

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 25
100TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, April 30, 2019, with recommendation that the Senate Committee Substitute do pass.

1476S.02C

ADRIANE D. CROUSE, Secretary.

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to competitive retail electric energy markets.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2020, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article I of the Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended by adding
2 thereto one new section, to be known as section 36, to read as follows:

**Section 36. 1. The people of the state of Missouri declare that it
2 is the policy of this state that electricity markets be open and
3 competitive so that all electricity customers are afforded meaningful
4 choices among different providers, and that economic and regulatory
5 burdens be minimized in order to promote competition and choices in
6 the electric energy market. This section shall be liberally construed to
7 achieve this purpose.**

**2. Every person, business, association of persons or businesses,
9 state agency, political subdivision of the state of Missouri, or any other
10 entity in Missouri has the right to choose the provider of its electric
11 utility service, including, but not limited to, selecting providers from
12 a competitive retail electric market, or by producing electricity for
13 themselves or in association with others, and shall not be forced to
14 purchase energy from one provider. Nothing in this section shall be
15 construed as limiting such persons' or entities' right to sell, trade, or**

16 otherwise dispose of electricity.

17 3. (1) The general assembly shall provide by law for provisions
18 consistent with this section to establish an open, competitive retail
19 electric energy market, to ensure that protections are established that
20 entitle customers to safe, reliable, and competitively priced electricity,
21 including, but not limited to, provisions that reduce costs to customers,
22 protect against service disconnections and unfair practices, and
23 prohibit the grant of monopolies and exclusive franchises for the
24 generation of electricity. The general assembly need not provide for
25 the deregulation of transmission or distribution of electricity in order
26 to establish a competitive retail electric energy market consistent with
27 this section. No law shall be passed by the general assembly that
28 requires a municipally owned electric utility or a rural electric
29 cooperative, as such terms may be defined by general law, to be part of
30 a competitive retail electric energy market.

31 (2) Upon enactment of any law by the general assembly pursuant
32 to this section, any laws, regulations, regulatory orders, or other
33 provisions which conflict with this section shall be void.

34 (3) Nothing in this section shall be construed to invalidate
35 Missouri's public policies on renewable energy, energy efficiency, and
36 environmental protection, or limit the general assembly's ability to
37 impose such policies on participants in a competitive retail electric
38 energy market.

39 4. All of the provisions of this section are severable. If any
40 provision of this section is found by a court of competent jurisdiction
41 to be unconstitutional or unconstitutionally enacted, the remaining
42 provisions of this section shall be and remain valid.

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