

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1684

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLACK (137).

3845H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 393.135, RSMo, and to enact in lieu thereof two new sections relating to the Missouri nuclear clean power act.

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

Section A. Section 393.135, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 393.135 and 393.1250, to read as follows:

393.135. **Except as provided in section 393.1250**, any charge made or demanded by an electrical corporation for service, or in connection therewith, which is based on the costs of construction **work** in progress, **as that term is defined in section 393.1250**, upon any existing or new ~~[facility of the]~~ electrical corporation **facility**, or any other cost associated with owning, operating, maintaining, or financing any **such** property before it is fully operational and used for service, ~~[is unjust and unreasonable, and]~~ is prohibited.

393.1250. 1. This section shall be known and may be cited as the "Missouri Nuclear Clean Power Act", the purpose of which is to enable the construction of clean baseload electric generating plants or facilities that utilize renewable sources to produce energy. This section shall not apply to clean baseload electric generating plants or renewable source generating facilities that are in commercial operation before August 28, 2022.

2. As used in this section, the following terms mean:

(1) "Clean baseload generating plant", a new nuclear-fueled electric generating facility located in this state that is designed to be operated at a capacity factor exceeding

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.

10 seventy percent annually and is intended in whole or in part to serve retail customers of
11 an electrical corporation in Missouri;

12 (2) "Construction work in progress", the electrical corporation's share of all
13 capital costs associated with a clean baseload generating plant or renewable source
14 generating facility, which have been incurred but have not been included in the
15 electrical corporation's plant in service, and are recorded in the Federal Energy
16 Regulatory Commission's Uniform System of Accounts Prescribed for Public Utilities
17 and Licensees Subject to the Provisions of the Federal Power Act, Balance Sheet Chart
18 Accounts, as construction work in progress for electric plants in 18 CFR Part 101, or
19 any other account established in the Uniform System of Accounts for the recording of
20 construction work in progress;

21 (3) "Renewable source generating facility", any electric generating facility
22 powered by wind, hydropower, solar power, landfill methane, biomass, or any other
23 renewable source of power that does not produce significant carbon emissions.

24 3. The provisions of section 393.135 shall not apply to a clean baseload
25 generating plant or a renewable source generating facility if the plant or facility is rated
26 at two hundred megawatts or more. Costs recovered by an electrical corporation under
27 the provisions of this section are subject to inclusion or exclusion from rates in a
28 ratemaking proceeding pursuant to the commission's authority to determine just and
29 reasonable rates. In addition, the commission may authorize an electrical corporation
30 to make or demand charges for service based in whole or in part on additional
31 amortizations to maintain the electrical corporation's financial ratios that will, in the
32 commission's judgment, better enable the electrical corporation to cost-effectively
33 construct a clean baseload generating plant or a renewable source generating facility.

34 4. The commission may promulgate rules to assist in the implementation of this
35 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
36 created under the authority delegated in this section shall become effective only if it
37 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
38 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
39 vested with the general assembly pursuant to chapter 536 to review, to delay the
40 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
41 then the grant of rulemaking authority and any rule proposed or adopted after August
42 28, 2022, shall be invalid and void.

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