

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 34

100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LIBLA.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## JOINT RESOLUTION

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

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*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.**

8 **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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