

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2494
94TH GENERAL ASSEMBLY

Reported from the Special Committee on General Laws April 23, 2008 with recommendation that House Committee Substitute for House Bill No. 2494 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

5565L.03C

AN ACT

To amend chapter 394, RSMo, by adding thereto two new sections relating to electric cooperatives.

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

Section A. Chapter 394, RSMo, is amended by adding thereto two new sections, to be known as sections 394.320 and 394.325, to read as follows:

394.320. 1. Notwithstanding any other law to the contrary, any regional electric cooperative engaged in providing electrical power and energy under an all-requirements contract to two or more municipalities of any classification that is located in whole or in part within the state of Missouri and that has the primary function of generating and transmitting power from a generation cooperative to a distribution cooperative shall allow the municipalities to whom it provides electrical power at wholesale or related services to appoint at least four members to the governing board of such regional electric cooperative. The appointments shall be made by a majority vote of the mayors of the municipalities served by the regional electric cooperative. Those appointed on behalf of the municipalities to the governing board of the regional electric cooperative shall be subject to section 394.160 and the cooperative's bylaws respecting directors of the governing board and shall enjoy the full rights, privileges, and benefits of the other members of the governing board of the regional electric cooperative.

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.

14 **2. This section may be enforced in any court of proper jurisdiction by an injunctive**
15 **remedy requiring that the regional electric cooperative cease part or all of its activities**
16 **within Missouri if such regional electric cooperative fails to comply with any of the**
17 **requirements of subsection 1 of this section.**

394.325. 1. Notwithstanding any other law to the contrary, no regional electric
2 **cooperative engaged in providing electrical power and energy under an all-requirements**
3 **contract to two or more municipalities of any classification that is located in whole or in**
4 **part within the state of Missouri and that has the primary function of generating and**
5 **transmitting power from a generation cooperative to a distribution cooperative shall,**
6 **directly or indirectly by any special rate, rebate, drawback, or other device or method,**
7 **charge, demand, collect, or receive from any such municipality or individual located within**
8 **such municipality a greater amount of compensation for electrical services than it charges,**
9 **demands, collects, or receives from any other municipality located in the United States or**
10 **individuals located in a municipality for doing a like and contemporaneous service with**
11 **respect thereto under the same or substantially similar circumstances or conditions.**

12 **2. No regional electric cooperative engaged in providing electrical power at**
13 **wholesale or related services to two or more municipalities of any classification that is**
14 **located in whole or in part within the state of Missouri and that has the primary function**
15 **of generating and transmitting power from a generation cooperative to a distribution**
16 **cooperative shall make or grant any undue or unreasonable advantage or preference to any**
17 **person, corporation, or locality, or subject any particular person, corporation, or locality**
18 **to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.**

19 **3. This section may be enforced in any court of proper jurisdiction by an injunctive**
20 **remedy requiring that the regional electric cooperative cease part or all of its activities**
21 **within Missouri if such regional electric cooperative fails to comply with any of the**
22 **requirements of subsection 2 of this section.**

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