

FIRST REGULAR SESSION

HOUSE BILL NO. 261

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLACK (137).

0231H.011

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Section A. Section 393.135, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 393.135 and 393.1250, to read as follows: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, 2021.

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

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.

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

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

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

33 **4. The commission may promulgate rules to assist in the implementation of this**
34 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
35 **created under the authority delegated in this section shall become effective only if it**
36 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
37 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
38 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
39 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
40 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,**
41 **shall be invalid and void.**

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