

# SENATE BILL NO. 1159

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

3191S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 393.135, RSMo, and to enact in lieu thereof two new sections relating to renewable energy.

*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Section A. Section 393.135, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 393.135 and 393.1250, to read as follows: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 upon any existing or new [facility of the] electrical corporation **facility**, or any other cost associated with owning, operating, maintaining, or financing any 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. This section shall not apply to clean baseload electric generating plants that are in commercial operation before August 28, 2024.**

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**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

10 that is designed to be operated at three hundred megawatts  
11 or less and is intended in whole or in part to serve retail  
12 customers of an electrical corporation in Missouri;

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

25 3. The provisions of section 393.135 shall not apply  
26 to a clean baseload generating plant if the plant is rated  
27 at three hundred megawatts or less. Before any such  
28 construction work begins, an electrical corporation seeking  
29 to include construction work in progress in rates shall file  
30 with the commission a plan detailing the projected costs of  
31 the project and the plan to recover those costs through  
32 rates. Costs recovered by an electrical corporation under  
33 the provisions of this section are subject to inclusion or  
34 exclusion from rates in a ratemaking proceeding pursuant to  
35 the commission's authority to determine just and reasonable  
36 rates. If the commission determines a project was not  
37 completed within a reasonable amount of time, the commission  
38 shall reduce rates in an amount equal to all amounts  
39 recovered in advance by the electrical corporation from  
40 ratepayers under the provisions of this section plus  
41 interest at the same rate as the rate of interest for

42 delinquent taxes determined by the director of revenue in  
43 accordance with section 32.065, in the next ratemaking  
44 proceeding for that electrical corporation.

45 4. The commission may promulgate rules to assist in  
46 the implementation of this section. Any rule or portion of  
47 a rule, as that term is defined in section 536.010, that is  
48 created under the authority delegated in this section shall  
49 become effective only if it complies with and is subject to  
50 all of the provisions of chapter 536 and, if applicable,  
51 section 536.028. This section and chapter 536 are  
52 nonseverable and if any of the powers vested with the  
53 general assembly pursuant to chapter 536 to review, to delay  
54 the effective date, or to disapprove and annul a rule are  
55 subsequently held unconstitutional, then the grant of  
56 rulemaking authority and any rule proposed or adopted after  
57 August 28, 2024, shall be invalid and void.

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