

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 50
103RD GENERAL ASSEMBLY

0845H.02C

JOSEPH ENGLER, 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Section A. Section 393.135, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 393.135 and 393.1250, to read as follows: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, 2025.

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 generating facility that have been incurred but have not been included in the electrical

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.

13 corporation's plant in service and are recorded in the Federal Energy Regulatory
14 Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees
15 Subject to the Provisions of the Federal Power Act, Balance Sheet Chart Accounts, as
16 construction work in progress for electric plants in 18 CFR Part 101, or any other
17 account established in the Uniform System of Accounts for the recording of construction
18 work in progress.

19 3. An electrical corporation shall be permitted, subject to the limitations in this
20 subsection, to include construction work in progress for any new clean baseload
21 generating plant in rate base amounts recorded. The inclusion of construction work in
22 progress allowed under this subsection shall be in lieu of any otherwise applicable
23 allowance for funds used during construction that would have accrued from and after
24 the effective date of new base rates that reflect inclusion of the construction work in
25 progress in rate base. The commission shall determine, in a proceeding under section
26 393.170, the amount of construction work in progress that may be included in rate base.
27 The amount shall be limited by the estimated cost of such project and project
28 expenditures made within the estimated construction period for such project. Base rate
29 recoveries arising from inclusion of construction work in progress in base rates are
30 subject to refund, together with interest on the refunded amount at the same rate as the
31 rate of interest for delinquent taxes determined by the director of revenue in accordance
32 with section 32.065, if, and to the extent the commission determines, in a subsequent
33 complaint or general rate proceeding, that construction costs giving rise to the
34 construction work in progress included in rate base were imprudently incurred. Return
35 deferred under subdivision (2) of subsection 3 of section 393.1400 for plant that has been
36 included in base rates as construction work in progress shall offset the amounts deferred
37 under section 393.1400.

38 4. This section shall expire on December 31, 2035, unless the commission
39 determines, after a hearing conducted in 2035, upon a submission from an electrical
40 corporation of an application requesting and demonstrating that good cause exists to
41 extend the effectiveness of this subsection through December 31, 2045. The secretary of
42 the commission shall notify the revisor of statutes when the conditions set forth for the
43 extension of this subsection have been met.

44 5. The commission may promulgate rules to assist in the implementation of this
45 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
46 created under the authority delegated in this section shall become effective only if it
47 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
48 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
49 vested with the general assembly pursuant to chapter 536 to review, to delay the

50 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
51 **then the grant of rulemaking authority and any rule proposed or adopted after August**
52 **28, 2025, shall be invalid and void.**

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