

SECOND REGULAR SESSION

HOUSE BILL NO. 2236

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

6475H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to the nuclear energy standard, with a referendum clause.

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

Section A. Chapter 393, RSMo, is amended by adding thereto one new section, to be
2 known as section 393.1130, to read as follows:

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

**3 2. For purposes of this section, the term “commission” shall mean the public service
4 commission, the term “utility” shall mean any municipal utility, electrical cooperative
5 regulated under chapter 394, or utility regulated by the commission under chapter 386, the
6 term “operational” shall mean that a facility’s production has, in the opinion of the
7 commission, become a reasonable and prudent business practice that is capable of
8 continuing and capable of meeting the electricity demand required to meet the nuclear
9 energy standards of this section, and the term “small modular nuclear reactor” shall mean
10 a nuclear reactor based on fission that is approved under federal and state law and
11 regulations to be constructed in this state which produces less than three hundred
12 megawatts of clean electrical energy.**

**13 3. Upon the fulfillment of subsection 4 of this section, the commission shall
14 prescribe by rule that all utilities in this state produce electricity using small modular
15 nuclear reactors such that two percent of each utilities’ total electricity retail sales are
16 made based on electricity generated by such reactors. The commission shall have
17 discretion with regard to the time frame for requiring compliance with the nuclear energy**

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 **standard, but in no case shall it require full compliance less than three years from the**
19 **fulfillment of the conditions for the effective date of this section. The commission may**
20 **promulgate such rules or regulations as are necessary to administer the provisions of this**
21 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
22 **created under the authority delegated in this section shall become effective only if it**
23 **complies with and is subject to all the provisions of chapter 536 and, if applicable, section**
24 **536.028. This section and chapter 536 are nonseverable and if any of the powers vested**
25 **with the general assembly under chapter 536 to review, to delay the effective date, or to**
26 **disapprove and annual a rule are subsequently held unconstitutional, then the grant of**
27 **rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be**
28 **invalid and void.**

29 **4. This section shall become effective only if a production facility for small modular**
30 **nuclear reactors has been built in this state and is operational. Such facility shall have**
31 **produced no fewer than three small modular nuclear reactors in accordance with all**
32 **federal and state laws and regulations, and such reactors shall be legally available for sale**
33 **or use. If the commission determines that a production facility is properly operational in**
34 **accordance with this section, then it shall comply with the requirements of subsection 3 of**
35 **this section.**

Section B. This act is hereby submitted to the qualified voters of this state for approval
2 or rejection at an election which is hereby ordered and which shall be held and conducted on
3 Tuesday next following the first Monday in November, 2014, under the applicable laws and
4 constitutional provisions of this state for the submission of referendum measures by the general
5 assembly, and it shall become effective when approved by a majority of the votes cast thereon
6 at such election and not otherwise.

Section C. The official ballot title for section A of this act submitted under section B of
2 this act shall read as follows:

3 “Shall Missouri Statutes be amended to require that utilities and electrical cooperatives
4 of all types located in the state use small modular nuclear reactors to produce electrical energy
5 equivalent to at least two percent of their total retail energy sales if such requirement is deemed
6 reasonable by the Missouri public service commission?”.

✓