

SECOND REGULAR SESSION

HOUSE BILL NO. 2174

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (27).

Read 1st time March 13, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

5059L.011

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to the public service commission.

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

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be known as section 386.256, to read as follows:

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

(1) "Change in ownership":

(a) A change in the ownership of a majority of the voting capital stock of a public utility or a holding company;

(b) A change in the ownership or control of an entity that owns or controls a majority of the voting capital stock of a public utility or a holding company;

(c) A merger of two or more public utilities or holding companies; or

(d) The acquisition by a public utility or a holding company of substantially all the assets of another public utility or holding company;

(2) "Control", the power to direct the management and policies of a public utility or a holding company through the ownership of voting securities or stock, the terms of a contract, or any other means, not including the power derived from holding an official position or corporate office with a public utility or a holding company, but presumed to exist if a person, directly or indirectly, owns, controls, has the power to vote, or has the power to vote proxies that constitute at least twenty percent of the total voting power of a public utility or a holding company;

(3) "Holding company", a company that has control over one or more public utilities.

19 **2. The commission shall have the authority to review any transaction that directly**
20 **or indirectly results in a change of ownership or a change in control of a public utility or**
21 **a holding company to determine whether such transaction shall be a benefit to the public**
22 **interest.**

23 **3. If, after conducting a public hearing, the commission determines that such**
24 **transaction is not a benefit to the public interest, the commission may impose conditions**
25 **or requirements on such transaction to ensure that the operations of the public utility in**
26 **this state are not adversely impacted by such transaction and that such transaction is a**
27 **benefit to the public interest.**