

FIRST REGULAR SESSION

HOUSE BILL NO. 1046

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EGGLESTON.

0961H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 153.034, RSMo, and to enact in lieu thereof four new sections relating to wind energy, with a delayed effective date for a certain section.

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

Section A. Section 153.034, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 153.034, 393.1055, 393.1060, and 393.1065, to read as follows:

153.034. 1. The term "distributable property" of an electric company shall include all ~~[the]~~ real or tangible personal property which is used directly in the generation and distribution of electric power~~[-but not]~~ ; **provided that, "distributable property" shall not include property used directly in the production of wind-generated electric power**, property used as a collateral facility, ~~[nor]~~ **or** property held for purposes other than generation and distribution of electricity. Such distributable property includes, but is not limited to:

- (1) Boiler plant equipment, turbogenerator units and generators;
- (2) Station equipment;
- (3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;
- (4) Substation equipment and fences;
- (5) Rights-of-way;
- (6) Reactor, reactor plant equipment, and cooling towers;
- (7) Communication equipment used for control of generation and distribution of power;
- (8) Land associated with such distributable property.

2. The term "local property" of an electric company shall include all real and tangible personal property owned, used, leased or otherwise controlled by the electric company not used directly in the generation and distribution of power and not defined in subsection 1 of this section

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 as distributable property. **The term "local property" shall also include certain property used**
19 **directly in the production of wind-generated electric power, as provided in subdivisions**
20 **(12) to (15) of this subsection.** Such local property includes, but is not limited to:

- 21 (1) Motor vehicles;
- 22 (2) Construction work in progress;
- 23 (3) Materials and supplies;
- 24 (4) Office furniture, office equipment, and office fixtures;
- 25 (5) Coal piles and nuclear fuel;
- 26 (6) Land held for future use;
- 27 (7) Workshops, warehouses, office buildings and generating plant structures;
- 28 (8) Communication equipment not used for control of generation and distribution of
- 29 power;
- 30 (9) Roads, railroads, and bridges;
- 31 (10) Reservoirs, dams, and waterways;
- 32 (11) Land associated with other locally assessed property and all generating plant land;
- 33 **(12) Power-producing wind turbine towers and their components, including**
34 **generators;**
- 35 **(13) Junction boxes associated with power-producing wind turbine towers;**
- 36 **(14) Power substations associated with power-producing wind turbine towers; and**
- 37 **(15) Any wiring that connects any items listed in subdivisions (12), (13), or (14) of**
38 **this subsection.**

39 **393.1055. 1. As used in this section, "renewable energy resources" shall mean the**
40 **same as defined under section 393.1025.**

41 **2. No source of renewable energy resources utilized in this state shall be operated**
42 **in such a manner that it causes the loss of functionality of electronic communication signals**
43 **including, but not limited to, cellular telephone, cellular internet, broadcast television,**
44 **over-the-air television, satellite television, satellite internet, satellite radio, AM/FM radio,**
45 **citizens band radio, weather radio, emergency communications, and first responder**
46 **communications.**

47 **3. (1) The attorney general may initiate proceedings relating to a knowing violation**
48 **or threatened knowing violation of this section. Such proceedings may include, without**
49 **limitation, an injunction, a civil penalty up to a maximum of five thousand dollars for each**
50 **knowing violation per household per day and additional relief in any court of competent**
51 **jurisdiction. The attorney general may issue investigative demands, issue subpoenas,**
52 **administer oaths, and conduct hearings in the course of investigating a violation of this**
53 **section.**

16 (2) Any person who has experienced more than one instance of interrupted
17 electronic communication signals, as defined in subsection 2 of this section, by the same
18 entity within a twelve-month period, in violation of this section, may:

19 (a) Bring an action to enjoin such violation;

20 (b) Bring an action to recover actual monetary loss from such knowing violation
21 or to receive up to ten thousand dollars in damages for each such knowing violation,
22 whichever is greater; or

23 (c) Bring both such actions.

24 (3) No action or proceeding may be brought pursuant to this section more than
25 three years after the effective date of this section or three years after the date a wind
26 turbine becomes operational, whichever is later.

27 (4) A court of this state may exercise personal jurisdiction over any nonresident or
28 his or her executor or administrator as to an action or proceeding authorized by this
29 section in the manner otherwise provided by law.

30 (5) The remedies, duties, prohibitions, and penalties of this section are not exclusive
31 and are in addition to all other causes of action, remedies, and penalties provided by law.

 393.1060. 1. The department shall require that all individuals and entities
2 operating wind turbines, as defined in section 137.1050, in this state be subject to a buffer
3 distance of five feet for every one foot in elevation the wind turbine, at its highest point, has
4 above the ground level of the nearest occupied residential dwelling.

5 2. Any local ordinances regulating the location of wind turbines shall supersede the
6 provisions of subsection 1 of this section whether they are more or less restrictive.

7 3. The provisions of this section shall not apply to wind turbines that are
8 constructed and operational before the effective date of this section.

 393.1065. Any individual or entity constructing a wind turbine, as defined in
2 section 137.1050, in this state shall be required to reimburse the department of
3 transportation for any actual damages to roads or bridges that arise in relation to the
4 construction. The individual or entity may provide for any repairs necessary to roads or
5 bridges, provided that the department of transportation approves such repairs upon
6 completion.

 Section B. The repeal and reenactment of section 153.034 of section A of this act shall
2 become effective on January 1, 2020.

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