

SECOND REGULAR SESSION

HOUSE BILL NO. 1435

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HALEY.

3935H.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Section A. Section 393.135, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 393.135 and 393.1250, to read as follows: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 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 six hundred megawatts or less and is intended in whole or in part to serve retail customers of an electrical corporation in Missouri;

(2) "Construction work in progress", the electrical corporation's share of all capital costs associated with a clean baseload generating plant or renewable source

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 **generating facility, which have been incurred but have not been included in the**
13 **electrical corporation's plant in service, and are recorded in the Federal Energy**
14 **Regulatory Commission's Uniform System of Accounts Prescribed for Public Utilities**
15 **and Licensees Subject to the Provisions of the Federal Power Act, Balance Sheet Chart**
16 **Accounts, as construction work in progress for electric plants in 18 CFR Part 101, or**
17 **any other account established in the Uniform System of Accounts for the recording of**
18 **construction work in progress.**

19 **3. The provisions of section 393.135 shall not apply to a clean baseload**
20 **generating plant if the plant is rated at six hundred megawatts or less. Before any such**
21 **construction work begins, an electrical corporation seeking to include construction**
22 **work in progress in rates shall file with the commission a plan detailing the projected**
23 **costs of the project and the plan to recover those costs through rates. Costs recovered**
24 **by an electrical corporation under the provisions of this section are subject to inclusion**
25 **or exclusion from rates in a ratemaking proceeding pursuant to the commission's**
26 **authority to determine just and reasonable rates. In addition, the commission may**
27 **authorize an electrical corporation to make or demand charges for service based in**
28 **whole or in part on additional amortizations to maintain the electrical corporation's**
29 **financial ratios that will, in the commission's judgment, better enable the electrical**
30 **corporation to cost-effectively construct a clean baseload generating plant.**

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

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