and not more than**
35 **two thousand six hundred lumens; and**

36 **(c) Is capable of being operated at a voltage range at least partially within one**
37 **hundred ten and one hundred thirty volts;**

38 **(3) "Manufactured in this state", the item is manufactured:**

39 **(a) In this state from materials located in this state; and**

40 **(b) Without the inclusion of any part imported from another state other than a**
41 **generic and insignificant part.**

42 **3. An incandescent light bulb that is manufactured in Missouri and that remains**
43 **within the borders of Missouri is not subject to federal law or federal regulation under the**
44 **authority of congress to regulate interstate commerce.**

45 **4. An incandescent lightbulb manufactured and sold in Missouri under the**
46 **provisions of this section shall have the words "Made in Missouri" clearly stamped on it.**

47 **5. On written notification to the attorney general by a resident of this state of the**
48 **resident's intent to manufacture an incandescent lightbulb to which this section applies,**
49 **the attorney general may seek a declaratory judgment from a federal district court in this**
50 **state that this section is consistent with the Constitution of the United States.**

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