

FIRST REGULAR SESSION

# SENATE BILL NO. 555

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATORS KINDER AND FOSTER.

Read 1st time February 20, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 91, RSMo, by adding thereto one new section relating to the supply of electrical power and energy to certain large industrial customers, with an emergency clause.

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

Section A. Chapter 91, RSMo, is amended by adding thereto one new section, to be known as section 91.026, to read as follows:

**91.026. 1. As used in this section, the following terms mean:**

- (1) "Commission", the Missouri public service commission;
- (2) "Defined aluminum smelting facility", a facility whose primary industry is the smelting of aluminum and primary metals, Standard Industrial Classification Code 3334, is located in a county of the second or third classification, which has used over three million megawatt hours of electricity during a calendar year, and has had electrical service provided to said facility in the past, in part or whole, by a municipally owned utility and, in part or whole, by an electric generating cooperative owned by rural electric cooperatives;
- (3) "Delivery services", transmission, distribution, or metering of electric power and energy or services ancillary thereto or related services;
- (4) "Municipally owned utility", a utility as defined in subdivision 1 of subsection 1 of section 91.025.

2. Notwithstanding any provisions of law to the contrary, any defined aluminum smelting facility shall have the right to purchase and contract to purchase electric power and energy and delivery services from any provider, wherever found or

located, at whatever rates or charges as contracted for, and such periods or times as is needed or necessary or convenient for the operation of such aluminum smelting facility, notwithstanding any past circumstances of supply.

3. Notwithstanding the provisions of section 91.025, section 393.106, RSMo, and section 394.315, RSMo, to the contrary, any provider of such electric power and energy and delivery services, whether or not otherwise under Missouri regulatory jurisdiction, shall have the right to transact for and sell electric power and energy and delivery services to a defined aluminum smelting facility. Any transactions or contracts pursuant to this section for electric power and energy and delivery services shall not be subject to the jurisdiction of the commission with regard to the determination of rates.

Section B. Because immediate action is necessary in order to ensure the continued operation of certain aluminum smelting facilities in this state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

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