

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 879
AN ACT

To repeal sections 137.100, 153.030, 153.034, and 523.010, RSMo, and to enact in lieu thereof eight new sections relating to electric utilities, with an emergency clause for a certain section.

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

Section A. Sections 137.100, 153.030, 153.034, and
2 523.010, RSMo, are repealed and eight new sections enacted in
3 lieu thereof, to be known as sections 67.5360, 137.100, 137.124,
4 153.030, 153.034, 393.2040, 523.010, and 640.1050, to read as
5 follows:

67.5360. The governing body in any political
2 subdivision shall not procure, authorize, or approve a
3 development agreement, building plan, or any other proposal
4 relating to development of the political subdivision with a
5 developer whose more than half of the solar panels or the
6 solar panel components are manufactured or sourced by an
7 individual or government identified as a foreign adversary
8 as defined in 15 CFR 7.4(a).

137.100. The following subjects are exempt from
2 taxation for state, county or local purposes:

- 3 (1) Lands and other property belonging to this state;
- 4 (2) Lands and other property belonging to any city,
5 county or other political subdivision in this state,
6 including market houses, town halls and other public
7 structures, with their furniture and equipments, and on
8 public squares and lots kept open for health, use or
9 ornament;
- 10 (3) Nonprofit cemeteries;

11 (4) The real estate and tangible personal property
12 which is used exclusively for agricultural or horticultural
13 societies organized in this state, including not-for-profit
14 agribusiness associations;

15 (5) All property, real and personal, actually and
16 regularly used exclusively for religious worship, for
17 schools and colleges, or for purposes purely charitable and
18 not held for private or corporate profit, except that the
19 exemption herein granted does not include real property not
20 actually used or occupied for the purpose of the
21 organization but held or used as investment even though the
22 income or rentals received therefrom is used wholly for
23 religious, educational or charitable purposes;

24 (6) Household goods, furniture, wearing apparel and
25 articles of personal use and adornment, as defined by the
26 state tax commission, owned and used by a person in [his]
27 such person's home or dwelling place;

28 (7) Motor vehicles leased for a period of at least one
29 year to this state or to any city, county, or political
30 subdivision or to any religious, educational, or charitable
31 organization which has obtained an exemption from the
32 payment of federal income taxes, provided the motor vehicles
33 are used exclusively for religious, educational, or
34 charitable purposes;

35 (8) Real or personal property leased or otherwise
36 transferred by an interstate compact agency created pursuant
37 to sections 70.370 to 70.430 or sections 238.010 to 238.100
38 to another for which or whom such property is not exempt
39 when immediately after the lease or transfer, the interstate
40 compact agency enters into a leaseback or other agreement
41 that directly or indirectly gives such interstate compact
42 agency a right to use, control, and possess the property;
43 provided, however, that in the event of a conveyance of such

44 property, the interstate compact agency must retain an
45 option to purchase the property at a future date or, within
46 the limitations period for reverters, the property must
47 revert back to the interstate compact agency. Property will
48 no longer be exempt under this subdivision in the event of a
49 conveyance as of the date, if any, when:

50 (a) The right of the interstate compact agency to use,
51 control, and possess the property is terminated;

52 (b) The interstate compact agency no longer has an
53 option to purchase or otherwise acquire the property; and

54 (c) There are no provisions for reverter of the
55 property within the limitation period for reverters; and

56 (9) All property, real and personal, belonging to
57 veterans' organizations. As used in this section,
58 "veterans' organization" means any organization of veterans
59 with a congressional charter, that is incorporated in this
60 state, and that is exempt from taxation under section
61 501(c)(19) of the Internal Revenue Code of 1986[, as amended;

62 (10) Solar energy systems not held for resale].

137.124. 1. Beginning January 1, 2027, for purposes
2 of assessing all real property, excluding land, or tangible
3 personal property associated with a project that uses solar
4 energy directly to generate electricity and that was built
5 or was contracted to sell power, the tax liability actually
6 owed shall be equal to the following amounts, as annually
7 adjusted for inflation based on the Consumer Price Index for
8 All Urban Consumers in the Midwest Region, as recorded by
9 the United States Bureau of Labor Statistics:

10 (1) For property located on land classified as grade
11 five, grade six, grade seven, or grade eight agricultural
12 and horticultural property, as of the year prior to the
13 commencement of construction of the solar project, two

14 thousand five hundred dollars per megawatt of nameplate
15 capacity;

16 (2) For property located on land classified as grade
17 four agricultural and horticultural property as of the year
18 prior to the commencement of construction of the solar
19 project, three thousand dollars per megawatt of nameplate
20 capacity;

21 (3) For property located on land classified as grade
22 three agricultural and horticultural property as of the year
23 prior to the commencement of construction of the solar
24 project, three thousand five hundred dollars per megawatt of
25 nameplate capacity;

26 (4) For property located on land classified as grade
27 two agricultural and horticultural property as of the year
28 prior to the commencement of construction of the solar
29 project, four thousand dollars per megawatt of nameplate
30 capacity;

31 (5) For property located on land classified as grade
32 one agricultural and horticultural property as of the year
33 prior to the commencement of construction of the solar
34 project, four thousand five hundred dollars per megawatt of
35 nameplate capacity; or

36 (6) For property located on land other than land
37 described in subdivisions (1) to (5) of this subsection, two
38 thousand five hundred dollars per megawatt of nameplate
39 capacity.

40 The annual adjustment under the Consumer Price Index for All
41 Urban Consumers in the Midwest Region under this subsection
42 shall no longer apply once the maximum amount reaches four
43 thousand five hundred dollars per megawatt of nameplate
44 capacity.

45 2. Nothing in this section shall be construed to
46 affect any existing enhanced enterprise zone agreements
47 under sections 135.950 to 135.973 or similar tax abatement
48 agreements with state or local officials entered into prior
49 to August 28, 2026. After August 28, 2026, solar energy
50 projects shall not be permissible under enterprise zones or
51 similar tax abatements including chapter 100.

52 3. Beginning January 1, 2027, for the purposes of
53 assessing land that is associated with a project that uses
54 solar energy directly to generate electricity in excess of
55 five megawatts, such real property may be classified as
56 subclass (3) real property and assessed as commercial
57 property under this chapter.

153.030. 1. All bridges over streams dividing this
2 state from any other state owned, used, leased or otherwise
3 controlled by any person, corporation, railroad company or
4 joint stock company, and all bridges across or over
5 navigable streams within this state, where the charge is
6 made for crossing the same, which are now constructed, which
7 are in the course of construction, or which shall hereafter
8 be constructed, and all property, real and tangible
9 personal, owned, used, leased or otherwise controlled by
10 telegraph, telephone, electric power and light companies,
11 electric transmission lines, pipeline companies and express
12 companies shall be subject to taxation for state, county,
13 municipal and other local purposes to the same extent as the
14 property of private persons.

15 2. [And] Taxes levied [thereon] under subsection 1 of
16 this section shall be levied and collected in the manner as
17 is now or may hereafter be provided by law for the taxation
18 of railroad property in this state, and county commissions,
19 county boards of equalization and the state tax commission
20 are hereby required to perform the same duties and are given

21 the same powers, including punitive powers, in assessing,
22 equalizing and adjusting the taxes on the property set forth
23 in this section as the county commissions and boards of
24 equalization and state tax commission have or may hereafter
25 be empowered with, in assessing, equalizing, and adjusting
26 the taxes on railroad property; and an authorized officer of
27 any such bridge, telegraph, telephone, electric power and
28 light companies, electric transmission lines, pipeline
29 companies, or express company or the owner of any such toll
30 bridge, is hereby required to render reports of the property
31 of such bridge, telegraph, telephone, electric power and
32 light companies, electric transmission lines, pipeline
33 companies, or express companies in like manner as the
34 authorized officer of the railroad company is now or may
35 hereafter be required to render for the taxation of railroad
36 property.

37 3. On or before the fifteenth day of April in the year
38 1946 and each year thereafter an authorized officer of each
39 such company shall furnish the state tax commission and
40 county clerks a report, duly subscribed and sworn to by such
41 authorized officer, which is like in nature and purpose to
42 the reports required of railroads under chapter 151 showing
43 the full amount of all real and tangible personal property
44 owned, used, leased or otherwise controlled by each such
45 company on January first of the year in which the report is
46 due.

47 4. If any telephone company assessed pursuant to
48 chapter 153 has a microwave relay station or stations in a
49 county in which it has no wire mileage but has wire mileage
50 in another county, then, for purposes of apportioning the
51 assessed value of the distributable property of such
52 companies, the straight line distance between such microwave
53 relay stations shall constitute miles of wire. In the event

54 that any public utility company assessed pursuant to this
55 chapter has no distributable property which physically
56 traverses the counties in which it operates, then the
57 assessed value of the distributable property of such company
58 shall be apportioned to the physical location of the
59 distributable property.

60 5. (1) Notwithstanding any provision of law to the
61 contrary, beginning January 1, 2019, a telephone company
62 shall make a one-time election within the tax year to be
63 assessed:

64 (a) Using the methodology for property tax purposes as
65 provided under this section; or

66 (b) Using the methodology for property tax purposes as
67 provided under this section for property consisting of land
68 and buildings and be assessed for all other property
69 exclusively using the methodology utilized under section
70 137.122.

71 If a telephone company begins operations, including a merger
72 of multiple telephone companies, after August 28, 2018, it
73 shall make its one-time election to be assessed using the
74 methodology for property tax purposes as described under
75 paragraph (b) of subdivision (1) of this subsection within
76 the year in which the telephone company begins its
77 operations. A telephone company that fails to make a timely
78 election shall be deemed to have elected to be assessed
79 using the methodology for property tax purposes as provided
80 under subsections 1 to 4 of this section.

81 (2) The provisions of this subsection shall not be
82 construed to change the original assessment jurisdiction of
83 the state tax commission.

84 (3) Nothing in subdivision (1) of this subsection
85 shall be construed as applying to any other utility.

86 (4) (a) The provisions of this subdivision shall
87 ensure that school districts may avoid any fiscal impact as
88 a result of a telephone company being assessed under the
89 provisions of paragraph (b) of subdivision (1) of this
90 subsection. If a school district's current operating levy
91 is below the greater of its most recent voter-approved tax
92 rate or the most recent voter-approved tax rate as adjusted
93 under subdivision (2) of subsection 5 of section 137.073, it
94 shall comply with section 137.073.

95 (b) Beginning January 1, 2019, any school district
96 currently operating at a tax rate equal to the greater of
97 the most recent voter-approved tax rate or the most recent
98 voter-approved tax rate as adjusted under subdivision (2) of
99 subsection 5 of section 137.073 that receives less tax
100 revenue from a specific telephone company under this
101 subsection, on or before January thirty-first of the year
102 following the tax year in which the school district received
103 less revenue from a specific telephone company, may by
104 resolution of the school board impose a fee, as determined
105 under this subsection, in order to obtain such revenue. The
106 resolution shall include all facts that support the
107 imposition of the fee. If the school district receives
108 voter approval to raise its tax rate, the district shall no
109 longer impose the fee authorized in this paragraph.

110 (c) Any fee imposed under paragraph (b) of this
111 subdivision shall be determined by taking the difference
112 between the tax revenue the telephone company paid in the
113 tax year in question and the tax revenue the telephone
114 company would have paid in such year had it not made an
115 election under subdivision (1) of this subsection, which
116 shall be calculated by taking the telephone company
117 valuations in the tax year in question, as determined by the
118 state tax commission under paragraph (d) of this

119 subdivision, and applying such valuations to the
120 apportionment process in subsection 2 of section 151.150.
121 The school district shall issue a billing, as provided in
122 this subdivision, to any such telephone company. A
123 telephone company shall have forty-five days after receipt
124 of a billing to remit its payment of its portion of the fees
125 to the school district. Notwithstanding any other provision
126 of law, the issuance or receipt of such fee shall not be
127 used:

- 128 a. In determining the amount of state aid that a
129 school district receives under section 163.031;
- 130 b. In determining the amount that may be collected
131 under a property tax levy by such district; or
- 132 c. For any other purpose.

133 For the purposes of accounting, a telephone company that
134 issues a payment to a school district under this subsection
135 shall treat such payment as a tax.

136 (d) When establishing the valuation of a telephone
137 company assessed under paragraph (b) of subdivision (1) of
138 this subsection, the state tax commission shall also
139 determine the difference between the assessed value of a
140 telephone company if:

- 141 a. Assessed under paragraph (b) of subdivision (1) of
142 this subsection; and
- 143 b. Assessed exclusively under subsections 1 to 4 of
144 this section.

145 The state tax commission shall then apportion such amount to
146 each county and provide such information to any school
147 district making a request for such information.

148 (e) This subsection shall expire when no school
149 district is eligible for a fee.

150 6. (1) If any public utility company assessed
151 pursuant to this chapter has ownership of any real or
152 personal property associated with a project which uses solar
153 or wind energy directly to generate electricity, such solar
154 or wind energy project property shall be valued and taxed by
155 any local authorities having jurisdiction under the
156 provisions of chapter 137 and other relevant provisions of
157 the law.

158 (2) Notwithstanding any provision of law to the
159 contrary, beginning January 1, 2020, for any public utility
160 company assessed pursuant to this chapter which has a wind
161 energy project, such wind energy project shall be assessed
162 using the methodology for real and personal property as
163 provided in this subsection:

164 (a) Any wind energy property of such company shall be
165 assessed upon the county assessor's local tax rolls; and

166 (b) All other real property, excluding land, or
167 personal property related to the wind energy project shall
168 be assessed using the methodology provided under section
169 137.123.

170 (3) Notwithstanding any other provision of law to the
171 contrary, beginning January 1, 2027, for any public utility
172 company assessed under this chapter that has a solar energy
173 project, such solar energy project shall be assessed using
174 the methodology for real and personal property as provided
175 in this subsection:

176 (a) Any solar energy property of such company shall be
177 assessed upon the county assessor's local tax rolls; and

178 (b) All other real property, excluding land, or
179 personal property related to the solar energy project shall
180 be assessed using the methodology provided under section
181 137.124.

182 7. (1) If any public utility company assessed
183 pursuant to this chapter has ownership of any real or
184 personal property associated with a generation project which
185 was originally constructed utilizing financing authorized
186 pursuant to chapter 100 for construction, upon the transfer
187 of ownership of such property to the public utility company
188 such property shall be valued and taxed by any local
189 authorities having jurisdiction under the provisions of
190 chapter 137 and other relevant provisions of law.

191 (2) Notwithstanding any provision of law to the
192 contrary, beginning January 1, 2022, for any public utility
193 company assessed pursuant to this chapter which has
194 ownership of any real or personal property associated with a
195 generation project which was originally constructed
196 utilizing financing authorized pursuant to chapter 100 for
197 construction, upon the transfer of ownership of such
198 property to the public utility company such property shall
199 be assessed as follows:

200 (a) Any property associated with a generation project
201 which was originally constructed utilizing financing
202 authorized pursuant to chapter 100 for construction shall be
203 assessed upon the county assessor's local tax rolls. The
204 assessor shall rely on the public utility company for cost
205 information of the generation portion of the property as
206 found in the public utility company's Federal Energy
207 Regulatory Commission Financial Report Form Number One at
208 the time of transfer of ownership, and depreciate the costs
209 provided in a manner similar to other commercial and
210 industrial property;

211 (b) Any property consisting of land and buildings
212 related to the generation property associated with a
213 generation project which was originally constructed

214 utilizing financing pursuant to chapter 100 for construction
215 shall be assessed under chapter 137; and

216 (c) All other business or personal property related to
217 a generation project which was originally constructed
218 utilizing financing pursuant to chapter 100 for construction
219 shall be assessed using the methodology provided under
220 section 137.122.

153.034. 1. The term "distributable property" of an
2 electric company shall include all the real or tangible
3 personal property which is used directly in the generation
4 and distribution of electric power, but not property used as
5 a collateral facility nor property held for purposes other
6 than generation and distribution of electricity. Such
7 distributable property includes, but is not limited to:

8 (1) Boiler plant equipment, turbogenerator units and
9 generators;

10 (2) Station equipment;

11 (3) Towers, fixtures, poles, conductors, conduit
12 transformers, services and meters;

13 (4) Substation equipment and fences;

14 (5) Rights-of-way;

15 (6) Reactor, reactor plant equipment, and cooling
16 towers;

17 (7) Communication equipment used for control of
18 generation and distribution of power;

19 (8) Land associated with such distributable property.

20 2. The term "local property" of an electric company
21 shall include all real and tangible personal property owned,
22 used, leased or otherwise controlled by the electric company
23 not used directly in the generation and distribution of
24 power and not defined in subsection 1 of this section as
25 distributable property. Such local property includes, but
26 is not limited to:

- 27 (1) Motor vehicles;
- 28 (2) Construction work in progress;
- 29 (3) Materials and supplies;
- 30 (4) Office furniture, office equipment, and office
31 fixtures;
- 32 (5) Coal piles and nuclear fuel;
- 33 (6) Land held for future use;
- 34 (7) Workshops, warehouses, office buildings and
35 generating plant structures;
- 36 (8) Communication equipment not used for control of
37 generation and distribution of power;
- 38 (9) Roads, railroads, and bridges;
- 39 (10) Reservoirs, dams, and waterways;
- 40 (11) Land associated with other locally assessed
41 property and all generating plant land.

42 3. (1) Any real or tangible personal property
43 associated with a project which uses solar or wind energy
44 directly to generate electricity shall be valued and taxed
45 by local authorities having jurisdiction under the
46 provisions of chapter 137 and any other relevant provisions
47 of law. The method of taxation prescribed in subsection 2
48 of section 153.030 and subsection 1 of this section shall
49 not apply to such property.

50 (2) The real or tangible personal property referenced
51 in subdivision (1) of this subsection shall include all
52 equipment whose sole purpose is to support the integration
53 of a wind generation asset into an existing system.
54 Examples of such property may include, but are not limited
55 to, wind chargers, windmills, wind turbines, wind towers,
56 and associated electrical equipment such as inverters, pad
57 mount transformers, power lines, storage equipment directly
58 associated with wind generation assets, and substations.

59 (3) The real or tangible personal property referenced
60 in subdivision (1) of this subsection shall also include all
61 equipment whose sole purpose is to support the integration
62 of a solar generation asset into an existing system.
63 Examples of such property may include, but are not limited
64 to, solar panels, solar panel mounting racks, and associated
65 electrical equipment such as inverters, power meters, power
66 lines, storage equipment directly associated with solar
67 generation assets, and substations.

68 4. For any real or tangible personal property
69 associated with a generation project which was originally
70 constructed utilizing financing authorized under chapter 100
71 for construction, upon the transfer of ownership of such
72 property to a public utility, such property shall be valued
73 and taxed by local authorities having jurisdiction under the
74 provisions of chapter 137 and any other relevant provisions
75 of law. The method of taxation prescribed in subsection 2
76 of section 153.030 and subsection 1 of this section shall
77 not apply to such property.

393.2040. 1. As used in this section, the following
2 terms shall mean:

3 (1) "CCN", certificate of convenience and necessity,
4 which is obtained by an electrical corporation upon approval
5 by the commission under section 393.170, to construct or
6 operate a solar farm;

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

9 (3) "Electrical corporation", the same as defined in
10 section 386.020;

11 (4) "Material amendment", any amendment to a permit
12 issued by the commission to construct or operate a solar
13 farm which:

- 14 (a) Changes the solar farm's generation type from one
15 type of utility facility to another;
- 16 (b) Increases the facility's nameplate capacity; or
- 17 (c) Changes the boundaries of the solar farm, unless
18 the new boundaries of the facility are completely within the
19 previous boundaries of the facility or the facility
20 components outside of the previous boundary are underground;
- 21 (5) "Nameplate capacity", a facility's maximum rated
22 electrical output a generator can sustain, as designated by
23 the manufacturer and indicated on the equipment, often
24 measured in megawatts or kilowatts. This represents the
25 full-load, sustained output under specific, often ideal,
26 conditions rather than actual ongoing generation;
- 27 (6) "Nonparticipating primary occupied dwelling", a
28 primary occupied dwelling of a property owner who did not
29 enter into a written agreement with an owner or operator of
30 the solar farm agreeing to boundaries different from the
31 boundaries specified in subdivision (1) of subsection 3 of
32 this section;
- 33 (7) "Primary occupied dwelling", a residential
34 dwelling used by a person as the person's actual, fixed, and
35 permanent dwelling, including a nursing home or a senior
36 living facility;
- 37 (8) "Solar farm", a group of photovoltaic
38 interconnected solar panels or a single solar panel with a
39 nameplate capacity of ten megawatts or more that convert
40 sunlight into electricity for the primary purpose of
41 wholesale or retail sales of generated electricity,
42 including all equipment and facilities necessary for the
43 proper operation of the facility, such as electrical
44 collection and transmission lines, transformers,
45 substations, and operations and maintenance facilities
46 located within the geographical boundaries of the solar farm;

47 (9) "Solar farm property", a part of real property
48 owned or leased by an owner or operator of a solar farm on
49 which the solar farm is located;

50 (10) "Solar panel", any device that contains a system
51 of photovoltaic cells or other solar energy collection
52 system that when exposed to solar radiation can generate
53 electricity.

54 2. (1) The provisions of this section shall apply
55 only to a solar farm that is owned or operated by an
56 electrical corporation under the jurisdiction of the
57 commission.

58 (2) The provisions of this section shall not apply to
59 a solar farm owned or operated by an electrical corporation,
60 as described in subsection 2 of section 393.110, and on
61 which construction has not commenced as of December 31, 2026.

62 3. Prior to the construction of a solar farm in the
63 state, the commission shall require that each electrical
64 corporation shall submit a CCN application to the commission
65 with a construction plan for the solar farm. The
66 construction plan shall have the following requirements:

67 (1) A solar farm constructed within specified
68 boundaries located in whole or in part in an unincorporated
69 area of a county shall be constructed as follows:

70 (a) Any construction shall be at least five hundred
71 linear feet from the nearest nonparticipating primary
72 occupied dwelling in existence at the time construction of a
73 solar far commences, as measured from the nearest solar
74 panel to the nearest nonparticipating primary occupied
75 dwelling. If the solar farm is fully screened by a native
76 vegetation screen, or other screen or fence to restrict
77 visibility of solar panels, the distance from the nearest
78 solar panel shall be at least three hundred linear feet to
79 the nearest nonparticipating primary occupied dwelling;

80 (b) Any construction shall be at least fifty linear
81 feet from the nearest property line, not described in
82 paragraph (a) of this subdivision, as measured from the
83 nearest solar panel to the property line;

84 (c) Any construction shall be at least fifty linear
85 feet from the nearest edge of any county road, as measured
86 from the nearest solar panel; and

87 (d) Any construction shall be at least five hundred
88 linear feet from the edge of any state or federal land
89 designated as a conservation protected area by a state or
90 federal agency.

91 The boundaries specified in paragraphs (a) and (b) of this
92 subdivision shall not apply to any real property if the
93 property owner entered into a written agreement with an
94 owner or operator of a solar farm agreeing to waive or
95 reduce the boundary requirements under paragraphs (a) and
96 (b) of this subdivision. Any local planning and zoning
97 rules or regulations, if any, shall supersede such boundary
98 requirements, provided that such rules or regulations are no
99 more restrictive than such boundary requirements.

100 (2) An applicant shall submit an affidavit that the
101 applicant agrees to pay all construction workers of the
102 solar farm at least the prevailing wage rate. For purposes
103 of this subdivision, "prevailing wage rate" means the wages
104 paid generally to workers, including the basic hourly rate
105 of pay and the amount of the rate of contributions
106 irrevocably made to a fund, plan or program, and the amount
107 of the rate of costs to the contractor or subcontractor
108 which may be reasonably anticipated in providing benefits to
109 workers and mechanics pursuant to an enforceable commitment
110 to carry out a financially responsible plan or program which
111 was communicated in writing to the workmen affected, for

112 medical or hospital care, pensions on retirement or death,
113 compensation for injuries or illness resulting from
114 occupational activity, or insurance to provide any of the
115 foregoing, for unemployment benefits, life insurance,
116 disability and sickness insurance, accident insurance, for
117 vacation and holiday pay, for defraying costs of
118 apprenticeship or other similar programs, or for other bona
119 fide fringe benefits, but only where the contractor or
120 subcontractor is not required by other federal or state law
121 to provide any of the benefits. "Prevailing wage rate"
122 under this subdivision shall be subject to the same
123 requirements as prevailing wage rate, as defined in section
124 290.210, subject to the provisions of chapter 290;

125 (3) An applicant shall submit a landscaping plan to
126 the commission outlining any proposed screen for the solar
127 farm, including existing vegetation, if applicable.
128 Emphasis shall be placed on screening any adjacent church,
129 school, or any nonparticipating primary occupied dwelling.
130 Such vegetation requirements shall be as follows:

131 (a) Vegetation shall be at least six feet tall at the
132 time of planting; and

133 (b) Vegetation shall be appropriate for the climate
134 zone where the solar farm is proposed to be constructed.

135 Maintenance of the vegetation shall be the responsibility of
136 the applicant;

137 (4) If a solar farm is adjacent to a primary occupied
138 dwelling or major thoroughfare, an owner or operator of the
139 solar farm shall conduct an impact study to determine the
140 impact of any glare from the solar panels on the dwelling or
141 major thoroughfare. If the study determines that the glare
142 from the solar panels has a material impact on such dwelling

143 or thoroughfare, the owner or operator shall take steps to
144 mitigate the impact glare;

145 (5) Solar panel and any solar panel equipment noise
146 levels shall not exceed sixty-five decibels at a
147 nonparticipating primary occupied dwelling;

148 (6) Signs identifying an owner or operator of a solar
149 farm shall be placed near the main entry to the solar farm
150 on the solar farm property. In addition, warning signs
151 shall be placed on the solar farm's fence at one hundred-
152 foot intervals. All signs shall be clearly legible and
153 maintained in good condition until the solar farm is
154 decommissioned and removed from the site. No other signs
155 shall be permitted to be placed on the solar farm property;

156 (7) A security fence not to exceed twelve feet in
157 height shall be installed and shall enclose all solar panels
158 located on the solar farm property. Such fence shall be
159 equipped with a minimum of one gate and a locking mechanism
160 on the primary access site equipped with a secure, rapid-
161 entry, wall-mounted safe designed to hold keys or access
162 cards. A deer barrier may be installed. All security
163 fences and gates shall be maintained in good condition until
164 the solar farm is decommissioned and removed from the site;

165 (8) Access to the solar farm for emergency responders
166 shall be included in the solar farm's construction plan;

167 (9) An applicant shall submit a plan for the operation
168 and maintenance of the solar farm, including measures for
169 safe access to the solar farm, and general procedures for
170 the operation and maintenance of the solar farm;

171 (10) An applicant shall submit an affidavit that the
172 applicant agrees to conduct all roadwork and any other site
173 development work in compliance with the National Pollutant
174 Discharge Elimination system permit requirements authorized
175 by the federal Clean Water Act. In the affidavit, the

176 applicant shall agree to construct or operate a solar farm
177 in accordance with the Stormwater Pollution Prevention Plan,
178 required under the federal Clean Water Act, and shall agree
179 to require any third party supplying components or any other
180 equipment for the construction or operation of the solar
181 farm to comply with applicable federal requirements; and

182 (11) Perennial vegetated ground cover shall be planted
183 and maintained on the ground around and under solar arrays
184 and in buffer areas, and topsoil shall not be removed during
185 construction unless such topsoil is part of a remediation
186 effort.

187 4. An applicant shall maintain a solar farm until
188 decommissioning. Maintenance shall include, but shall not
189 be limited to, cosmetic changes, structural repairs, and
190 maintenance of security measures. Any retrofit,
191 replacement, or refurbishment of equipment shall be in
192 accordance with local, state, and federal requirements.

193 5. (1) An owner or operator of a solar farm shall
194 decommission and remove the solar farm when the solar farm
195 is at the end of its useful life. A solar farm is presumed
196 to be at the end of its useful life when the farm generates
197 no electricity for a continuous three hundred and sixty-day
198 period. This presumption may be rebutted by an owner or
199 operator if the owner or operator demonstrates to the
200 commission that the solar farm will resume operation or the
201 farm's existence will serve some educational or research
202 purpose. In such cases of educational or research purpose,
203 the owner or operator's obligation to decommission may be
204 extended, subject to the discretion of the commission, until
205 the solar farm's educational and research purpose is
206 complete. A solar farm need not be decommissioned if the
207 solar farm resumes operation to extend the solar farm's
208 useful life so long as the resumption of operation meets the

209 requirements of the original construction plan under this
210 section. In such case, the solar farm shall be
211 decommissioned when the solar farm permanently reaches the
212 end of its useful life.

213 (2) The commission shall require that, prior to the
214 construction of a solar farm, an owner or operator of the
215 solar farm shall submit to the commission a preliminary
216 decommissioning plan to include the following:

217 (a) A description of activities to be accomplished
218 during the decommissioning process, including the name of an
219 individual or entity that will perform such activities and a
220 timeframe for such activities;

221 (b) A timeframe for such activities after a solar farm
222 ceases all operation, including a complete physical removal
223 of all solar farm components;

224 (c) Disposal of all solid and hazardous waste in
225 accordance with local, state, and federal regulations;

226 (d) Anticipated life of solar farm;

227 (e) Estimated decommissioning costs and how such costs
228 are calculated;

229 (f) The method of ensuring that moneys shall be
230 available to cover the decommissioning costs and the costs
231 of restoring the site to the site's former condition prior
232 to the construction of the solar farm;

233 (g) The method by which the decommissioning cost
234 estimate shall be kept up-to-date;

235 (h) The manner in which the site will be restored,
236 including a description of how any changes to the
237 surrounding areas and other areas adjacent to the solar
238 farm, will be preserved during the decommissioning process;

239 (i) A plan for removing a solar farm that has been
240 permanently damaged by fire or any other unexpected event
241 preventing any further operation, such as a natural

242 disaster, physical sabotage, or equipment failure, which was
243 not caused by the owner or operator of the solar farm; and
244 (j) At least one year prior to the cessation of
245 operation of a solar farm, or, in the case of a solar farm
246 ceasing operation due to an unexpected event, the owner or
247 operator of the solar farm shall submit a final
248 decommissioning plan meeting the requirements of this
249 subsection and specifying the name of the individual or
250 entity that will perform the decommissioning.

251 6. Unless otherwise determined by the commission, an
252 owner or operator of a solar farm shall not discard or
253 dispose of or cause to be discarded or disposed of a solar
254 panel or panels by placing the solar panel or panels in a
255 landfill or in any other solid waste disposal area or solid
256 waste disposal facility. Such solar panel or panels shall
257 only be disposed into a processing facility or other
258 recycling facility that accepts solar panels for recycling.

259 7. An electrical corporation that intends to make a
260 material amendment after the corporation has obtained a CCN
261 for the construction of a solar farm shall submit an
262 application to amend the CCN.

263 8. The commission shall require any applicant who is
264 issued a CCN for the construction of a solar farm to obtain
265 liability insurance in an amount sufficient to cover
266 reasonable expected damages which may arise from the
267 construction of a solar farm.

268 9. An applicant shall pay a fee of one thousand
269 dollars for a solar farm if the solar farm is less than ten
270 acres or a fee of three thousand dollars if the solar farm
271 is more than ten acres.

272 10. For purposes of enforcing compliance with the
273 provisions of this section, all owners or operators of solar
274 farms in the state shall be subject to the procedures before

275 the commission pursuant to the provisions of chapter 386.
276 For any violations, complaints may be submitted to the
277 commission pursuant to the provisions of section 386.390.

278 11. On or before January 1, 2027, the commission shall
279 provide to the department of natural resources, the speaker
280 of the house of representatives, the president pro tem of
281 the senate, the chair of a senate committee which hears
282 legislation concerning utilities and energy, and the chair
283 of the house of representatives' committee which hears
284 legislation concerning utilities and energy, a report on all
285 solar farms operating in the state. The report shall
286 include, but shall not be limited to, the following:

287 (1) The number of solar farms operating in the state;

288 (2) The total hours of operation for each solar farm
289 in the state;

290 (3) Applicable wholesale market accreditation rating
291 for each solar farm operating in the state; and

292 (4) The monthly average ratio of actual energy output
293 versus nameplate capacity for each solar farm operating in
294 the state.

295 12. Beginning August 28, 2026, any solar farm subject
296 to the provisions of this section, and for which an
297 agreement under chapter 100 is not in place, shall not be
298 eligible for any economic incentives or any tax exemptions
299 pursuant to the provisions of chapter 100.

300 13. The commission shall promulgate rules to implement
301 the provisions of this section. Any rule or portion of a
302 rule, as that term is defined in section 536.010, that is
303 created under the authority delegated in this section shall
304 become effective only if it complies with and is subject to
305 all of the provisions of chapter 536 and, if applicable,
306 section 536.028. This section and chapter 536 are
307 nonseverable and if any of the powers vested with the

308 general assembly pursuant to chapter 536 to review, to delay
309 the effective date, or to disapprove and annul a rule are
310 subsequently held unconstitutional, then the grant of
311 rulemaking authority and any rule proposed or adopted after
312 August 28, 2026, shall be invalid and void.

523.010. 1. In case land, or other property, is
2 sought to be appropriated by any road, railroad, street
3 railway, telephone, telegraph or any electrical corporation
4 organized for the manufacture or transmission of electric
5 current for light, heat or power, including the
6 construction, when that is the case, of necessary dams and
7 appurtenant canals, flumes, tunnels and tailraces and
8 including the erection, when that is the case, of necessary
9 electric steam powerhouses, hydroelectric powerhouses and
10 electric substations or any oil, pipeline or gas corporation
11 engaged in the business of transporting or carrying oil,
12 liquid fertilizer solutions, or gas by means of pipes or
13 pipelines laid underneath the surface of the ground, or
14 other corporation created under the laws of this state for
15 public use, and such corporation and the owners cannot agree
16 upon the proper compensation to be paid, or in the case the
17 owner is incapable of contracting, be unknown, or be a
18 nonresident of the state, such corporation may apply to the
19 circuit court of the county of this state where such land or
20 any part thereof lies by petition setting forth the general
21 directions in which it is desired to construct its road,
22 railroad, street railway, telephone, or telegraph line or
23 electric line, including, when that is the case, the
24 construction and maintenance of necessary dams and
25 appurtenant canals, tunnels, flumes and tailraces and, when
26 that is the case, the appropriation of land submerged by the
27 construction of such dam, and including the erection and
28 maintenance, when that is the case, of necessary electric

29 steam powerhouses, hydroelectric powerhouses and electric
30 substations, or oil, pipeline, liquid fertilizer solution
31 pipeline, or gas line over or underneath the surface of such
32 lands, a description of the real estate, or other property,
33 which the company seeks to acquire; the names of the owners
34 thereof, if known; or if unknown, a pertinent description of
35 the property whose owners are unknown and praying the
36 appointment of three disinterested residents of the county,
37 as commissioners, or a jury, to assess the damages which
38 such owners may severally sustain in consequence of the
39 establishment, erection and maintenance of such road,
40 railroad, street railway, telephone, telegraph line, or
41 electrical line including damages from the construction and
42 maintenance of necessary dams and the condemnation of land
43 submerged thereby, and the construction and maintenance of
44 appurtenant canals, flumes, tunnels and tailraces and the
45 erection and maintenance of necessary electric steam
46 powerhouses, hydroelectric powerhouses and electric
47 substations, or oil, pipeline, or gas line over or
48 underneath the surface of such lands; to which petition the
49 owners of any or all as the plaintiff may elect of such
50 parcels as lie within the county or circuit may be made
51 parties defendant by names if the names are known, and by
52 the description of the unknown owners of the land therein
53 described if their names are unknown.

54 2. If the proceedings seek to affect the lands of
55 persons under conservatorship, the conservators must be made
56 parties defendant. If the present owner of any land to be
57 affected has less estate than a fee, the person having the
58 next vested estate in remainder may at the option of the
59 petitioners be made party defendant; but if such
60 remaindermen are not made parties, their interest shall not
61 be bound by the proceedings.

62 3. It shall not be necessary to make any persons party
63 defendants in respect to their ownership unless they are
64 either in actual possession of the premises to be affected
65 claiming title or having a title of the premises appearing
66 of record upon the proper records of the county.

67 4. Except as provided in subsection 5 of this section,
68 nothing in this chapter shall be construed to give a public
69 utility, as defined in section 386.020, or a rural electric
70 cooperative, as provided in chapter 394, the power to
71 condemn property which is currently used by another provider
72 of public utility service, including a municipality or a
73 special purpose district, when such property is used or
74 useful in providing utility services, if the public utility
75 or cooperative seeking to condemn such property, directly or
76 indirectly, will use or proposes to use the property for the
77 same purpose, or a purpose substantially similar to the
78 purpose for which the property is being used by the provider
79 of the public utility service.

80 5. A public utility or a rural electric cooperative
81 may only condemn the property of another provider of public
82 utility service, even if the property is used or useful in
83 providing utility services by such provider, if the
84 condemnation is necessary for the public purpose of
85 acquiring a nonexclusive easement or right-of-way across the
86 property of such provider and only if the acquisition will
87 not materially impair or interfere with the current use of
88 such property by the utility or cooperative and will not
89 prevent or materially impair such provider of public utility
90 service from any future expansion of its facilities on such
91 property.

92 6. If a public utility or rural electric cooperative
93 seeks to condemn the property of another provider of public
94 utility service, and the conditions in subsection 4 of this

95 section do not apply, this section does not limit the
96 condemnation powers otherwise possessed by such public
97 utility or rural electric cooperative.

98 7. Suits in inverse condemnation or involving
99 dangerous conditions of public property against a municipal
100 corporation established under Article VI, Section 30(a) of
101 the Missouri Constitution shall be brought only in the
102 county where such land or any part thereof lies.

103 8. For purposes of this chapter, the authority for an
104 electrical corporation as defined in section 386.020, except
105 for an electrical corporation operating under a cooperative
106 business plan as described in section 393.110, to condemn
107 property for purposes of constructing an electric plant
108 subject to a certificate of public convenience and necessity
109 under subsection 1 of section 393.170 shall not extend to
110 the construction of a merchant transmission line with
111 Federal Energy Regulatory Commission negotiated rate
112 authority unless such line has a substation or converter
113 station located in Missouri which is capable of delivering
114 an amount of its electrical capacity to electrical customers
115 in this state that is greater than or equal to the
116 proportionate number of miles of the line that passes
117 through the state. The provisions of this subsection shall
118 not apply to applications filed pursuant to section 393.170
119 prior to August 28, 2022.

120 9. For the purposes of this chapter, the authority of
121 any corporation set forth in subsection 1 of this section to
122 condemn property shall not extend to:

123 (1) The construction or erection of any plant, tower,
124 panel, or facility that utilizes, captures, or converts wind
125 or air currents to generate or manufacture electricity; or

126 (2) The construction or erection of any plant, tower,
127 panel, or facility that utilizes, captures, or converts the

128 light or heat generated by the sun to generate or
129 manufacture electricity.

130 10. Subject to the provisions of subsection 8 of this
131 section, but notwithstanding the provisions of subsection 9
132 of this section to the contrary, the authority of any
133 corporation set forth in subsection 1 of this section to
134 condemn property shall extend to acquisition of rights
135 needed to construct, operate, and maintain collection lines,
136 distribution lines, transmission lines, communications
137 lines, substations, switchyards, and other facilities needed
138 to collect and deliver energy generated or manufactured by
139 the facilities described in subsection 9 of this section to
140 the distribution or transmission grid.

640.1050. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Department", the Missouri department of natural
4 resources;

5 (2) "Material amendment", any amendment to a permit
6 issued by the department to construct or operate a solar
7 farm which:

8 (a) Changes the solar farm's generation type from one
9 type of utility facility to another;

10 (b) Increases the facility's nameplate capacity; or

11 (c) Changes the boundaries of the solar farm, unless
12 the new boundaries of the facility are completely within the
13 previous boundaries of the facility or the facility
14 components outside of the previous boundary are underground;

15 (3) "Nameplate capacity", a facility's maximum rated
16 electrical output a generator can sustain, as designated by
17 the manufacturer and indicated on the equipment, often
18 measured in megawatts or kilowatts. This represents the
19 full-load, sustained output under specific, often ideal,
20 conditions rather than actual ongoing generation;

21 (4) "Nonparticipating primary occupied dwelling", a
22 primary occupied dwelling of a property owner who did not
23 enter into a written agreement with an owner or operator of
24 the solar farm agreeing to boundaries different from the
25 specified boundaries under subdivision (1) of subsection 3
26 of this section;

27 (5) "Primary occupied dwelling", a residential
28 dwelling used by a person as the person's actual, fixed, and
29 permanent dwelling, including a nursing home or a senior
30 living facility;

31 (6) "Solar farm", a group of photovoltaic
32 interconnected solar panels or a single solar panel with a
33 nameplate capacity of ten megawatts or more that convert
34 sunlight into electricity for the primary purpose of
35 wholesale or retail sales of generated electricity,
36 including all equipment and facilities necessary for the
37 proper operation of the facility, such as electrical
38 collection and transmission lines, transformers,
39 substations, and operations and maintenance facilities
40 located within the geographical boundaries of the solar farm;

41 (7) "Solar farm property", a part of real property
42 owned or leased by an owner or operator of a solar farm on
43 which the solar farm is located;

44 (8) "Solar panel", any device that contains a system
45 of photovoltaic cells or other solar energy collection
46 system that when exposed to solar radiation can generate
47 electricity.

48 2. The provisions of this section shall apply only to
49 a solar farm that is not owned or operated by an electrical
50 corporation, as defined in section 386.020, and on which the
51 construction has not commenced as of December 31, 2026. The
52 department shall require an application with a construction
53 plan for a permit for the construction of a solar farm under

54 this section to be obtained from the department prior to the
55 construction of the solar farm. The construction plan shall
56 meet the following requirements:

57 (1) A solar farm constructed within specified
58 boundaries located in whole or in part in an unincorporated
59 area of a county shall be constructed as follows:

60 (a) Any construction shall be at least five hundred
61 linear feet from the nearest nonparticipating primary
62 occupied dwelling in existence at the time construction of a
63 solar far commences, as measured from the nearest solar
64 panel to the nearest nonparticipating primary occupied
65 dwelling. If the solar farm is fully screened by a native
66 vegetation screen, or other screen or fence to restrict
67 visibility of solar panels, the distance from the nearest
68 solar panel shall be at least three hundred linear feet to
69 the nearest nonparticipating primary occupied dwelling;

70 (b) Any construction shall be at least fifty linear
71 feet from the nearest property line, not described in
72 paragraph (a) of this subdivision, as measured from the
73 nearest solar panel to the property line;

74 (c) Any construction shall be at least fifty linear
75 feet from the nearest edge of any county road, as measured
76 from the nearest solar panel; and

77 (d) Any construction shall be at least five hundred
78 linear feet from the edge of any state or federal land
79 designated as a conservation protected area by a state or
80 federal agency.

81 The boundaries specified in paragraphs (a) and (b) of this
82 subdivision shall not apply to any real property if the
83 property owner entered into a written agreement with an
84 owner or operator of a solar farm agreeing to waive or
85 reduce the boundary requirements under paragraphs (a) and

86 (b) of this subdivision. Any local planning and zoning
87 rules or regulations, if any, shall supersede such boundary
88 requirements, provided that such rules or regulations are no
89 more restrictive than such boundary requirements.

90 (2) An applicant for the permit under this subsection
91 shall submit a landscaping plan to the department that
92 outlines any proposed screen for the solar farm, including
93 existing vegetation, if applicable. Emphasis shall be
94 placed on screening any adjacent church, school, or any
95 nonparticipating primary occupied dwelling. Such vegetation
96 requirements shall be as follows:

97 (a) Vegetation shall be at least six feet tall at the
98 time of planting; and

99 (b) Vegetation shall be appropriate for the climate
100 zone where the solar farm is proposed to be constructed.

101 Maintenance of the vegetation shall be the responsibility of
102 the applicant;

103 (3) If a solar farm is adjacent to a primary occupied
104 dwelling or major thoroughfare, an owner or operator of the
105 solar farm shall conduct an impact study to determine the
106 impact of any glare from the solar panels on the occupied
107 dwelling or major thoroughfare. If the study determines
108 that the glare from the solar panels has a material impact
109 on such dwelling or thoroughfare, the owner or operator
110 shall take steps to mitigate the impact or the glare;

111 (4) Solar panel and any solar panel equipment noise
112 levels shall not exceed sixty-five decibels at a
113 nonparticipating primary occupied dwelling;

114 (5) Signs identifying an owner or operator of a solar
115 farm shall be placed near the main entry to the solar farm
116 on the solar farm property. In addition, warning signs shall
117 be placed on the solar farm's fence at one hundred-foot

118 intervals. All signs shall be clearly legible and
119 maintained in good condition until the solar farm is
120 decommissioned and removed from the site. No other signs
121 shall be permitted to be placed on the solar farm property;
122 (6) A security fence not to exceed twelve feet in
123 height shall be installed and shall enclose all solar panels
124 located on the solar farm property. Such fence shall be
125 equipped with a minimum of one gate and a locking mechanism
126 on the primary access site equipped with a secure, rapid-
127 entry, wall-mounted safe designed to hold keys or access
128 cards. A deer barrier may be installed. All security
129 fences and gates shall be maintained in good condition until
130 the solar farm is decommissioned and removed from the site;
131 (7) Access to the solar farm for emergency responders
132 shall be included in the solar farm's construction plan;
133 (8) An applicant shall submit a plan for the operation
134 and maintenance of the solar farm, including measures for
135 safe access to the solar farm, and general procedures for
136 the operation and maintenance of the solar farm;
137 (9) An applicant shall submit an affidavit that the
138 applicant agrees to conduct all roadwork and any other site
139 development work in compliance with the National Pollutant
140 Discharge Elimination system permit requirements authorized
141 by the federal Clean Water Act. In the affidavit, the
142 applicant shall agree to construct or operate a solar farm
143 in accordance with the Stormwater Pollution Prevention Plan,
144 required under the federal Clean Water Act, and shall agree
145 to require any third party supplying components or any other
146 equipment for the construction or operation of the solar
147 farm to comply with applicable federal requirements; and
148 (10) Perennial vegetated ground cover shall be planted
149 and maintained on the ground around and under solar arrays
150 and in buffer areas, and topsoil shall not be removed during

151 construction unless such topsoil is part of a remediation
152 effort.

153 3. An applicant shall maintain a solar farm until
154 decommissioning. Maintenance shall include, but shall not
155 be limited to, cosmetic changes, structural repairs, and
156 maintenance of security measures. Any retrofit,
157 replacement, or refurbishment of equipment shall be in
158 accordance with local, state, and federal requirements.

159 4. (1) An owner or operator of a solar farm shall
160 decommission and remove the farm when the farm is at the end
161 of its useful life. A solar farm is presumed to be at the
162 end of its useful life when the farm generates no
163 electricity for a continuous three hundred and sixty-day
164 period. This presumption may be rebutted by an owner or
165 operator if the owner or operator demonstrates to the
166 commission that the solar farm will resume operation or the
167 farm's existence will serve some educational or research
168 purpose. In such cases of educational or research purpose,
169 the owner or operator's obligation to decommission may be
170 extended, subject to the discretion of the commission, until
171 the solar farm's educational and research purpose is
172 complete. A solar farm need not be decommissioned if the
173 solar farm resumes operation to extend the solar farm's
174 useful life so long as the resumption of operation meets the
175 requirements of the original construction permit under this
176 section. In such case, the solar farm shall be
177 decommissioned when the solar farm permanently reaches the
178 end of its useful life.

179 (2) Prior to the construction of a solar farm, an
180 owner or operator of the solar farm shall submit a
181 preliminary decommissioning plan to the department meeting
182 the following requirements:

183 (a) A description of activities to be accomplished
184 during the decommissioning process, including the name of an
185 individual or entity that will perform such activities;
186 (b) A timeframe for such activities after a solar farm
187 ceases all operation, including a complete physical removal
188 of all solar farm components;
189 (c) Disposal of all solid and hazardous waste in
190 accordance with local, state, and federal regulations;
191 (d) Anticipated life of a solar farm;
192 (e) Estimated decommissioning costs and how such costs
193 are calculated;
194 (f) The method of ensuring that moneys shall be
195 available to cover the decommissioning costs and the costs
196 of restoring the site to the site's former condition prior
197 to the construction of the solar farm;
198 (g) The method by which the decommissioning cost
199 estimate shall be kept up-to-date;
200 (h) The manner in which the site will be restored,
201 including a description of how any changes to the
202 surrounding areas and other areas adjacent to the solar
203 farm, will be preserved during the decommissioning process;
204 and
205 (i) A plan for removing a solar farm that has been
206 permanently damaged by fire or any other unexpected event
207 preventing any further operation, such as a natural
208 disaster, physical sabotage, or equipment failure, which was
209 not caused by the owner or operator of the solar farm;
210 (3) As part of the preliminary decommissioning plan
211 under this subsection, an owner or operator of a solar farm
212 shall post a bond and submit proof of such bond to the
213 department. The minimum bond amount shall not be less than
214 ten thousand dollars per megawatt of solar energy nameplate
215 capacity but may be adjusted at the discretion of the

216 department. The bond shall be posted before construction of
217 a solar farm begins. The bond shall be reviewed by an
218 engineer licensed in the state and adjusted as necessary
219 every five years after the initial posting of the bond.

220 (4) At least one year prior to cessation of operation
221 of a solar farm or, in the case of a solar farm that
222 unexpectedly ceases operation due to an unexpected event,
223 within one year after cessation of its operation, the owner
224 or operator of the solar farm shall submit a final, updated
225 decommissioning plan meeting the requirements of this
226 subsection and specifying the name of the individual or
227 entity that will perform the decommissioning.

228 5. Unless otherwise determined by the department, an
229 owner or operator of a solar farm shall not discard or
230 dispose of or cause to be discarded or disposed of a solar
231 panel or panels by placing the solar panel or panels in a
232 landfill or in any other solid waste disposal area or solid
233 waste disposal facility. Such solar panel or panels shall
234 only be disposed into a processing facility or other
235 recycling facility that accepts solar panels for recycling.

236 6. Within ninety days of receiving an application for
237 the construction of a solar farm under this section, the
238 department shall hold a public hearing before issuing a
239 permit. The department shall provide notice at least
240 fourteen days prior to the public hearing.

241 (1) At the public hearing, an applicant shall provide
242 the following information in writing:

243 (a) Maximum nameplate capacity of the solar farm;
244 (b) Safety measures to minimize fire hazards on the
245 solar farm;

246 (c) Geographical area and the number of acres where
247 the solar farm is proposed to be constructed; and

248 (d) Name, address, and telephone number of the owner
249 or operator of the solar farm.

250 (2) At the public hearing, the department shall
251 provide in writing the following information:

252 (a) Notice that the department shall accept written
253 comments from the public for a period of thirty days
254 regarding the construction of the solar farm; and

255 (b) The address of the office of the department.

256 7. No later than ninety days after the public hearing,
257 the department shall:

258 (1) Issue a permit to the applicant accepting the
259 construction plan;

260 (2) Issue a permit to the applicant limiting the
261 boundaries of the proposed solar farm to a smaller
262 geographical area within the geographical area of the
263 proposed solar farm; or

264 (3) Deny the permit and prohibit the construction of
265 the solar farm.

266 8. An applicant that intends to make a material
267 amendment after the permit is issued by the department shall
268 submit a new application for the permit to the department.

269 9. The department shall require any applicant who is
270 issued a permit for the construction of a solar farm to
271 obtain liability insurance in an amount sufficient to cover
272 reasonable expected damages which may arise from the
273 construction of a solar farm.

274 10. If an owner or operator of a solar farm that is
275 not an electrical corporation, as defined in section
276 386.020, that sells or otherwise transfers the solar farm to
277 an entity that is an electrical corporation, the transferee
278 shall certify in writing to the department that the
279 transferee shall comply with the requirements of section
280 393.2040.

281 11. An applicant applying for a construction permit
282 under this section shall pay a fee of one thousand dollars
283 if the solar farm is less than ten acres or a fee of three
284 thousand dollars if the solar farm is more than ten acres.

285 12. On or before January 1, 2027, the division of
286 energy within the department shall provide to the public
287 service commission, the speaker of the house of
288 representatives, the president pro tem of the senate, the
289 chair of a senate committee which hears legislation
290 concerning utilities and energy, and the chair of the house
291 of representatives' committee which hears legislation
292 concerning utilities and energy, a report on all solar farms
293 operating in the state. The report shall include, but shall
294 not be limited to, the following:

295 (1) The number of solar farms operating in the state;

296 (2) The total hours of operation for each solar farm
297 in the state;

298 (3) Applicable wholesale market accreditation rating
299 for each solar farm operating in the state; and

300 (4) The monthly average ratio of actual energy output
301 versus nameplate capacity for each solar farm operating in
302 the state.

303 13. Beginning August 28, 2026, any solar farm subject
304 to the provisions of this section, and for which an
305 agreement under chapter 100 is not in place, shall not be
306 eligible for any economic incentives or any tax exemptions
307 pursuant to the provisions of chapter 100.

308 14. The department shall promulgate rules to implement
309 the provisions of this sections. Any rule or portion of a
310 rule, as that term is defined in section 536.010, that is
311 created under the authority delegated in this section shall
312 become effective only if it complies with and is subject to
313 all of the provisions of chapter 536 and, if applicable,

314 section 536.028. This section and chapter 536 are
315 nonseverable and if any of the powers vested with the
316 general assembly pursuant to chapter 536 to review, to delay
317 the effective date, or to disapprove and annul a rule are
318 subsequently held unconstitutional, then the grant of
319 rulemaking authority and any rule proposed or adopted after
320 August 28, 2026, shall be invalid and void.

Section B. Because of the need to ensure that solar
2 farms being currently constructed do not cause disruption to
3 adjoining properties, the enactment of sections 393.2040 and
4 640.1050 of this act is deemed necessary for the immediate
5 preservation of the public health, welfare, peace, and
6 safety, and is hereby declared to be an emergency act within
7 the meaning of the constitution, and the enactment of
8 sections 393.2040 and 640.1050 of this act shall be in full
9 force and effect upon its passage and approval.