

# SENATE BILL NO. 501

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

1632S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapters 393 and 640, RSMo, by adding thereto three new sections relating to the regulation of certain utility infrastructure.

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

Section A. Chapters 393 and 640, RSMo, are amended by  
2 adding thereto three new sections, to be known as sections  
3 393.403, 393.405, and 640.690, to read as follows:

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

3 (1) "Coal power plant", a coal-powered electric  
4 generation facility, including but not limited to turbines,  
5 generators, transformers, transmission lines, or any  
6 equipment necessary for electric generation by a coal-  
7 powered electric generation facility;

8 (2) "Commission", the Missouri public service  
9 commission;

10 (3) "Disposal" or "disposed" or "dispose", the sale,  
11 transfer, or other disposition of a coal power plant;

12 (4) "Public utility", as defined in section 386.020.

13 2. If a public utility intends to decommission or  
14 dispose of a coal power plant, the public utility shall  
15 provide notice of intent to decommission or dispose of the  
16 coal power plant to the commission.

17 3. Notice of decommissioning or disposal under  
18 subsection 2 of this section shall include:

19           (1) The date of the intended decommissioning or  
20 disposal;

21           (2) A description of the coal power plant intended for  
22 decommissioning or disposal;

23           (3) Reasons for decommissioning or disposal; and

24           (4) A showing that the public utility placed on the  
25 electric grid an equal or greater amount of electric  
26 generation, including but not limited to electric generation  
27 powered by natural gas, hydrogen, or a combination of  
28 natural gas and hydrogen, as replacement electric  
29 generation, if applicable.

30           4. The commission shall conduct a contested case  
31 hearing under chapter 536 and issue an order whether the  
32 coal power plant shall be decommissioned or disposed of.

33           5. A public utility shall not prevent the operation of  
34 such coal power plant until the hearing is conducted under  
35 subsection 4 of this section and the commission issues an  
36 order as to whether the coal power plant shall be  
37 decommissioned or disposed of.

38           6. The commission shall promulgate rules to implement  
39 the provisions of this section. Any rule or portion of a  
40 rule, as that term is defined in section 536.010, that is  
41 created under the authority delegated in this section shall  
42 become effective only if it complies with and is subject to  
43 all of the provisions of chapter 536 and, if applicable,  
44 section 536.028. This section and chapter 536 are  
45 nonseverable and if any of the powers vested with the  
46 general assembly pursuant to chapter 536 to review, to delay  
47 the effective date, or to disapprove and annul a rule are  
48 subsequently held unconstitutional, then the grant of  
49 rulemaking authority and any rule proposed or adopted after  
50 August 28, 2025, shall be invalid and void.

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

3 (1) "Forced retirement", the closure of an electric  
4 generation facility as a result of a federal regulation that  
5 either directly mandates the closure of an electric  
6 generation facility or where the costs of compliance are so  
7 high as to effectively force the closure of an electric  
8 generation facility;

9 (2) "Public utility", as defined in section 386.020.

10 2. A public utility that receives notice of any  
11 federal regulation that may result in the forced retirement  
12 of the public utility's electric generation facility shall  
13 inform the attorney general of the regulation within thirty  
14 days after the receipt of the notice.

15 3. After receiving notice under subsection 2 of this  
16 section, the attorney general may take any action necessary  
17 to defend the interest of the state with respect to the  
18 notice under subsection 2 of this section, including filing  
19 an action in a court of competent jurisdiction or  
20 participating in any relevant administrative proceeding.

640.690. 1. The division of energy of the department  
2 of economic development shall conduct a study to:

3 (1) Evaluate all environmental regulations and permits  
4 to be filed, if applicable, to continue the operation of a  
5 coal power plant, as defined in section 393.403;

6 (2) Identify best available technology to implement  
7 additional environmental controls for the continued  
8 operation of the coal power plant;

9 (3) Identify the transmission capacity of the coal  
10 power plant;

11           (4) Identify whether the continued operation of the  
12 coal power plant is in the best interests of the local  
13 economies, local tax base, and the state;

14           (5) Analyze the financial assets and liabilities of  
15 the coal power plant; and

16           (6) Identify the steps necessary for the state to  
17 obtain first right of refusal for the ownership of the coal  
18 power plant.

19           2. A public utility, as defined in section 386.020,  
20 shall provide timely assistance and information in response  
21 to any inquiry from the division of energy in the  
22 preparation of the study under subsection 1 of this section.

23           3. The division of energy shall report its findings to  
24 the committees of the senate and the house of  
25 representatives that hear legislation relating to public  
26 utilities subject to chapter 386 on or before December 31,  
27 2025.

28           4. The report under this section shall include:

29           (1) Results of the study conducted under this section;

30           (2) Recommendations for the continued operation of a  
31 coal power plant;

32           (3) Environmental controls that need to be implemented  
33 for the continued operation of the coal power plant;

34           (4) Recommendations to increase local and state tax  
35 revenue for the continued operation of the coal power plant.

36           5. The provisions of this section shall expire on  
37 December 31, 2025, or upon submission of the report to the  
38 committees of the general assembly described in subsection 3  
39 of this section.

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