

FIRST REGULAR SESSION

HOUSE BILL NO. 822

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

1809H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 393 and 620, RSMo, by adding thereto two new sections relating to the nuclear energy standard.

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

Section A. Chapters 393 and 620, RSMo, are amended by adding thereto two new sections, to be known as sections 393.1130 and 620.3080, to read as follows:

393.1130. 1. This section shall be known and may be cited as “The Nuclear Energy Standard”.

2. As used in this section, the following terms shall mean:

(1) “Commission”, the public service commission;

(2) “Small modular nuclear reactor”, a nuclear reactor based on fission that is approved under federal and state laws and regulations to be constructed in this state which produces less than three hundred megawatts of clean electrical energy; and

(3) “Utility”, any utility regulated by the commission under chapter 386 or organized under chapter 394.

3. Upon the fulfillment of subsection 4 of this section, the commission shall prescribe by rule that all utilities in this state produce electricity using small modular nuclear reactors such that two percent of each utility’s total electricity retail sales are made based on electricity generated by such reactors. The commission shall have discretion with regard to the time for requiring compliance with the nuclear energy standard, but in no case shall it require full compliance less than three years from the fulfillment of the conditions for the effective date of this section. The commission may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or

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.

18 portion of a rule, as that term is defined in section 536.010, that is created under the
19 authority delegated in this section shall become effective only if it complies with and is
20 subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section
21 and chapter 536 are nonseverable, and if any of the powers vested with the general
22 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
23 and annual a rule are subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 2015, shall be invalid and
25 void.

26 4. This section shall become effective only if a production facility for small modular
27 nuclear reactors has been built in this state and is operational. A facility shall be classified
28 as operational if such facility has produced no fewer than three small modular nuclear
29 reactors in accordance with all federal and state laws and regulations, and such reactors
30 are legally available for sale or use. If the commission determines that a production facility
31 is properly operational in accordance with this section, then it shall comply with the
32 requirements of subsection 3 of this section. The commission shall notify the revisor of
33 statutes when a facility has been built and becomes operational.

34 5. Notwithstanding subsection 3 to the contrary, a utility may petition the
35 commission to satisfy the two percent generation requirement from renewable or
36 hydroelectric sources, or with the purchase of renewable energy credits as defined in
37 section 393.1025. The commission may grant such a petition upon a finding of undue
38 hardship for compliance or due to a lack of increase in demand for energy generation by
39 the utility.

620.3080. 1. As used in this section, the following terms shall mean:

2 (1) "Job creation, worker training, and infrastructure development programs", the
3 Missouri works program established under sections 620.2000 to 620.2020, Missouri
4 business use incentives for large-scale development act established under sections 100.700
5 to 100.850, the Missouri works training program established under sections 620.800 to
6 620.809, and the real property tax increment allocation redevelopment act established
7 under sections 99.800 to 99.865;

8 (2) "SMR production facility", a facility which produces nuclear reactors based on
9 fission that are approved under federal and state law and regulations to be constructed
10 which produce less than three hundred megawatts of clean electrical energy.

11 2. Notwithstanding any other provision of law to the contrary, no benefits
12 authorized under job creation, worker training, and infrastructure development programs
13 for a SMR production facility shall be considered in determining compliance with
14 applicable limitations on the aggregate amount of benefits that may be awarded annually

15 or cumulatively under subdivision (3) of subsection 10 of section 99.845, subsection 5 of
16 section 100.850, subsection 7 of section 620.809, and subsection 7 of section 620.2020. No
17 SMR production facility shall be authorized for state benefits under job creation, worker
18 training, and infrastructure development programs that exceed, in the aggregate, one
19 hundred and fifty million dollars annually under all such programs.

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