

FIRST REGULAR SESSION

HOUSE BILL NO. 616

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLSMAN (Sponsor) AND ATKINS (Co-sponsor).

1442L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to renewable energy.

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

Section A. Chapter 393, RSMo, is amended by adding thereto one new section, to be
2 known as section 393.1300, to read as follows:

393.1300. 1. As used in this section the following terms mean:

- 2 (1) "**Commission**", the public service commission;
- 3 (2) "**Department**", the department of revenue;
- 4 (3) "**Electric utility**", any electric utility as defined by section 386.020, or any
5 municipal utility or electrical cooperative operating in this state;
- 6 (4) "**Industrial generator**", a business in this state producing energy from
7 renewable energy sources primarily for its own use;
- 8 (5) "**Renewable energy sources**", as that term is defined in section 393.1025.

9 **2. Upon the approval of the commission, an industrial generator operating a new
10 system producing an output between twenty-five thousand and one hundred thousand
11 kilowatts of renewable energy shall be eligible for a one-year tax credit for the fiscal year
12 in which the production of the renewable energy first commenced in an amount not to
13 exceed one dollar per watt of the output of the renewable energy system.**

14 **3. The commission is granted full jurisdiction to regulate the operation,
15 construction, and interconnection practices of industrial generators and electric utilities
16 in order to ensure the safety of the electrical infrastructure and the public welfare. Such
17 regulation may proceed in a manner substantially similar to the regulation of consumer
18 generators under chapter 386 or any other manner deemed fit by the commission.**

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.

19 **However, the existence of an interconnection agreement between an industrial generator**
20 **and an electric utility, and the financial compensation terms of any net metering contracts,**
21 **shall be voluntary and unregulated by the commission. No electric utility shall have any**
22 **legal duty or obligation to agree to an interconnection practice with an industrial**
23 **generator. Industrial generators may produce energy from unconnected systems if such**
24 **systems are feasible and approved by the commission.**

25 **4. The maximum available tax credit shall be one hundred thousand dollars per**
26 **industrial generator as the maximum output allowed for a system is one hundred kilowatts.**

27 **5. A single industrial generator shall not be allowed to take multiple tax credits.**

28 **6. The total amount of tax credits shall be capped at five million dollars.**

29 **7. The commission shall promulgate rules to implement the provisions of subsection**
30 **3 of this section. The department may promulgate rules for allocation of tax credits under**
31 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
32 **is created under the authority delegated in this section shall become effective only if it**
33 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
34 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
35 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
36 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
37 **of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be**
38 **invalid and void.**