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JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

STATE AUDITOR'S OFFICE
RECEIVED
DEC 18 2015

ELECTIONS DIVISION
(573) 751-2301

16-188

December 18, 2015

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Andrew Linhares regarding a proposed statutory amendment to Chapter 386, version 8 (2016-188)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Revised Statutes of Missouri filed by Andrew Linhares on December 17, 2015.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

Jason Kander

Jason Kander

cc: Hon. Chris Koster
Sheri Hoffman
Barbara Wood

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County _____
Page _____

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable Jason Kander, Secretary of State for the State of Missouri:

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed law shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2016, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

RECEIVED
2015 DEC 17 PM 3: 17
MO SEC. OF STATE

(Official Ballot Title)

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF _____

I, _____, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
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11.					
12.					
13.					
14.					
15.					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do ___ do not ___(check one) expect to be paid for circulating this petition. If paid, list the payer _____.

_____ Signature of Affiant (Person obtaining signatures)

_____ (Printed Name of Affiant)

_____ Address of Affiant

Subscribed and sworn to before me this _____ day of _____, A.D. 201_.

_____ Signature of Notary

_____ Address of Notary

Notary Public (Seal)

My commission expires _____

Be it enacted by the people of the state of Missouri:

Section 386.890 is amended and five new sections are enacted, to be known as sections 386.900, 386.910, 386.920, 386.930, and 386.940, to read as follows:

386.890. 1. This section shall be known and may be cited as the "Net Metering and Easy Connection Act".

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

(1) "Avoided fuel cost", the current average cost of fuel for the entity generating electricity, as defined by the governing body with jurisdiction over any municipal electric utility, rural electric cooperative as provided in chapter 394, or electrical corporation as provided in this chapter;

(2) "Commission", the public service commission of the state of Missouri;

(3) "Customer-generator", the owner or operator of, or retail customer that is entitled by contract to receive the electric energy generated by, a qualified electric energy generation unit which:

(a) Is powered by a renewable energy resource;

(b) Has an electrical generating system with a capacity of not more than [one hundred] two thousand kilowatts;

(c) Is located on a premises owned, operated, leased, or otherwise controlled by the customer-generator;

(d) Is interconnected and operates in parallel phase and synchronization with a retail electric supplier and has been approved by said retail electric supplier;

(e) Is intended primarily to offset part or all of the customer-generator's own electrical energy requirements;

(f) Meets all applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing authorities; and

(g) Contains a mechanism that automatically disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the customer-generator is interrupted;

(4) "Department", the department of [natural resources] economic development;

(5) "Net metering", using metering equipment sufficient to measure the difference between the electrical energy supplied to a customer-generator by a retail electric supplier and the electrical energy supplied by the customer-generator to the retail electric supplier over the applicable billing period;

(6) "Renewable energy resources", electrical energy produced from wind, solar thermal sources, hydroelectric sources, photovoltaic cells and panels, fuel cells using hydrogen produced by one of the above-named electrical energy sources, and other sources of energy that become available after August 28, 2007, and are certified as renewable by the department;

(7) "Retail electric supplier" or "supplier", any municipal utility, electrical corporation regulated under this chapter, or rural electric cooperative under chapter 394 that provides retail electric service in this state.

3. A retail electric supplier shall:

(1) Make net metering available to customer-generators on a first-come, first-served basis until the total rated generating capacity of net metering systems equals five percent of the utility's single-hour peak load during the previous year, after which the commission for a public utility or the governing body for other electric utilities may increase the total rated generating capacity of net metering systems to an amount above five percent. However, in a given calendar year, no retail electric supplier shall be required to approve any application for interconnection if the total rated generating capacity of all applications for interconnection already approved to date by said supplier in said calendar year equals or exceeds one percent of said supplier's single-hour peak load for the previous calendar year;

(2) Offer to the customer-generator a tariff or contract that is identical in electrical energy rates, rate structure, and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator; and

(3) Disclose annually the availability of the net metering program to each of its customers with the method and manner of disclosure being at the discretion of the supplier.

4. A customer-generator's facility shall be equipped with sufficient metering equipment that can measure the net amount of electrical energy produced or consumed by the customer-generator. If the customer-generator's existing meter equipment does not meet these requirements or if it is necessary for the electric supplier to install additional distribution equipment to accommodate the customer-generator's facility, the customer-generator shall reimburse the retail electric supplier for the costs to purchase and install the necessary additional equipment. At the request of the customer-generator, such costs may be initially paid for by the retail electric supplier, and any amount up to the total costs and a reasonable interest charge may be recovered from the customer-generator over the course of up to twelve billing cycles. Any subsequent meter testing, maintenance or meter equipment change necessitated by the customer-generator shall be paid for by the customer-generator.

5. Consistent with the provisions in this section, the net electrical energy measurement shall be calculated in the following manner:

(1) For a customer-generator, a retail electric supplier shall measure the net electrical energy produced or consumed during the billing period in accordance with normal metering practices for customers in the same rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the customer-generator's consumption and production of electricity;

(2) If the electricity supplied by the supplier exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the supplier in accordance with normal practices for customers in the same rate class;

(3) If the electricity generated by the customer-generator exceeds the electricity supplied by the supplier during a billing period, the customer-generator shall be billed for the appropriate customer charges for that billing period in accordance with subsection 3 of this section and [shall be credited an amount at least equal to the avoided fuel cost of the excess kilowatt-hours generated during the billing period, with this credit applied to the following billing period] all net excess kilowatt-hours generated shall be recorded as net excess energy credits per kilowatt-hour and those credits shall be carried forward from month-to-month and credited at a ratio of one-to-one against the customer-generator's energy consumption in subsequent billing periods;

(4) Any net excess energy credits granted by this subsection shall expire without any compensation at the earlier of either March 1 or when the customer-generator disconnects service or terminates the net metering relationship with the supplier;

(5) For any rural electric cooperative under chapter 394, or municipal utility, upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the credit to the customer-generator may be provided by the wholesale generator.

6. (1) Each qualified electric energy generation unit used by a customer-generator shall meet all applicable safety, performance, interconnection, and reliability standards established by any local code authorities, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories for distributed generation. No supplier shall impose any fee, charge, or other requirement not specifically authorized by this section or the rules promulgated under subsection 9 of this section unless the fee, charge, or other requirement would apply to similarly situated customers who are not customer-generators, except that a retail electric supplier may require that a customer-generator's system contain a switch, circuit breaker, fuse, or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system;

(2) For systems of ten kilowatts or less, a customer-generator whose system meets the standards and rules under subdivision (1) of this subsection shall not be required to install additional controls, perform or pay for additional tests or distribution equipment, or purchase additional liability insurance beyond what is required under subdivision (1) of this subsection and subsection 4 of this section;

(3) For customer-generator systems of greater than ten kilowatts, the commission for public utilities and the governing body for other utilities shall, by rule or equivalent formal action by each respective governing body:

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(a) Set forth safety, performance, and reliability standards and requirements; and

(b) Establish the qualifications for exemption from a requirement to install additional controls, perform or pay for additional tests or distribution equipment, or purchase additional liability insurance.

7. (1) Applications by a customer-generator for interconnection of a qualified electric energy generation unit meeting the requirements of subdivision (3) of subsection 2 of this section to the distribution system shall be accompanied by the plan for the customer-generator's electrical generating system, including but not limited to a wiring diagram and specifications for the generating unit, and shall be reviewed and responded to by the retail electric supplier within thirty days of receipt for systems ten kilowatts or less and within ninety days of receipt for all other systems. Prior to the interconnection of the qualified generation unit to the supplier's system, the customer-generator will furnish the retail electric supplier a certification from a qualified professional electrician or engineer that the installation meets the requirements of subdivision (1) of subsection 6 of this section. If the application for interconnection is approved by the retail electric supplier and the customer-generator does not complete the interconnection within one year after receipt of notice of the approval, the approval shall expire and the customer-generator shall be responsible for filing a new application.

(2) Upon the change in ownership of a qualified electric energy generation unit, the new customer-generator shall be responsible for filing a new application under subdivision (1) of this subsection.

8. Each commission-regulated supplier shall submit an annual net metering report to the commission, and all other nonregulated suppliers shall submit the same report to their respective governing body and make said report available to a consumer of the supplier upon request, including the following information for the previous calendar year:

(1) The total number of customer-generator facilities;

(2) The total estimated generating capacity of its net-metered customer-generators; and

(3) The total estimated net kilowatt-hours received from customer-generators.

9. The commission shall, within nine months of January 1, 2008, promulgate initial rules necessary for the administration of this section for public utilities, which shall include regulations ensuring that simple contracts will be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

10. The governing body of a rural electric cooperative or municipal utility shall, within nine months of January 1, 2008, adopt policies establishing a simple contract to be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions.

11. For any cause of action relating to any damages to property or person caused by the generation unit of a customer-generator or the interconnection thereof, the retail electric supplier shall have no liability absent clear and convincing evidence of fault on the part of the supplier.

12. The estimated generating capacity of all net metering systems operating under the provisions of this section shall count towards the respective retail electric supplier's accomplishment of any renewable energy portfolio target or mandate adopted by the Missouri general assembly.

13. The sale of qualified electric generation units to any customer-generator shall be subject to the provisions of sections 407.700 to 407.720. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536 rules regarding mandatory disclosures of information by sellers of qualified electric generation units. Any interested person who believes that the seller of any electric generation unit is misrepresenting the safety or performance standards of any such systems, or who believes that any electric generation unit poses a danger to any property or person, may report the same to the attorney general, who shall be authorized to investigate such claims and take any necessary and appropriate actions.

14. Any costs incurred under this act by a retail electric supplier shall be recoverable in that utility's rate structure.

15. No consumer shall connect or operate an electric generation unit in parallel phase and synchronization with any retail electric supplier without written approval by said supplier that all of the requirements under subdivision (1) of subsection 7 of this section have been met. For a consumer who violates this provision, a supplier may immediately and without notice disconnect the electric facilities of said consumer and terminate said consumer's electric service.

16. The manufacturer of any electric generation unit used by a customer-generator may be held liable for any damages to property or person caused by a defect in the electric generation unit of a customer-generator.

17. The seller, installer, or manufacturer of any electric generation unit who knowingly misrepresents the safety aspects of an electric generation unit may be held liable for any damages to property or person caused by the electric generation unit of a customer-generator.

386.900. Sections 386.900 through 386.940 shall be known as the "Missouri Energy Freedom Act". These sections reflect both the critical role that abundant, affordable, sustainable, and secure supplies of renewable energy have in advancing the economy of the state and the security, health and welfare of its citizens, and the intent of the people to promote the long term sustainability, security, and affordability of energy supply by encouraging the development and utilization of renewable energy by the people of this state. The right of citizens to directly invest in renewable energy sources to meet their own energy needs, while also connecting to the electric grid, shall not be limited more than is necessary to protect the safety and security of the electric grid.

386.910. As used in sections 386.900 through 386.940, the following terms shall mean:

(1) "Aggregated renewable facility metering", a rate and metering arrangement that allows a property owner with multiple utility accounts on one property or adjacent properties or contiguous properties, all of which are served by the same retail electric supplier, such as but not limited to, a group of university or hospital buildings, municipal or other publicly owned premises, a military base, public housing, shopping mall, or farm properties, to install and operate renewable energy facilities that together do not exceed 5 MW in capacity, on such property or on the adjacent or contiguous property, for the primary purpose of offsetting part or all of the electrical energy requirements associated with the utility accounts on such properties, and allocate the related community renewable energy credits among the utility accounts on such property or adjacent or contiguous property;

(2) "Community based renewable facility access", a rate and metering arrangement that allows for multiple retail customers who are located in a community such as, but not limited to, a condominium complex, industrial park, town, or city, to contract, over a minimum 15 year term for energy produced by a renewable energy facility that does not exceed 5 MW in capacity and that is interconnected to the same public utility distribution system that serves the premises of such retail customers, and allocates related community renewable energy credits among such retail customers, provided however that the 5MW limit in capacity shall not prevent multiple renewable energy facilities serving different retail customers from co-locating;

(3) "Community renewable access arrangements", aggregated renewable facility metering, and community-based renewable facility access;

(4) "Community renewable energy credits", either the per kilowatt-hour deduction in the metered usage used by the retail electric supplier to calculate the utility bill of a retail customer that is participating in a community renewable access arrangement, or a financial amount credited to the utility bill of such a retail customer, which shall be calculated by applying a specified amount per kilowatt-hour, determined as set forth in rules adopted by the commission or in the

policies of the governing body of a municipal utility or retail electric supplier, to the energy generated by a renewable energy facility on behalf of such customers;

(5) "Renewable energy resources", the same meaning as set forth in subdivision (6) of subsection 2 of section 386.890;

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(6) "Renewable energy facility", a facility that produces renewable energy resources;

(7) "Retail electric supplier", the same meaning as set forth in subdivision (7) of subsection 2 of section 386.890;

(8) "Utility account" or "retail customer" means a specific customer account that is receiving service and billed for such service by a retail electric supplier.

386.920 Notwithstanding any provision in this chapter or chapters 393 or 394 to the contrary, the owner or operator of a qualified electric generation unit serving a customer-generator as defined in section 386.890, or of a renewable energy facility that is used in a community renewable access arrangement as defined in section 386.910, that provides renewable energy resources to a retail customer through a power purchase agreement, a sale and leaseback of equipment, or other form of contract between the retail customer and the owner or operator of such qualified electric generation unit or renewable energy facility, shall not be determined by reason of such ownership, operation, contract, or provision of energy, to be an electrical corporation or public utility as those terms are defined in section 386.020, nor shall such owner or operator be precluded from installing, owning or operating the qualified electric unit or renewable energy facility as allowed by section 386.910 or section 386.930 and providing the related renewable energy resources to a customer that is receiving utility service from a retail electric supplier. Nothing in this subsection shall be construed as amending or superseding the commission's authority to ensure safe operation of any electric plant as granted in and pursuant to subsection 1 of section 386.310.

386.930. 1. Each retail electric supplier shall offer the interconnection and metering arrangements and community renewable energy credits necessary to facilitate and support the community renewable access arrangements defined in section 386.920.

2. Within 60 days of the effective date of this section, the commission shall promulgate initial rules to establish the terms and conditions under which the retail electric suppliers regulated under chapter 393, shall be required to interconnect with and support each of the community renewable access arrangements defined in section 386.910, including the determination of community renewable energy credits to be applied in such arrangements, and shall conclude such proceeding by adopting a proposed rule within 180 days of promulgating the initial rules. Within twelve months of the effective date of this section, the governing body of a municipal utility or rural electric cooperative shall also adopt policies establishing the terms and conditions under which such municipal utilities or rural electric cooperatives shall be required to interconnect with and support each of the community renewable access arrangements, including the determination of community renewable energy credits. Such rules or policies shall provide that retail electric suppliers shall recover the costs of any additional distribution equipment that the retail electric supplier is required to install to accommodate the installation of the renewable energy facility that is part of a community renewable access arrangement from the owner or operator of such facility or from the customers participating in the community renewable access arrangement. The provisions of subsections 11, 13, 16, and 17 of section 386.890 shall also apply to renewable energy facilities used in community renewable access arrangements to the same extent they apply to the generation units of customer-generators under section 386.890.

3. In any rulemaking or other proceeding required by subsection 2 of this section, provisions equivalent to the interconnection provisions set forth in subsections 6, 7, and 15 of Section 386.890, and provisions equivalent to those in subsection 5 of section 386.890 for the calculation of a net electrical energy measurement and application of credits for net excess energy generated, shall be presumed reasonable and shall apply to the utility bills of the retail customers in community renewable access arrangements unless alternate terms and conditions are shown by clear and convincing evidence to be necessary either to protect the safety and security of the electric grid or to better meet the criteria set forth in subsection 4 of this section. In no circumstance, however, shall the commission or governing body of a municipal utility or rural electric cooperative approve an alternate means of calculating community renewable energy credits that results in an amount less than the sum of the retail electric supplier's avoided energy and capacity costs, and any avoided transmission and distribution costs that result from the installation and operation of such facility, and other avoided costs identified by the commission or governing body of a municipal utility or rural electric cooperative.

4. In adopting the rules or policies provided for in this section, and when reviewing tariffs, contracts for service, interconnection agreements or rates, or deciding complaints relating to community renewable access arrangements, the commission or governing body of a municipal utility or retail electric supplier shall balance each of the following objectives: maximizing the use of in-state renewable energy resources by citizens of the state and removing or reducing existing barriers including, but not limited to, requirements for costly studies and other preconditions to interconnection or the lack of standardized terms, to the direct investment by individuals, businesses, and other entities in renewable energy resources; promoting private investment in renewable capacity in the state; promoting the diversification of the state's supply portfolio and reducing the state's dependence on fossil fuel energy sources; mitigating more costly transmission and distribution investments otherwise needed for system reliability; encouraging the growth of jobs and other economic development within the state; minimizing the long term costs associated with future additions of capacity needed to meet the state's energy requirements; and furthering the long term affordability, reliability, and security of energy supply.

386.940. 1. Any taxpayer that owns a solar powered electric energy generation unit that meets the requirements for net metering under section 386.890, or solar powered electric energy generation unit that is part of a community renewable access arrangement, and that has incurred costs and expenses related to the construction, design, and installation of that generation unit on or after the effective date of this section, shall, subject to the provisions of subsections 2 through 7 of this section, be allowed a state tax credit against the income taxes imposed pursuant to chapter 143 (except withholding imposed by sections 143.191 to 143.265), if the director of the department of revenue issues an eligibility statement for that project. The tax credit provided for in this section shall be known as the "Missouri Solar Energy Tax Credit".

2. The state tax credit allowed under this section shall not exceed thirty-five percent of the total costs and expenses incurred for the construction, design, and installation of that generation unit, up to a total of seventy-five thousand dollars per utility metered account; provided, however, that beginning in calendar years 2022 through 2031, the thirty-five percent limit on total costs and expenses shall be reduced by an amount of two percent per year, and the seventy-five thousand dollar limit shall be reduced by two thousand five hundred dollars per year, and such reduced limits shall apply to the tax credits allowed under this section during calendar years 2022 through 2031.

3. In no event shall the aggregate amount of all tax credits allowed under this section exceed fifty million dollars in any given calendar year for the period beginning with the effective date of this section through June 30, 2021. During the calendar years 2022 through 2031, this fifty million dollar limit for the calendar year shall be reduced each year by an amount equal to $2.5 million dollars. No new tax credits provided for under this section shall be authorized after June 30, 2031. The department of revenue shall promulgate rules and regulations for the administration of tax credits issued pursuant to this section, and establish the procedure by which such tax credits may be claimed.

4. Any eligible applicant desiring to claim a tax credit under this section shall first request an eligibility statement from the department of revenue. The applicant shall identify: the generation unit for which a tax credit is claimed; the costs and expenses expected to be incurred by the applicant related to the construction, design, and installation of the unit; the nameplate capacity of the unit; and the ownership for the unit. The director of the department of revenue shall issue an eligibility statement within thirty (30) days of the request if it finds that the applicant qualifies for a credit under this section. Tax credits shall be awarded on a first-come, first-serve basis, until the limits as provided in subsection 3 of this section are reached. The department of revenue may promulgate rules and regulations relating to this certification process.

5. The credit authorized by this section shall not be refundable. Any amount of credit which exceeds the tax due for a taxpayer's taxable year may be carried forward to any of the taxpayer's five subsequent taxable years.

6. All or any portion of the tax credits issued in accordance with this section may be transferred, sold, or assigned to a third party. Certification of transfer, sale or assignment and other appropriate forms must be filed with the department of revenue.

7. The reporting provisions of the Tax Credit Accountability Act of 2004 apply to the tax credits issued under this section.