

HOUSE BILL NO. 1754

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

3302H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to wind turbine site permits.

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

Section A. Chapter 640, RSMo, is amended by adding thereto one new section, to be known as section 640.351, to read as follows:

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

- (1) "Department", the department of natural resources;**
- (2) "Shadow flicker", alternating changes in light intensity caused by the moving blade of a wind power turbine casting shadows on the ground and stationary objects;**
- (3) "Wind energy system", equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.**

2. Any person who installs a wind energy system on any real property shall acquire a permit as required under this section before installing the wind energy system. The permit application shall contain at least the following information:

- (1) Evidence that all components, equipment, and associated facilities of the wind energy system are set back from all property lines of the real property on which the wind energy system is located by at least one and one-half times the fall distance of any part of the wind energy system as measured from the ground to the tallest point of each component, piece of equipment, and associated facility;**
- (2) Evidence that the shadow flicker from any wind power turbine will not cross any property line of the real property on which the wind energy system is located; and**
- (3) Any other information required by the department.**

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 **3. The department may determine and impose a reasonable fee for each permit**
19 **applied for under this section. The amount of the fee shall not exceed the costs of**
20 **reviewing and issuing the permit. The fees received under this section shall be used**
21 **solely for the administration and implementation of this section.**

22 **4. The department may promulgate all necessary rules and regulations for the**
23 **administration of this section. Any rule or portion of a rule, as that term is defined in**
24 **section 536.010, that is created under the authority delegated in this section shall**
25 **become effective only if it complies with and is subject to all of the provisions of chapter**
26 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable,**
27 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
28 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
29 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
30 **adopted after August 28, 2022, shall be invalid and void.**

✓