



2011 SENATE BILL 470

February 14, 2012 - Introduced by Senator GROTHMAN, cosponsored by Representatives KRUG, AUGUST, BROOKS, CRAIG, JACQUE, LEMAHIEU, MARKLEIN, PRIDEMORE, STROEBEL and THIESFELDT. Referred to Committee on Energy, Biotechnology, and Consumer Protection.

- 1 **AN ACT to create** 134.08 of the statutes; **relating to:** certain incandescent light
2 bulbs manufactured and sold in this state.

Analysis by the Legislative Reference Bureau

In 2007, Congress enacted the Energy Independence and Security Act (EISA) which, among other things, establishes energy efficiency requirements for general service incandescent light bulbs. Traditional incandescent light bulbs do not comply with the requirements. Under EISA, traditional incandescent light bulbs that are 100 watts may not be manufactured or imported after January 1, 2012; such bulbs that are 75 watts may not be manufactured or imported after January 1, 2013; and such bulbs that are 60 or 40 watts may not be manufactured or imported after January 1, 2014.

This bill declares that an incandescent light bulb that is manufactured in this state and that remains within the state's borders has not traveled in interstate commerce and is not subject to federal law or regulation under the authority of Congress to regulate interstate commerce. The bill provides that such an incandescent light bulb is not subject to federal law or regulation under the interstate commerce authority of Congress. Such federal law or regulation would include EISA. The bill defines "incandescent light bulb" as a standard incandescent or halogen light bulb that: 1) is intended for general service applications; 2) has lumen range of not less than 310 lumens and not more than 2,600 lumens; and 3) is capable of being operated at a voltage range at least partially within 110 and 130 volts. The definition encompasses traditional incandescent 40-100 watt light bulbs. Under the bill, an incandescent light bulb is manufactured in this state if it is

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manufactured in this state from materials located in this state and without the inclusion of any part imported from another state, other than a “generic and insignificant part,” which is defined as an item that has manufacturing or consumer product applications other than inclusion in an incandescent light bulb.

The bill requires a person who manufactures an incandescent light bulb in this state for sale in this state to clearly stamp the words “Made in Wisconsin” on the light bulb. The bill also allows the attorney general, upon receiving a written notification that a person intends to manufacture an incandescent light bulb in this state, to seek a declaratory judgment from the appropriate federal district court that the bill is consistent with the U.S. Constitution.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 134.08 of the statutes is created to read:

2 **134.08 Incandescent light bulbs. (1) LEGISLATIVE FINDINGS.** (a) In 2007, the
3 U.S. Congress passed the Energy Independence and Security Act, P. L. 110-140.
4 Section 321 of that act, which is codified in pertinent part as 42 USC 6295 (i), bans
5 the sale of certain incandescent light bulbs in the United States beginning in 2012.

6 (b) The legislature declares that an incandescent light bulb manufactured in
7 Wisconsin that remains within the borders of Wisconsin has not traveled in
8 interstate commerce and is not subject to federal law or federal regulation under the
9 authority of the U.S. Congress to regulate interstate commerce.

10 **(2) DEFINITIONS.** In this section:

11 (a) “Generic and insignificant part” means an item that has manufacturing or
12 consumer product applications other than inclusion in an incandescent light bulb.

13 (b) “Incandescent light bulb” means a standard incandescent or halogen light
14 bulb that satisfies all of the following:

15 1. The light bulb is intended for general service applications.

16 2. The light bulb has lumen range of not less than 310 lumens and not more
17 than 2,600 lumens.

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1 3. The light bulb is capable of being operated at a voltage range at least
2 partially within 110 and 130 volts.

3 (c) "Manufactured in this state" means, with respect to an incandescent light
4 bulb, that the incandescent light bulb is manufactured in this state from materials
5 located in this state and without the inclusion of any part imported from another
6 state other than a generic and insignificant part.

7 **(3) INAPPLICABILITY OF FEDERAL REGULATION.** An incandescent light bulb that is
8 manufactured in this state and remains in this state is not subject to federal law or
9 federal regulation under the authority of the U.S. Congress to regulate interstate
10 commerce.

11 **(4) MARKETING.** A person who manufactures an incandescent light bulb in this
12 state for sale in this state shall clearly stamp the words "Made in Wisconsin" on the
13 incandescent light bulb.

14 **(5) ATTORNEY GENERAL.** Upon receipt of written notification by a person that the
15 person intends to manufacture an incandescent light bulb in this state, the attorney
16 general may seek a declaratory judgment from the appropriate federal district court
17 that this section is consistent with the U.S. Constitution.

18 **SECTION 2. Initial applicability.**

19 (1) This act first applies to an incandescent light bulb that is manufactured on
20 the effective date of this subsection.

21 **SECTION 3. Effective date.**

22 (1) This act takes effect on January 1, 2012, or the day after publication,
23 whichever is later.

24

(END)