

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 1804 & 1435**  
**102ND GENERAL ASSEMBLY**

2999H.02C

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Section A. Section 393.135, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 393.135 and 393.1250, to read as follows: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 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 that is designed to be operated at three hundred megawatts or less and is intended in whole or in part to serve retail customers of an electrical corporation in Missouri. For the purposes of this section, each small modular nuclear reactor located at a single site shall be considered a separate clean baseload generating plant;**

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.

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

20           **(3) "Small modular nuclear reactor", a nuclear fission reactor, a fusion reactor,**  
21 **or a radioisotope power system that utilizes heat from radioactive decay to generate**  
22 **energy that has a rated capacity of less than three hundred megawatts and can be**  
23 **constructed and operate in combination with similar reactors at a single site.**

24           **3. The provisions of section 393.135 shall not apply to a clean baseload**  
25 **generating plant if the plant is rated at three hundred megawatts or less. Before any**  
26 **such construction work begins, an electrical corporation seeking to include construction**  
27 **work in progress in rates shall file with the commission a plan detailing the projected**  
28 **costs of the project and the plan to recover those costs through rates. Costs recovered**  
29 **by an electrical corporation under the provisions of this section are subject to inclusion**  
30 **or exclusion from rates in a ratemaking proceeding pursuant to the commission's**  
31 **authority to determine just and reasonable rates. If the commission determines a**  
32 **project was not completed within a reasonable amount of time, the commission shall**  
33 **reduce rates in an amount equal to all amounts recovered in advance by the electrical**  
34 **corporation from ratepayers under the provisions of this section plus interest at the**  
35 **same rate as the rate of interest for delinquent taxes determined by the director of**  
36 **revenue in accordance with section 32.065 in the next ratemaking proceeding for that**  
37 **electrical corporation.**

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

✓