

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1720

101ST GENERAL ASSEMBLY

4074S.04C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 60.301, 60.315, 60.345, 135.305, 135.686, 266.355, 348.436, 348.500, 643.050, 643.079, and 643.245, RSMo, and to enact in lieu thereof twenty-three new sections relating to agricultural economic opportunities, with an emergency clause for certain sections.

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

Section A. Sections 60.301, 60.315, 60.345, 135.305,
2 135.686, 266.355, 348.436, 348.500, 643.050, 643.079, and
3 643.245, RSMo, are repealed and twenty-three new sections
4 enacted in lieu thereof, to be known as sections 21.915, 60.301,
5 60.315, 60.345, 135.305, 135.686, 135.755, 135.775, 135.778,
6 135.1610, 275.357, 348.436, 348.500, 620.3500, 620.3505,
7 620.3510, 620.3515, 620.3520, 620.3525, 620.3530, 643.050,
8 643.079, and 643.245, to read as follows:

21.915. 1. There is established a permanent joint
2 **committee of the general assembly to be known as the "Joint**
3 **Committee on Rural Economic Development" which shall be**
4 **composed of five members of the senate, appointed by the**
5 **president pro tempore of the senate, and five members of the**
6 **house of representatives, appointed by the speaker of the**
7 **house of representatives. A majority of the members of the**
8 **committee shall constitute a quorum. The members shall**
9 **annually select one of the members to be the chair and one**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 of the members to be the vice chair. The speaker of the
11 house of representatives and the president pro tempore of
12 the senate shall appoint the respective majority members.
13 The minority leader of the house of representatives and the
14 minority leader of the senate shall appoint the respective
15 minority members. The members shall receive no additional
16 compensation, but shall be reimbursed for actual and
17 necessary expenses incurred by them in the performance of
18 their duties. No major party shall be represented on the
19 committee by more than three members from the senate nor by
20 more than three members from the house of representatives.
21 The committee is authorized to meet and act year round and
22 to employ the necessary personnel within the limits of
23 appropriations. The staff of the committee on legislative
24 research, house research, and senate research shall provide
25 necessary clerical, research, fiscal, and legal services to
26 the committee, as the committee may request.

27 2. It shall be the duty of the committee to:

28 (1) Examine any trending population declines
29 throughout rural counties in Missouri utilizing data from
30 the last previous decennial census of the United States,
31 including identifying any anomalous rural areas that saw
32 population increases;

33 (2) Identify economic opportunities for third class
34 counties, including identifying viable industries for rural
35 areas of the state and businesses that are relocating from
36 other states;

37 (3) Monitor the deployment and adoption of broadband
38 internet in rural areas of the state;

39 (4) Examine the issue of restricted access to quality
40 healthcare and insurance in rural areas of the state;

41 (5) Identify the need for and development of expanded
42 learning opportunities in rural areas, including workforce
43 development, skilled labor training, and online training;

44 (6) Examine infrastructure issues in rural areas in
45 the state, including opportunities to mitigate geographical
46 isolation and a review of transportation development plans
47 to embolden economic vitality in rural areas of the state;

48 (7) Identify key contributors and solutions to poverty
49 and unemployment trends in rural areas of the state;

50 (8) Develop policies to maximize existing state
51 programs, including existing economic development tax credit
52 programs and tourism programs; and

53 (9) Identify and examine any other issues that the
54 committee determines to be affecting rural areas of the
55 state.

56 3. The committee may compile a full report of its
57 activities for submission to the general assembly, which
58 shall include any recommendations which the committee may
59 have for legislative action as well as any recommendations
60 for administrative or procedural changes in the internal
61 management or organization of state government agencies and
62 departments. Copies of the report containing such
63 recommendations shall be sent to the appropriate directors
64 of state departments and agencies included in the report.

65 4. All state departments, commissions, and offices
66 shall cooperate with and assist the committee in the
67 performance of its duties and shall make available all
68 books, records, and information requested.

 60.301. Whenever the following words and terms are
2 used in this chapter they shall have the following meaning
3 unless the context clearly indicates that a different
4 meaning is intended:

5 (1) "Corners of the United States public land survey",
6 those points that determine the boundaries of the various
7 subdivisions represented on the official plat such as the
8 township corner, the section corner, the quarter-section
9 corner, grant corner [and], meander corner, **and center of**
10 **section;**

11 (2) "Existent corner", a corner whose position can be
12 identified by verifying the evidence of the original
13 monument or its accessories, or by some physical evidence
14 described in the field notes, or located by an acceptable
15 supplemental survey record or some physical evidence
16 thereof, or by testimony. The physical evidence of a corner
17 may have been entirely obliterated but the corner will be
18 considered existent if its position can be recovered through
19 the testimony of one or more witnesses who have a dependable
20 knowledge of the original location. A legally reestablished
21 corner shall have the same status as an existent corner;

22 (3) "Lost corner", a corner whose position cannot be
23 determined, beyond reasonable doubt, either from traces of
24 the original marks or from acceptable evidence or testimony
25 that bears upon the original position;

26 (4) "Monument", the physical object which marks the
27 corner point determined by the surveying process. The
28 accessories, such as bearing trees, bearing objects,
29 reference monuments, mounds of stone and other similar
30 objects that aid in identifying the corner position, are
31 also considered a part of a corner monument;

32 (5) "Obliterated, decayed or destroyed corner", [an
33 existent corner] **a position** at whose point there are no
34 remaining traces of the original monument or its
35 accessories, but whose location has been perpetuated by
36 subsequent surveys, or the point may be recovered beyond

37 reasonable doubt by the acts and testimony of local
38 residents, competent surveyors, other qualified local
39 authorities or witnesses, or by some acceptable record
40 evidence. A position that depends upon the use of
41 collateral evidence can be accepted only if duly supported,
42 generally through proper relation to known corners, and
43 agreement with the field notes regarding distances to
44 natural objects, stream crossings, line trees, etc., or
45 unquestionable testimony;

46 (6) "Original government survey", that survey executed
47 under the authority of the United States government as
48 recorded on the official plats and field notes of the United
49 States public land survey maintained by the Missouri
50 department of agriculture;

51 (7) "Proportionate measurement", a measurement of a
52 line that gives equal relative weight to all parts of the
53 line. The excess or deficiency between two existent corners
54 is so distributed that the amount of excess or deficiency
55 given to each interval bears the same proportion to the
56 whole difference as the record length of the interval bears
57 to the whole record distance:

58 (a) "Single proportionate measurement", a measurement
59 of a line applied to a new measurement made between known
60 points on a line to determine one or more positions on that
61 line;

62 (b) "Double proportionate measurement", a measurement
63 applied to a new measurement made between four known
64 corners, two each on intersecting meridional and latitudinal
65 lines, for the purpose of relating the intersection to
66 both. [The procedure is described as follows: first,
67 measurements will be made between the nearest existent
68 corners north and south of the lost corner. A temporary

69 point will be determined to locate the latitude of the lost
70 corner on the straight line connecting the existent corners
71 and at the proper proportionate distance. Second,
72 measurements will be made between the nearest existent
73 corners east and west of the lost corner. A temporary point
74 will be determined to locate the longitude of the lost
75 corner on the straight line connecting the existent corners
76 and at the proportionate distance. Third, determine the
77 location of the lost corner at the intersection of an east-
78 west line through the point determining the latitude of the
79 lost corner with a north-south line through the point
80 determining the longitude of the lost corner.] When the
81 total length of the line between the nearest existing
82 corners was not measured in the original government survey,
83 the record distance from one existing corner to the lost
84 corner will be used instead of the proportionate distance.
85 This exception will apply to either or both of the east-west
86 or north-south lines;

87 (8) "Record distance", the distance or length as shown
88 on the original government survey. In determining record
89 distances, consideration shall be given as to whether the
90 distance was measured on a random or true line.

60.315. The following rules for the reestablishment of
2 lost corners shall be applied only when it is determined
3 that the corner is lost: (The rules utilize proportional
4 measurement which harmonizes surveying practice with legal
5 and equitable considerations. This plan of relocating a
6 lost corner is always employed unless it can be shown that
7 the corner so located is in substantial disagreement with
8 the general scheme of the original government survey as
9 monumented. In such cases the surveyor shall use procedures

10 that produce results consistent with the original survey of
11 that township.)

12 (1) Existent original corners shall not be disturbed.
13 Consequently, discrepancies between the new and record
14 measurements shall not in any manner affect the measurements
15 beyond the existent corners; but the differences shall be
16 distributed proportionately within the several intervals
17 along the line between the corners;

18 (2) Standard parallels shall be given precedence over
19 other township exteriors, and, ordinarily, the latter shall
20 be given precedence over subdivisional lines; section
21 corners shall be located or reestablished before the
22 position of lost quarter-section corners can be determined;

23 (3) Lost township corners common to four townships
24 shall be reestablished by double proportionate measurement
25 between the nearest existent corners on opposite sides of
26 the lost township corner;

27 (4) Lost township corners located on standard
28 parallels and common only to two townships shall be
29 reestablished by single proportionate measurement between
30 the nearest existent corners on opposite sides of the lost
31 township corner on the standard parallel;

32 (5) [Lost standard corners shall be reestablished on a
33 standard or correction line by single proportionate
34 measurement on the line connecting the nearest identified
35 standard or closing corners on opposite sides of the lost
36 corner or corners, as the case may be;

37 (6) All lost section and quarter-section corners on
38 the township boundary lines shall be reestablished by single
39 proportionate measurement between the nearest existent
40 corners on opposite sides of the lost corner according to
41 the conditions represented upon the original government plat;

42 (7)] Lost corners on township exteriors, excluding
43 corners referenced in subdivision (3) of this section,
44 whether they are standard or closing corners, shall be
45 reestablished by single proportionate measurement on the
46 line connecting the next nearest existent standard or
47 closing corner on opposite sides of the lost corner;

48 (6) A lost interior corner of four sections shall be
49 reestablished by double proportionate measurement;

50 [(8) A lost closing corner shall be reestablished on
51 the true line that was closed upon, and at the proper
52 proportional interval between the nearest existent corners
53 on opposite sides of the lost corner;

54 (9)] (7) All lost quarter-section corners on the
55 section boundaries within the township shall be
56 reestablished by single proportionate measurement between
57 the adjoining section corners, after the section corners
58 have been identified or reestablished; and

59 [(10)] (8) Where a line has been terminated with a
60 measurement in one direction only, a lost corner shall be
61 reestablished by record bearing and distance, counting from
62 the nearest regular corner, the latter having been duly
63 identified or reestablished.

60.345. The quarter-section corners of sections south
2 of the township line and east of the range line, and not
3 established by the original government survey will be
4 established according to the conditions represented upon the
5 official government plat using **single** proportionate
6 measurement between the [adjoining] section corners
7 belonging to the same section as the quarter-section corner
8 being established, the section corners having first been
9 identified or reestablished. **The proportional position**
10 **shall be offset, if necessary, in a cardinal direction to**

11 **the true line defined by the nearest adjacent corners on**
12 **opposite sides of the quarter-section corner to be**
13 **established.**

135.305. A Missouri wood energy producer shall be
2 eligible for a tax credit on taxes otherwise due under
3 chapter 143, except sections 143.191 to 143.261, as a
4 production incentive to produce processed wood products in a
5 qualified wood-producing facility using Missouri forest
6 product residue. The tax credit to the wood energy producer
7 shall be five dollars per ton of processed material. The
8 credit may be claimed for a period of five years and is to
9 be a tax credit against the tax otherwise due. No new tax
10 credits, provided for under sections 135.300 to 135.311,
11 shall be authorized after June 30, [2020] **2028**. In no event
12 shall the aggregate amount of all tax credits allowed under
13 sections 135.300 to 135.311 exceed six million dollars in
14 any given fiscal year. There shall be no tax credits
15 authorized under sections 135.300 to 135.311 unless an
16 appropriation is made for such tax credits.

135.686. 1. This section shall be known and may be
2 cited as the "Meat Processing Facility Investment Tax Credit
3 Act".

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

5 (1) "Authority", the agricultural and small business
6 development authority established in chapter 348;

7 (2) "Meat processing facility", any commercial plant,
8 as defined under section 265.300, at which livestock are
9 slaughtered or at which meat or meat products are processed
10 for sale commercially and for human consumption;

11 (3) "Meat processing modernization or expansion",
12 constructing, improving, or acquiring buildings or
13 facilities, or acquiring equipment for meat processing

14 including the following, if used exclusively for meat
15 processing and if acquired and placed in service in this
16 state during tax years beginning on or after January 1,
17 2017, but ending on or before December 31, [2021] 2028:

18 (a) Building construction including livestock
19 handling, product intake, storage, and warehouse facilities;

20 (b) Building additions;

21 (c) Upgrades to utilities including water, electric,
22 heat, refrigeration, freezing, and waste facilities;

23 (d) Livestock intake and storage equipment;

24 (e) Processing and manufacturing equipment including
25 cutting equipment, mixers, grinders, sausage stuffers, meat
26 smokers, curing equipment, cooking equipment, pipes, motors,
27 pumps, and valves;

28 (f) Packaging and handling equipment including
29 sealing, bagging, boxing, labeling, conveying, and product
30 movement equipment;

31 (g) Warehouse equipment including storage and curing
32 racks;

33 (h) Waste treatment and waste management equipment
34 including tanks, blowers, separators, dryers, digesters, and
35 equipment that uses waste to produce energy, fuel, or
36 industrial products;

37 (i) Computer software and hardware used for managing
38 the claimant's meat processing operation including software
39 and hardware related to logistics, inventory management,
40 production plant controls, and temperature monitoring
41 controls; and

42 (j) Construction or expansion of retail facilities or
43 the purchase or upgrade of retail equipment for the
44 commercial sale of meat products if the retail facility is
45 located at the same location as the meat processing facility;

46 (4) "Tax credit", a credit against the tax otherwise
47 due under chapter 143, excluding withholding tax imposed
48 under sections 143.191 to 143.265, or otherwise due under
49 chapter 147;

50 (5) "Taxpayer", any individual or entity who:

51 (a) Is subject to the tax imposed under chapter 143,
52 excluding withholding tax imposed under sections 143.191 to
53 143.265, or the tax imposed under chapter 147;

54 (b) In the case of an individual, is a resident of
55 this state as verified by a 911 address or, in the absence
56 of a 911 system, a physical address; and

57 (c) Owns a meat processing facility located in this
58 state **and employs a combined total of fewer than five**
59 **hundred individuals in all meat processing facilities owned**
60 **by the individual or entity in this country;**

61 (6) "Used exclusively", used to the exclusion of all
62 other uses except for use not exceeding five percent of
63 total use.

64 3. For all tax years beginning on or after January 1,
65 2017, but ending on or before December 31, **[2021] 2028**, a
66 taxpayer shall be allowed a tax credit for meat processing
67 modernization or expansion related to the taxpayer's meat
68 processing facility. The tax credit amount shall be equal
69 to twenty-five percent of the amount the taxpayer paid in
70 the tax year for meat processing modernization or expansion.

71 4. The amount of the tax credit claimed shall not
72 exceed the amount of the taxpayer's state tax liability for
73 the tax year for which the credit is claimed. No tax credit
74 claimed under this section shall be refundable. The tax
75 credit shall be claimed in the tax year in which the meat
76 processing modernization or expansion expenses were paid,
77 but any amount of credit that the taxpayer is prohibited by

78 this section from claiming in a tax year may be carried
79 forward to any of the taxpayer's four subsequent tax years.
80 The total amount of tax credits that any taxpayer may claim
81 shall not exceed seventy-five thousand dollars per year. If
82 two or more persons own and operate the meat processing
83 facility, each person may claim a credit under this section
84 in proportion to [his or her] **such person's** ownership
85 interest; except that, the aggregate amount of the credits
86 claimed by all persons who own and operate the meat
87 processing facility shall not exceed seventy-five thousand
88 dollars per year. The amount of tax credits authorized in
89 this section [and section 135.679] in a calendar year shall
90 not exceed two million dollars. Tax credits shall be issued
91 on an as-received application basis until the calendar year
92 limit is reached. Any credits not issued in any calendar
93 year shall expire and shall not be issued in any subsequent
94 year.

95 5. To claim the tax credit allowed under this section,
96 the taxpayer shall submit to the authority an application
97 for the tax credit on a form provided by the authority and
98 any application fee imposed by the authority. The
99 application shall be filed with the authority at the end of
100 each calendar year in which a meat processing modernization
101 or expansion project was completed and for which a tax
102 credit is claimed under this section. The application shall
103 include any certified documentation, proof of meat
104 processing modernization or expansion, and any other
105 information required by the authority. All required
106 information obtained by the authority shall be confidential
107 and not disclosed except by court order, subpoena, or as
108 otherwise provided by law. If the taxpayer and the meat
109 processing modernization or expansion meet all criteria

110 required by this section and approval is granted by the
111 authority, the authority shall issue a tax credit
112 certificate in the appropriate amount. Tax credit
113 certificates issued under this section may be assigned,
114 transferred, sold, or otherwise conveyed, and the new owner
115 of the tax credit certificate shall have the same rights in
116 the tax credit as the original taxpayer. If a tax credit
117 certificate is assigned, transferred, sold, or otherwise
118 conveyed, a notarized endorsement shall be filed with the
119 authority specifying the name and address of the new owner
120 of the tax credit certificate and the value of the tax
121 credit.

122 6. Any information provided under this section shall
123 be confidential information, to be shared with no one except
124 state and federal animal health officials, except as
125 provided in subsection 5 of this section.

126 7. The authority shall promulgate rules establishing a
127 process for verifying that a facility's modernization or
128 expansion for which tax credits were allowed under this
129 section has in fact expanded the facility's production
130 within three years of the issuance of the tax credit and if
131 not, the authority shall promulgate through rulemaking a
132 process by which the taxpayer shall repay the authority an
133 amount equal to that of the tax credit allowed.

134 8. The authority shall, at least annually, submit a
135 report to the Missouri general assembly reviewing the costs
136 and benefits of the program established under this section.

137 9. The authority may promulgate rules to implement the
138 provisions of this section. Any rule or portion of a rule,
139 as that term is defined in section 536.010, that is created
140 under the authority delegated in this section shall become
141 effective only if it complies with and is subject to all of

142 the provisions of chapter 536 and, if applicable, section
143 536.028. This section and chapter 536 are nonseverable and
144 if any of the powers vested with the general assembly
145 pursuant to chapter 536 to review, to delay the effective
146 date, or to disapprove and annul a rule are subsequently
147 held unconstitutional, then the grant of rulemaking
148 authority and any rule proposed or adopted after August 28,
149 2016, shall be invalid and void.

150 10. This section shall not be subject to the Missouri
151 sunset act, sections 23.250 to 23.298.

**135.755. 1. For the purposes of this section, the
2 following terms shall mean:**

3 (1) "Department", the Missouri department of revenue;

4 (2) "Higher ethanol blend", a fuel capable of being
5 dispensed directly into motor vehicle fuel tanks for
6 consumption that is comprised of at least fifteen percent
7 but not more than eighty-five percent ethanol;

8 (3) "Retail dealer", a person that owns or operates a
9 retail service station in this state;

10 (4) "Retail service station", a location from which
11 higher ethanol blend is sold to the general public and is
12 dispensed directly into motor vehicle fuel tanks for
13 consumption.

14 2. For all tax years beginning on or after January 1,
15 2023, a retail dealer that sells higher ethanol blend at
16 such retail dealer's retail service station shall be allowed
17 a tax credit to be taken against the retail dealer's state
18 income tax liability. The amount of the credit shall equal
19 five cents per gallon of higher ethanol blend sold by the
20 retail dealer and dispensed through metered pumps at the
21 retail dealer's retail service station during the tax year
22 in which the tax credit is claimed. Tax credits authorized

23 pursuant to this section shall not be transferred, sold, or
24 assigned. If the amount of the tax credit exceeds the
25 taxpayer's state tax liability, the difference shall not be
26 refundable but may be carried forward to any of the five
27 subsequent tax years. The total amount of tax credits
28 authorized pursuant to this section for any given fiscal
29 year shall not exceed five million dollars.

30 3. In the event the total amount of tax credits
31 claimed under this section exceeds the amount of available
32 tax credits, the tax credits shall be apportioned among all
33 eligible retail dealers claiming a tax credit by April
34 fifteenth, or as directed by section 143.851, of the fiscal
35 year in which the tax credit is claimed.

36 4. The tax credit allowed by this section shall be
37 claimed by such taxpayer at the time such taxpayer files a
38 return and shall be applied against the income tax liability
39 imposed by chapter 143, excluding the withholding tax
40 imposed by sections 143.191 to 143.265, after reduction for
41 all other credits allowed thereon. The department may
42 require any documentation it deems necessary to implement
43 the provisions of this section.

44 5. The department shall promulgate rules to implement
45 the provisions of this section. Any rule or portion of a
46 rule, as that term is defined in section 536.010, that is
47 created under the authority delegated in this section shall
48 become effective only if it complies with and is subject to
49 all of the provisions of chapter 536 and, if applicable,
50 section 536.028. This section and chapter 536 are
51 nonseverable, and if any of the powers vested with the
52 general assembly pursuant to chapter 536 to review, to delay
53 the effective date, or to disapprove and annul a rule are
54 subsequently held unconstitutional, then the grant of

55 rulemaking authority and any rule proposed or adopted after
56 August 28, 2022, shall be invalid and void.

57 6. Under section 23.253 of the Missouri sunset act:

58 (1) The provisions of this section shall automatically
59 sunset on December 31, 2028, unless reauthorized by an act
60 of the general assembly; and

61 (2) If such program is reauthorized, the program
62 authorized under this section shall automatically sunset
63 twelve years after the effective date of the reauthorization
64 of this section; and

65 (3) This section shall terminate on September first of
66 the calendar year immediately following the calendar year in
67 which the program authorized under this section is sunset.

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

3 (1) "Biodiesel blend", a blend of diesel fuel and
4 biodiesel fuel of at least five percent and not more than
5 twenty percent for on-road and off-road diesel-fueled
6 vehicle use;

7 (2) "Biodiesel fuel", a renewable, biodegradable, mono
8 alkyl ester combustible liquid fuel that is derived from
9 agricultural and other plant oils or animal fats and that
10 meets the most recent version of the ASTM International
11 D6751 Standard Specification for Biodiesel Fuel Blend
12 Stock. A fuel shall be deemed to be biodiesel fuel if the
13 fuel consists of a pure B100 or B99 ratio. Biodiesel
14 produced from palm oil is not biodiesel fuel for the
15 purposes of this section unless the palm oil is contained
16 within waste oil and grease collected within the United
17 States;

18 (3) "B99", a blend of ninety-nine percent biodiesel
19 fuel that meets the most recent version of the ASTM

20 International D6751 Standard Specification for Biodiesel
21 Fuel Blend Stock with a minimum of one-tenth of one percent
22 and maximum of one percent diesel fuel that meets the most
23 recent version of the ASTM International D975 Standard
24 Specification for Diesel Fuel;

25 (4) "Department", the Missouri department of revenue;

26 (5) "Distributor", a person, firm, or corporation
27 doing business in this state that:

28 (a) Produces, refines, blends, compounds, or
29 manufactures motor fuel;

30 (b) Imports motor fuel into the state; or

31 (c) Is engaged in distribution of motor fuel;

32 (6) "Retail dealer", a person, firm, or corporation
33 doing business in this state that owns or operates a retail
34 service station in this state;

35 (7) "Retail service station", a location in this state
36 from which biodiesel blend is sold to the general public and
37 is dispensed directly into motor vehicle fuel tanks for
38 consumption at retail.

39 2. For all tax years beginning on or after January 1,
40 2023, a retail dealer that sells a biodiesel blend at a
41 retail service station or a distributor that sells a
42 biodiesel blend directly to the final user located in this
43 state shall be allowed a tax credit to be taken against the
44 retail dealer or distributor's state income tax liability.
45 The amount of the credit shall be equal to:

46 (1) Two cents per gallon of biodiesel blend of at
47 least five percent but not more than ten percent sold by the
48 retail dealer at a retail service station or by a
49 distributor directly to the final user located in this state
50 during the tax year in which the tax credit is claimed; and

51 (2) Five cents per gallon of biodiesel blend in excess
52 of ten percent sold by the retail dealer at a retail service
53 station or by a distributor directly to the final user
54 located in this state during the tax year in which the tax
55 credit is claimed.

56 3. Tax credits authorized under this section shall not
57 be transferred, sold, or assigned. If the amount of the tax
58 credit exceeds the taxpayer's state tax liability, the
59 difference shall be refundable. The total amount of tax
60 credits authorized under this section for any given fiscal
61 year shall not exceed sixteen million dollars.

62 4. In the event the total amount of tax credits
63 claimed under this section exceeds the amount of available
64 tax credits, the tax credits shall be apportioned among all
65 eligible retail dealers and distributors claiming a tax
66 credit by April fifteenth, or as directed by section
67 143.851, of the fiscal year in which the tax credit is
68 claimed.

69 5. The tax credit allowed by this section shall be
70 claimed by such taxpayer at the time such taxpayer files a
71 return and shall be applied against the income tax liability
72 imposed by chapter 143, excluding the withholding tax
73 imposed by sections 143.191 to 143.265, after reduction for
74 all other credits allowed thereon. The department may
75 require any documentation it deems necessary to administer
76 the provisions of this section.

77 6. Notwithstanding any other provision of law to
78 contrary, if the tax credit cap in this section is not met,
79 the remaining amount of tax credits available to claim shall
80 be applied to the tax credit in section 135.778 if the tax
81 credit cap in section 135.778 has been met.

82 7. Notwithstanding the provisions of section 32.057 to
83 the contrary, the department may work with the division of
84 weights and measures within the department of agriculture to
85 validate that the biodiesel blend a retail dealer or
86 distributor claims for the tax credit authorized under this
87 section contains a sufficient percentage of biodiesel fuel.

88 8. The department shall promulgate rules to implement
89 and administer the provisions of this section. Any rule or
90 portion of a rule, as that term is defined in section
91 536.010, that is created pursuant to the authority delegated
92 in this section shall become effective only if it complies
93 with and is subject to all of the provisions of chapter 536
94 and, if applicable, section 536.028. This section and
95 chapter 536 are nonseverable, and if any of the powers
96 vested with the general assembly pursuant to chapter 536 to
97 review, to delay the effective date, or to disapprove and
98 annul a rule are subsequently held unconstitutional, then
99 the grant of rulemaking authority and any rule proposed or
100 adopted after August 28, 2022, shall be invalid and void.

101 9. Under section 23.253 of the Missouri sunset act:

102 (1) The provisions of the new program authorized under
103 this section shall automatically sunset on December 31,
104 2028, unless reauthorized by an act of the general assembly;

105 (2) If such program is reauthorized, the program
106 authorized under this section shall automatically sunset
107 twelve years after the effective date of the reauthorization
108 of this section; and

109 (3) This section shall terminate on September first of
110 the calendar year immediately following the calendar year in
111 which the program authorized under this section is sunset.
112 The termination of the program as described in this
113 subsection shall not be construed to preclude any qualified

114 taxpayer who claims any benefit under any program that is
115 sunset under this subsection from claiming such benefit for
116 all allowable activities related to such claim that were
117 completed before the program was sunset or to eliminate any
118 responsibility of the department to verify the continued
119 eligibility of qualified individuals receiving tax credits
120 and to enforce other requirements of law that applied before
121 the program was sunset.

135.778. 1. For the purposes of this section, the
2 following terms shall mean:

3 (1) "Biodiesel fuel", a renewable, biodegradable, mono
4 alkyl ester combustible liquid fuel that is derived from
5 agricultural and other plant oils or animal fats and that
6 meets the most recent version of the ASTM International
7 D6751 Standard Specification for Biodiesel Fuel Blend
8 Stock. A fuel shall be deemed to be biodiesel fuel if the
9 fuel consists of a pure B100 or B99 ratio. Biodiesel
10 produced from palm oil is not biodiesel fuel for the
11 purposes of this section unless the palm oil is contained
12 within waste oil and grease collected within the United
13 States;

14 (2) "B99", a blend of ninety-nine percent biodiesel
15 fuel that meets the most recent version of the ASTM
16 International D6751 Standard Specification for Biodiesel
17 Fuel Blend Stock with a minimum of one-tenth of one percent
18 and maximum of one percent diesel fuel that meets the most
19 recent version of the ASTM International D975 Standard
20 Specification for Diesel Fuel;

21 (3) "Department", the Missouri department of revenue;

22 (4) "Missouri biodiesel producer", a person, firm, or
23 corporation doing business in this state that produces
24 biodiesel fuel in this state, is registered with the United

25 States Environmental Protection Agency according to the
26 requirements of 40 CFR Part 79, and has begun construction
27 on such facility or has been selling biodiesel fuel produced
28 at such facility on or before August 28, 2022.

29 2. For all tax years beginning on or after January 1,
30 2023, a Missouri biodiesel producer shall be allowed a tax
31 credit to be taken against the producer's state income tax
32 liability. The amount of the tax credit shall be two cents
33 per gallon of biodiesel fuel produced by the Missouri
34 biodiesel producer.

35 3. Tax credits authorized under this section shall not
36 be transferred, sold, or assigned. If the amount of the tax
37 credit exceeds the taxpayer's state tax liability, the
38 difference shall be refundable. The total amount of tax
39 credits authorized under this section for any given fiscal
40 year shall not exceed four million dollars.

41 4. In the event the total amount of tax credits
42 claimed under this section exceeds the amount of available
43 tax credits, the tax credits shall be apportioned among all
44 eligible Missouri biodiesel producers claiming the credit by
45 April fifteenth, or as directed by section 143.851, of the
46 fiscal year in which the tax credit is claimed.

47 5. The tax credit authorized under this section shall
48 be claimed by such taxpayer at the time such taxpayer files
49 a return and shall be applied against the income tax
50 liability imposed by chapter 143 after reduction for all
51 other credits allowed thereon. The department may require
52 any documentation it deems necessary to administer the
53 provisions of this section.

54 6. Notwithstanding any other provision of law to
55 contrary, if the tax credit cap in this section is not met,
56 the remaining amount of tax credits available to claim shall

57 be applied to the tax credit in section 135.775 if the tax
58 credit cap in section 135.775 has been met.

59 7. The department shall promulgate rules to implement
60 and administer the provisions of this section. Any rule or
61 portion of a rule, as that term is defined in section
62 536.010, that is created pursuant to the authority delegated
63 in this section shall become effective only if it complies
64 with and is subject to all of the provisions of chapter 536
65 and, if applicable, section 536.028. This section and
66 chapter 536 are nonseverable, and if any of the powers
67 vested with the general assembly pursuant to chapter 536 to
68 review, to delay the effective date, or to disapprove and
69 annul a rule are subsequently held unconstitutional, then
70 the grant of rulemaking authority and any rule proposed or
71 adopted after August 28, 2022, shall be invalid and void.

72 8. Under section 23.253 of the Missouri sunset act:

73 (1) The provisions of the new program authorized under
74 this section shall automatically sunset on December 31,
75 2028, unless reauthorized by an act of the general assembly;

76 (2) If such program is reauthorized, the program
77 authorized under this section shall automatically sunset
78 twelve years after the effective date of the reauthorization
79 of this section; and

80 (3) This section shall terminate on September first of
81 the calendar year immediately following the calendar year in
82 which the program authorized under this section is sunset.

83 The termination of the program as described in this
84 subsection shall not be construed to preclude any qualified
85 taxpayer who claims any benefit under any program that is
86 sunset under this subsection from claiming such benefit for
87 all allowable activities related to such claim that were
88 completed before the program was sunset, or to eliminate any

89 responsibility of the department to verify the continued
90 eligibility of qualified individuals receiving tax credits
91 and to enforce other requirements of law that applied before
92 the program was sunset.

135.1610. 1. As used in this section, the following
2 terms mean:

3 (1) "Eligible expenses", expenses incurred in the
4 construction or development of establishing or improving an
5 urban farm in an urban area. The term "eligible expenses"
6 shall not include any expense for labor or any expense
7 incurred to grow medical marijuana or industrial hemp;

8 (2) "Tax credit", a credit against the tax otherwise
9 due under chapter 143, excluding withholding tax imposed
10 under sections 143.191 to 143.265;

11 (3) "Taxpayer", any individual, partnership, or
12 corporation as described under section 143.441 or 143.471
13 that is subject to the tax imposed under chapter 143,
14 excluding withholding tax imposed under sections 143.191 to
15 143.265, or any charitable organization that is exempt from
16 federal income tax and whose Missouri unrelated business
17 taxable income, if any, would be subject to the state income
18 tax imposed under chapter 143;

19 (4) "Urban area", an urbanized area as defined by the
20 United States Census Bureau;

21 (5) "Urban farm", an agricultural plot or facility in
22 an urban area that produces agricultural food products used
23 solely for distribution to the public by sale or donation.
24 "Urban farm" shall include community-run gardens. "Urban
25 farm" shall not include personal farms or residential lots
26 for personal use.

27 2. For all tax years beginning on or after January 1,
28 2023, a taxpayer shall be allowed to claim a tax credit

29 against the taxpayer's state tax liability in an amount
30 equal to fifty percent of the taxpayer's eligible expenses
31 for establishing or improving an urban farm that focuses on
32 food production.

33 3. The amount of the tax credit claimed shall not
34 exceed the amount of the taxpayer's state tax liability in
35 the tax year for which the credit is claimed, and the
36 taxpayer shall not be allowed to claim a tax credit under
37 this section in excess of five thousand dollars for each
38 urban farm. The total amount of tax credits that may be
39 authorized for all taxpayers for eligible expenses incurred
40 on any given urban farm shall not exceed twenty-five
41 thousand dollars. Any tax credit that cannot be claimed in
42 the tax year the contribution was made may be carried over
43 to the next three succeeding tax years until the full credit
44 is claimed.

45 4. The total amount of tax credits that may be
46 authorized under this section shall not exceed two hundred
47 thousand dollars in any calendar year.

48 5. Tax credits issued under the provisions of this
49 section shall not be transferred, sold, or assigned.

50 6. The Missouri agriculture and small business
51 authority shall recapture the amount of tax credits issued
52 to any taxpayer who, after receiving such tax credit, uses
53 the urban farm for the personal benefit of the taxpayer
54 instead of for producing agricultural food products used
55 solely for distribution to the public by sale or donation.

56 7. The Missouri agriculture and small business
57 development authority may promulgate rules to implement the
58 provisions of this section. Any rule or portion of a rule,
59 as that term is defined in section 536.010, that is created
60 under the authority delegated in this section shall become

61 effective only if it complies with and is subject to all of
62 the provisions of chapter 536 and, if applicable, section
63 536.028. This section and chapter 536 are nonseverable, and
64 if any of the powers vested with the general assembly
65 pursuant to chapter 536 to review, to delay the effective
66 date, or to disapprove and annul a rule are subsequently
67 held unconstitutional, then the grant of rulemaking
68 authority and any rule proposed or adopted after August 28,
69 2022, shall be invalid and void.

70 8. Under section 23.253 of the Missouri sunset act:

71 (1) The program authorized under this section shall
72 automatically sunset on December thirty-first, six years
73 after the effective date of this section unless reauthorized
74 by an act of the general assembly;

75 (2) If such program is reauthorized, the program
76 authorized under this section shall automatically sunset on
77 December thirty-first, twelve years after the effective date
78 of the reauthorization of this section;

79 (3) This section shall terminate on September first of
80 the calendar year immediately following the calendar year in
81 which the program authorized under this section is sunset;
82 and

83 (4) Nothing in this subsection shall prevent a
84 taxpayer from claiming a tax credit properly issued before
85 the program was sunset in a tax year after the program is
86 sunset.

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

3 (1) "Commodity merchandising council" or "council",
4 the same definition as in section 275.300 and for soybeans
5 shall be, as provided under the federal act, the qualified

6 state soybean board known as the Missouri Soybean
7 Merchandising Council;

8 (2) "Federal act", the Soybean Promotion, Research,
9 and Consumer Information Act (7 U.S.C. Section 6301 et
10 seq.), as amended;

11 (3) "Handler", the same definition as in section
12 275.300 and for soybeans includes, but is not limited to, a
13 commodity credit corporation for situations in which
14 soybeans are pledged as collateral for a loan issued under
15 any Commodity Credit Corporation price support loan program
16 and the soybeans are forfeited by the producer in lieu of
17 loan repayment;

18 (4) "Net market price":

19 (a) Except as provided in paragraph (b) of this
20 subdivision, the sales price or other value received by a
21 producer for any soybeans after adjustments for any premium
22 or discount based on grading or quality factors, as
23 determined by the Secretary of Agriculture of the United
24 States, the director, or both; or

25 (b) For soybeans pledged as collateral for a loan
26 issued under any Commodity Credit Corporation price support
27 loan program and, when the soybeans are forfeited by the
28 producer in lieu of loan repayment, the principal amount of
29 the loan;

30 (5) "Processor", the same definition as in section
31 275.300 and for soybeans includes, but is not limited to, a
32 producer marketing processed soybeans or soybean products of
33 such producer's own production.

34 2. As long as an assessment made under the federal act
35 is equal to one-half of one percent of the net market price
36 of soybeans grown within this state, the assessment imposed
37 and levied under section 275.350 shall be one-half of such

38 national assessment. The state assessment shall not be in
39 addition to the national assessment but shall correspond to
40 the state credit or portion of the total assessment paid to
41 the council.

42 3. If the assessment under the federal act is reduced
43 to less than one-half of one percent or ceases to be
44 effective, the state assessment imposed and levied under
45 this section shall, for as long as such assessment is
46 reduced or no such assessment is made, be equal to one-half
47 of one percent of the net market price of soybeans grown
48 within this state less any assessment paid to the United
49 Soybean Board under the federal act.

50 4. The total of such state assessment and federal
51 assessment shall be:

52 (1) Collected from a producer by the handler or
53 processor first acquiring such producer's soybeans and be
54 remitted to the council; or

55 (2) Remitted by a producer marketing processed
56 soybeans or soybean products of that producer-processor's
57 own soybeans to the council.

58 5. State fees collected under this section shall be
59 subject to the refund provision provided under section
60 275.360.

61 6. No provision of this section shall be construed as
62 a change to the amount of any fee collected under section
63 275.350 or a major change for purposes of section 275.330.

348.436. The provisions of sections 348.430 to 348.436
2 shall expire December 31, [2021] 2028.

348.500. 1. This section shall be known and may be
2 cited as the "Family Farms Act".

3 2. As used in this section, "small farmer" means a
4 farmer who is a Missouri resident and who has less than [two

5 ~~hundred fifty]~~ **five hundred** thousand dollars in gross sales
6 per year.

7 3. The agricultural and small business development
8 authority shall establish a family farm breeding livestock
9 loan program for small farmers for the purchase of beef
10 cattle, dairy cattle, sheep and goats, and swine only.

11 4. To participate in the loan program, a small farmer
12 shall first obtain approval for a family farm livestock loan
13 from a lender as defined in section 348.015. ~~[Each small~~
14 ~~farmer shall be eligible for only one family farm livestock~~
15 ~~loan per family and for only one type of livestock.]~~

16 5. The maximum amount of the family farm livestock
17 loan for each type of livestock shall be as follows:

18 (1) ~~[Seventy-five]~~ **One hundred fifty** thousand dollars
19 for beef cattle;

20 (2) ~~[Seventy-five]~~ **One hundred fifty** thousand dollars
21 for dairy cattle;

22 (3) ~~[Thirty-five]~~ **Seventy** thousand dollars for swine;
23 and

24 (4) ~~[Thirty]~~ **Sixty** thousand dollars for sheep and
25 goats.

26 6. Eligible borrowers under the program:

27 (1) Shall use the proceeds of the family farm loan to
28 acquire breeding livestock;

29 (2) Shall not finance more than ninety percent of the
30 anticipated cost of the purchase of such livestock through
31 the family farm livestock loan; and

32 (3) Shall not be charged interest by the lender, as
33 defined in section 348.015, for the first year of the
34 qualified family farm livestock loan.

35 7. Upon approval of the family farm livestock loan by
36 a lender under subsection 4 of this section, the loan shall

37 be submitted for approval by the agricultural and small
38 business development authority. The authority shall
39 promulgate rules establishing eligibility under this
40 section, taking into consideration:

41 (1) The eligible borrower's ability to repay the
42 family farm livestock loan;

43 (2) The general economic conditions of the area in
44 which the farm is located;

45 (3) The prospect of a financial return for the small
46 farmer for the type of livestock for which the family farm
47 livestock loan is sought; and

48 (4) Such other factors as the authority may establish.

49 8. For eligible borrowers participating in the
50 program, the authority shall be responsible for reviewing
51 the purchase price of any livestock to be purchased by an
52 eligible borrower under the program to determine whether the
53 price to be paid is appropriate for the type of livestock
54 purchased. The authority may impose a one-time loan review
55 fee of one percent which shall be collected by the lender at
56 the time of the loan and paid to the authority.

57 9. Nothing in this section shall preclude a small
58 farmer from participating in any other agricultural program.

59 10. Any rule or portion of a rule, as that term is
60 defined in section 536.010, that is created under the
61 authority delegated in this section shall become effective
62 only if it complies with and is subject to all of the
63 provisions of chapter 536 and, if applicable, section
64 536.028. This section and chapter 536 are nonseverable and
65 if any of the powers vested with the general assembly
66 pursuant to chapter 536 to review, to delay the effective
67 date, or to disapprove and annul a rule are subsequently
68 held unconstitutional, then the grant of rulemaking

69 authority and any rule proposed or adopted after August 28,
70 2006, shall be invalid and void.

620.3500. Sections 620.3500 to 620.3530 shall be known
2 and may be cited as the "Missouri Rural Workforce
3 Development Act".

620.3505. As used in sections 620.3500 to 620.3530,
2 the following terms shall mean:

3 (1) "Affiliate", an entity that directly, or
4 indirectly through one or more intermediaries, controls, or
5 is controlled by, or is under common control with another
6 entity. An entity is controlled by another entity if the
7 controlling entity holds, directly or indirectly, the
8 majority voting or ownership interest in the controlled
9 entity or has control over day-to-day operations of the
10 controlled entity by contract or by law;

11 (2) "Agribusiness", a business that produces or
12 provides any goods or services produced in this state
13 normally used by farmers, ranchers, or producers and
14 harvesters of aquatic products in their business operations,
15 or to improve the welfare or livelihood of such persons, or
16 is involved in the processing and marketing of agricultural
17 products, farm supplies, and input suppliers, or is engaged
18 in agribusiness as defined by the United States Department
19 of Agriculture, or if not engaged in such industries, the
20 department determines that such investment will be
21 beneficial to the rural area and the economic growth of the
22 state;

23 (3) "Applicable percentage", zero percent for the
24 initial and the second credit allowance date, and fifteen
25 percent for the next four credit allowance dates;

26 (4) "Capital investment", any equity investment in a
27 rural fund by a rural investor which:

28 (a) Is acquired after the effective date of sections
29 620.3500 to 620.3530 at its original issuance solely in
30 exchange for cash;

31 (b) Has one hundred percent of its cash purchase price
32 used by the rural fund to make qualified investments in
33 eligible businesses located in this state by the third
34 credit allowance date; and

35 (c) Is designated by the rural fund as a capital
36 investment under sections 620.3500 to 620.3530 and is
37 certified by the department under the provisions of section
38 620.3510. This shall include any capital investment that
39 does not meet the provisions of subdivision (1) of
40 subsection 1 of section 620.3510 if such investment was a
41 capital investment in the hands of a prior holder;

42 (5) "Credit allowance date", the anniversary of the
43 initial credit allowance date;

44 (6) "Department", the Missouri department of economic
45 development;

46 (7) "Eligible business", a business that, at the time
47 of the initial qualified investment in the business:

48 (a) Has fewer than two hundred fifty employees; and

49 (b) Has its principal business operations in this
50 state.

51 Any business which is classified as an eligible business at
52 the time of the initial investment in such business by a
53 rural fund shall remain classified as an eligible business
54 and may receive follow-on investments from any rural fund,
55 and such follow-on investments shall be qualified
56 investments even though such business may not meet paragraph
57 (a) of this subdivision at the time of such investments;

58 (8) "Full-time employee", an employee of an eligible
59 business in a rural area who:

60 (a) Is scheduled to work an average of at least thirty-
61 five hours per week for a twelve-month period;

62 (b) Is paid at or above ninety percent of the county
63 average wage as determined by the department for the most
64 recently completed full calendar year; and

65 (c) a. For an employee of an eligible business with
66 ten or fewer employees scheduled to work an average of at
67 least thirty-five hours per week for a twelve-month period,
68 is offered health insurance; or

69 b. For an employee of an eligible business more than
70 ten employees scheduled to work an average of at least
71 thirty-five hours per week for a twelve-month period, is
72 offered health insurance and such eligible business pays at
73 least fifty percent of such health insurance premiums.

74 An employee who spends less than fifty percent of the
75 employee's work time at the eligible business in a rural
76 area shall be considered to be working in the rural area if
77 the employee receives directions and control from that rural
78 area, is on the payroll of the eligible business in the
79 rural area, and one hundred percent of the employee's income
80 from such employment is Missouri income;

81 (9) "Initial credit allowance date", the date on which
82 the department certifies a rural fund's capital investment;

83 (10) "Job", a position held by a full-time employee,
84 but shall not include a position for which an entity has
85 received or has been authorized to receive a tax credit, tax
86 exemption, retained withholding tax, or other incentive
87 under section 68.075, section 99.845, sections 135.100 to
88 135.155, or sections 620.2000 to 620.2020;

89 (11) "Job created", a job that did not exist in the
90 twelve months prior to a qualified investment but existed
91 following that investment;

92 (12) "Job retained", a job that existed in the twelve
93 months prior to a qualified investment and continued to
94 exist following that investment;

95 (13) "Principal business operations", the location
96 where at least sixty percent of a business's employees work
97 or where employees who are paid at least sixty percent of
98 such business's payroll work. A business that has agreed to
99 relocate employees using the proceeds of a qualified
100 investment to establish its principal business operations in
101 a new location shall be deemed to have its principal
102 business operations in such new location if it satisfied the
103 requirements of this subdivision no later than one hundred
104 eighty days after receiving a qualified investment;

105 (14) "Purchase price", the amount paid to the rural
106 fund that issues a capital investment which shall not exceed
107 the amount of capital investment authority certified under
108 the provisions of section 620.3510;

109 (15) "Qualified investment", any investment in an
110 eligible business or any loan to an eligible business with a
111 stated maturity date of at least one year after the date of
112 issuance, excluding revolving lines of credit and senior
113 secured debt unless the chief executive or similar officer
114 of the eligible business certifies that the eligible
115 business sought and was denied similar financing from a
116 depository institution, by a rural fund; provided that, with
117 respect to any one eligible business, the maximum amount of
118 investments made in such business by one or more rural
119 funds, on a collective basis with all of the businesses'
120 affiliates, with the proceeds of capital investments shall

121 be the greater of twenty percent of the rural fund's capital
122 investment authority or six million five hundred thousand
123 dollars, exclusive of investments made with repaid or
124 redeemed investments or interest or profits realized thereon;

125 (16) "Rural area", any county of this state that has a
126 population of less than eighty thousand according to the
127 2020 decennial census of the United States;

128 (17) "Rural area average wage", seventy-five percent
129 of the state average wage as determined by the department
130 for the most recently completed full calendar year;

131 (18) "Rural fund", an entity certified by the
132 department under the provisions of section 620.3510;

133 (19) "Rural investor", an entity that makes a capital
134 investment in a rural fund;

135 (20) "Senior secured debt", any loan that is secured
136 by a first mortgage on real estate with a loan-to-value
137 ratio of less than eighty percent;

138 (21) "State tax liability", any liability incurred by
139 any entity subject to the state income tax imposed under
140 chapter 143, excluding withholding tax imposed under
141 sections 143.191 to 143.265, or an insurance company paying
142 an annual tax on its gross premium receipts, including
143 retaliatory tax, or other financial institution paying taxes
144 to the state or any political subdivision of the state under
145 the provisions of chapter 148, or an express company which
146 pays an annual tax on its gross receipts in this state.

620.3510. 1. A rural fund that seeks to have an
2 equity investment certified as a capital investment eligible
3 for credits authorized under the provisions of sections
4 620.3500 to 620.3530 shall apply to the department. The
5 department shall begin accepting applications within one

6 hundred eighty days of the effective date of sections
7 620.3500 to 620.3530. The application shall include:

8 (1) The amount of capital investment requested;

9 (2) A copy of the applicant's or an affiliate of the
10 applicant's license as a rural business investment company
11 under 7 U.S.C. Section 2009cc or as a small business
12 investment company under 15 U.S.C. Section 681, and a
13 certificate executed by an executive officer of the
14 applicant attesting that such license remains in effect and
15 has not been revoked;

16 (3) Evidence that, as of the date the application is
17 submitted, the applicant or affiliates of the applicant have
18 invested:

19 (a) At least one hundred million dollars in nonpublic
20 companies located in counties within the United States with
21 a population of less than fifty thousand according to the
22 2010 decennial census of United States; and

23 (b) At least thirty million dollars in nonpublic
24 companies located in Missouri;

25 (4) A business plan that includes a revenue impact
26 assessment projecting state and local tax revenue to be
27 generated by the applicant's proposed qualified investments,
28 prepared by a nationally recognized, third-party,
29 independent economic forecasting firm using a dynamic
30 economic forecasting model that analyzes the applicant's
31 business plan in yearly increments over the ten years
32 following the date the application is submitted to the
33 department. Such plan shall include an estimate of the
34 number of jobs created and jobs retained in this state as a
35 result of the applicant's qualified investments; and

36 (5) A nonrefundable application fee of five thousand
37 dollars payable to the department.

38 2. Within sixty days after the receipt of a completed
39 application, the department shall grant or deny the
40 application in full or in part. The department shall deny
41 the application if:

42 (1) The applicant does not satisfy all of the criteria
43 provided under subsection 1 of this section;

44 (2) The revenue impact assessment submitted with the
45 application does not demonstrate that the applicant's
46 business plan will result in a positive fiscal impact on
47 this state over a ten-year period that exceeds the
48 cumulative amount of tax credits that would be issued to the
49 applicant if the application were approved; or

50 (3) The department has already approved the maximum
51 amount of capital investment authority under section
52 620.3515.

53 3. If the department denies any part of the
54 application, it shall inform the applicant of the grounds
55 for such denial. If the applicant provides any additional
56 information required by the department or otherwise
57 completes its application within fifteen days of the notice
58 of denial, the application shall be considered complete as
59 of the original date of resubmission. If the applicant
60 fails to provide the information or fails to complete its
61 application within the fifteen-day period, the application
62 shall remain denied and shall be resubmitted in full with a
63 new submission date and a new application fee.

64 4. Upon approval of an application, the department
65 shall certify the proposed equity investment as a capital
66 investment eligible for credits under sections 620.3500 to
67 620.3530, subject to the limitations contained in section
68 620.3515, and the department shall enter into a written
69 agreement with the rural fund and rural investor covering

70 the qualified investment and tax credits under the act and
71 such other provisions as the department may require. The
72 department shall provide written notice of the certification
73 to the applicant, which shall include the amount of the
74 applicant's capital investment authority. The department
75 shall certify capital investments in the order that the
76 applications are received by the department. Applications
77 received on the same day shall be deemed to have been
78 received simultaneously. For applications that are complete
79 and received on the same day, the department shall certify
80 applications in proportionate percentages based upon the
81 ratio of the amount of capital investment authority
82 requested in an application to the total amount of capital
83 investment authority requested in all applications.

620.3515. 1. The department shall certify capital
2 investment authority under the provisions of sections
3 620.3500 to 620.3530 in amounts that would authorize not
4 more than sixteen million dollars in state tax credits to be
5 claimed against state tax liability in any calendar year,
6 excluding any credit amounts carried forward as provided
7 under subsection 1 of section 620.3520. Within ninety days
8 of the applicant receiving notice of certification, the
9 rural fund shall issue the capital investment to, and
10 receive cash in the amount of the certified amount from, a
11 rural investor. At least ten percent of the rural
12 investor's capital investment shall be composed of capital
13 raised by the rural investor directly or indirectly from
14 sources, including directors, members, employees, officers,
15 and affiliates of the rural investor, other than the amount
16 invested by the allocatee claiming the tax credits in
17 exchange for such allocation of tax credits. The rural fund
18 shall provide the department with evidence of the receipt of

19 the cash investment within ninety-five days of the applicant
20 receiving notice of certification.

21 2. If the rural fund does not receive the cash
22 investment and issue the capital investment within such time
23 period following receipt of the certification notice, the
24 certification shall lapse and the rural fund shall not issue
25 the capital investment without reapplying to the department
26 for certification. Lapsed certifications shall revert to
27 the department and shall be reissued pro rata to applicants
28 whose capital investment allocations were reduced during the
29 immediately preceding application cycle in accordance with
30 the application process provided under subsection 4 of
31 section 620.3510. Any lapsed certification not reissued
32 within the same calendar year as the lapsed certification
33 was issued shall not be reissued.

34 3. A rural fund, before making a qualified investment,
35 may request from the department a written opinion as to
36 whether the business in which it proposes to invest is an
37 eligible business. Such request shall be on a form
38 developed by the department to be completed by the eligible
39 business and the rural fund, which shall provide information
40 as requested by the department to make its opinion. If the
41 department fails to notify the rural fund of its
42 determination by the twentieth business day following its
43 receipt of the completed form and all information necessary
44 to form its opinion, the business in which the rural fund
45 proposes to invest shall be deemed an eligible business.

620.3520. 1. Upon making a capital investment in a
2 rural fund, a rural investor shall have a vested right to
3 earn a tax credit that will be issued by the department that
4 may be used against such entity's state tax liability that
5 may be utilized on each credit allowance date of such

6 capital investment in an amount equal to the applicable
7 percentage for such credit allowance date multiplied by the
8 purchase price paid to the rural fund for the capital
9 investment. The amount of the credit claimed by a rural
10 investor shall not exceed the amount of such entity's state
11 tax liability for the tax year for which the credit is
12 claimed. Any amount of credit that a rural investor is
13 prohibited from claiming in a taxable year as a result of
14 this section may be carried forward for use in any of the
15 five subsequent taxable years, and shall not be carried back
16 to prior taxable years. A rural investor claiming a credit
17 under the provisions of sections 620.3500 to 620.3530 shall
18 not incur any additional tax that may arise as a result of
19 claiming such credit.

20 2. No credit claimed under the provisions of sections
21 620.3500 to 620.3530 shall be refundable or sellable on the
22 open market. Credits earned by or allocated to a
23 partnership, limited liability company, or S-corporation may
24 be allocated to the partners, members, or shareholders of
25 such entity for their direct use in accordance with the
26 provisions of any agreement among such partners, members, or
27 shareholders, and a rural fund shall notify the department
28 of the names of the entities that are eligible to utilize
29 credits pursuant to an allocation of credits or a change in
30 allocation of credits, or due to a transfer of a capital
31 investment upon such allocation, change, or transfer. Such
32 allocation shall not be considered a sale for the purposes
33 of this section.

34 3. The department may recapture credits from a
35 taxpayer that claimed a credit authorized under this section
36 if:

37 (1) The rural fund does not invest sixty percent of
38 its capital investment authority in qualified investments in
39 this state within two years of the credit allowance date,
40 and one hundred percent of its capital investment authority
41 in qualified investments in this state within three years of
42 the credit allowance date, provided that at least seventy
43 percent of such initial qualified investments shall be made
44 in eligible businesses located in rural areas or eligible
45 businesses that are also agribusinesses. In no event shall
46 more than thirty percent of such initial qualified
47 investments be made in eligible businesses located outside
48 of a rural area;

49 (2) The rural fund fails to maintain qualified
50 investments equal to ninety percent of its capital
51 investment authority from the third until the sixth credit
52 allowance date, with seventy percent of such investments
53 maintained in eligible businesses located in rural areas or
54 eligible businesses that are also agribusinesses, provided
55 that in no event shall more than thirty percent of such
56 qualified investments be made in eligible businesses located
57 outside of a rural area. For each year the rural fund fails
58 to maintain such investments, the department may recapture
59 an amount of such year's allowed credits equal to the
60 percentage difference between ninety percent of a rural
61 fund's capital investment authority and the actual amount of
62 qualified investments maintained for such year. For the
63 purposes of this subdivision, a qualified investment is
64 considered maintained even if the qualified investment was
65 sold or repaid so long as the rural fund reinvests an amount
66 equal to the capital returned or recovered by the rural fund
67 from the original investment, exclusive of any profits
68 realized, in other qualified investments in this state

69 within twelve months of the receipt of such capital.
70 Amounts received periodically by a rural fund shall be
71 treated as continually invested in qualified investments if
72 the amounts are reinvested in one or more qualified
73 investments by the end of the following calendar year. A
74 rural fund shall not be required to reinvest capital
75 returned from qualified investments after the fifth credit
76 allowance date, and such qualified investments shall be
77 considered held continuously by the rural fund through the
78 sixth credit allowance date;

79 (3) The rural fund, before exiting the program in
80 accordance with sections 620.3500 to 620.3530 or prior to
81 thirty days after the sixth credit allowance date, whichever
82 is earlier, makes a distribution or payment that results in
83 the rural fund having less than one hundred percent of its
84 capital investment authority invested in qualified
85 investments in this state or held in cash or other
86 marketable securities; or

87 (4) The rural fund violates the provisions of section
88 620.3525, in which case the department may recapture an
89 amount equal to the amount of a rural fund's capital
90 investment authority found to be in violation of such
91 provisions.

92 For the purposes of meeting and maintaining the objectives
93 established for investment in subdivisions (1) and (2) of
94 this subsection, a rural fund's qualified investments shall
95 be multiplied by a factor of one and a quarter in counties
96 with less than thirty thousand in population and more than
97 thirteen thousand in population and shall be multiplied by a
98 factor of one and a half in counties with a population of

99 thirteen thousand or less according to the most recent
100 decennial census.

101 4. No recapture shall occur until the rural fund has
102 been given notice of noncompliance and afforded six months
103 from the date of such notice to cure the noncompliance
104 occurring within the first two years following the initial
105 credit allowance date and ninety days to cure noncompliance
106 thereafter.

620.3525. No eligible business that receives a
2 qualified investment under the provisions of sections
3 620.3500 to 620.3530, or any affiliates of such eligible
4 businesses, shall directly or indirectly:

5 (1) Own or have the right to acquire an ownership
6 interest in a rural fund or member or affiliate of a rural
7 fund, including, but not limited to, a holder of a capital
8 investment issued by the rural fund; or

9 (2) Loan to or invest in a rural fund or member or
10 affiliate of a rural fund, including, but not limited to, a
11 holder of a capital investment issued by a rural fund, where
12 the proceeds of such loan or investment are directly or
13 indirectly used to fund or refinance the purchase of a
14 capital investment under sections 620.3500 to 620.3530.

620.3530. 1. Rural funds shall submit a report to the
2 department within the first fifteen business days after the
3 second and third credit allowance date. The report
4 following the second credit allowance date shall provide
5 documentation as to the investment of sixty percent of the
6 purchase price of such capital investment in qualified
7 investments. The report following the third credit
8 allowance date shall provide documentation as to the
9 investment of one hundred percent of the purchase price of
10 such capital investment in qualified investments. Unless

11 previously reported pursuant to this subsection, such
12 reports shall also include:

13 (1) The name and location of each eligible business
14 receiving a qualified investment;

15 (2) Bank statements of such rural fund evidencing each
16 qualified investment;

17 (3) A copy of the written opinion of the department,
18 as provided in subsection 3 of section 620.3515, or evidence
19 that such business was an eligible business at the time of
20 such qualified investment, as applicable;

21 (4) The number of jobs created and jobs retained
22 resulting from each qualified investment;

23 (5) The average annual salary of positions described
24 in subdivision (4) of this subsection; and

25 (6) Such other information as required by the
26 department.

27 2. For all subsequent years, rural funds shall submit
28 an annual report to the department within ninety days of the
29 beginning of the calendar year during the compliance
30 period. The report shall include, but is not limited to,
31 the following:

32 (1) The number of jobs created and jobs retained as a
33 result of qualified investments;

34 (2) The average annual salary of positions described
35 in subdivision (1) of this subsection and new payroll; and

36 (3) Such other information as required by the
37 department.

38 3. The program authorized pursuant to sections
39 620.3500 to 620.3530 shall be considered a business
40 recruitment tax credit under subdivision (4) of subsection 2
41 of section 135.800, and any rural fund approved under this

42 program shall be subject to the provisions of sections
43 135.800 to 135.830.

44 4. On or after the sixth anniversary of the credit
45 allowance date, a rural fund may apply to the department to
46 exit the program and no longer be subject to regulation
47 under the provisions of sections 620.3500 to 620.3530 except
48 for de-certification and the state reimbursement amount as
49 provided in this section. Such request shall be on a form
50 developed by the department to be completed by the rural
51 fund, which shall provide information as requested by the
52 department to make its determination. The department shall
53 respond to the exit application within thirty days of
54 receipt of the completed form and all information to make
55 its determination. In evaluating the exit application, the
56 fact that no credits have been recaptured and that the rural
57 fund has not received a notice of recapture that has not
58 been cured pursuant to subsection 4 of section 620.3520
59 shall be sufficient evidence to prove that the rural fund is
60 eligible for exit. The department shall not unreasonably
61 deny, delay, or withhold its determination of an exit
62 application submitted under this subsection. If the exit
63 application is denied, the notice shall include the reasons
64 for such determination.

65 5. (1) For each calendar year in which a rural fund
66 makes or maintains a qualified investment in an eligible
67 business in this state, the fund shall determine the number
68 of new full-time employees produced at the eligible business
69 as a result of the investment. New jobs created shall be
70 computed by subtracting the number of full-time employees at
71 the eligible business on the date of the fund's initial
72 qualified investment in the eligible business from the
73 number of full-time employees at the eligible business on

74 the last day of the calendar year. If the computation
75 results in a number less than zero, the number of new jobs
76 created by the fund's qualified investment for that calendar
77 year period shall be zero.

78 (2) After a fund's application for exit is approved
79 under subsection 4 of this section, the department shall
80 calculate the state reimbursement amount. The state
81 reimbursement amount shall equal the amount by which the
82 total amount of tax credits issued to the fund exceeds the
83 product obtained by multiplying fifty percent of the rural
84 area average wage by the aggregate number of jobs created
85 resulting from such fund's qualified investments. If that
86 product is greater than the total amount of tax credits
87 issued to the fund for the qualified investments under the
88 provisions of sections 620.3500 to 620.3530, the state
89 reimbursement amount shall equal zero. The number of jobs
90 created equals the sum of jobs created as reported by the
91 fund annually pursuant to section 620.3530.

92 (3) On or after the ninth anniversary of the credit
93 allowance date, if a rural fund declines to submit an exit
94 application in accordance with subsection 4 of this section,
95 the department may determine the state reimbursement amount
96 in accordance with subdivision (1) of this subsection.

97 (4) After the state reimbursement amount is computed,
98 the fund shall not be permitted to make further
99 distributions to equity holders of the fund, including
100 investors that are equity holders of the funds, without
101 first remitting the state reimbursement amount to the
102 department.

103 6. Pursuant to section 23.253 of the Missouri sunset
104 act:

105 (1) The program authorized under sections 620.3500 to
106 620.3530 shall expire on August 28, 2028, unless
107 reauthorized by the general assembly; and

108 (2) Sections 620.3500 to 620.3530 shall terminate on
109 September first of the calendar year immediately following
110 the calendar year in which the program authorized under
111 sections 620.3500 to 620.3530 is sunset; and

112 (3) If such program is reauthorized, the program
113 authorized under sections 620.3500 to 620.3530 shall
114 automatically sunset six years after the effective date of
115 the reauthorization of sections 620.3500 to 620.3530; and

116 (4) Nothing in this subsection shall preclude a rural
117 fund that has received certified capital investment
118 authority from the department prior to the expiration of
119 sections 620.3500 to 620.3530 from issuing the capital
120 investment pursuant to that authority in accordance with
121 sections 620.3500 to 620.3530.

122 7. The department may adopt such rules, statements of
123 policy, procedures, forms, and guidelines as may be
124 necessary to carry out the provisions of sections 620.3500
125 to 620.3530. Any rule or portion of a rule, as that term is
126 defined in section 536.010, that is created under the
127 authority delegated in this section shall become effective
128 only if it complies with and is subject to all of the
129 provisions of chapter 536 and, if applicable, section
130 536.028. This section and chapter 536 are nonseverable and
131 if any of the powers vested with the general assembly
132 pursuant to chapter 536 to review, to delay the effective
133 date, or to disapprove and annul a rule are subsequently
134 held unconstitutional, then the grant of rulemaking
135 authority and any rule proposed or adopted after August 28,
136 2022, shall be invalid and void.

643.050. 1. In addition to any other powers vested in
it by law the commission shall have the following powers:

(1) Adopt, promulgate, amend and repeal rules and regulations consistent with the general intent and purposes of sections 643.010 to 643.355, chapter 536, [and] Titles V and VI of the federal Clean Air Act, as amended, 42 U.S.C. 7661[,] et seq., **and 42 U.S.C. Section 7412(r), as amended, for covered processes of agricultural stationary sources that use, store, or sell anhydrous ammonia,** including, but not limited to:

(a) Regulation of use of equipment known to be a source of air contamination;

(b) Establishment of maximum quantities of air contaminants that may be emitted from any air contaminant source; [and]

(c) Regulations necessary to enforce the provisions of Title VI of the Clean Air Act, as amended, 42 U.S.C. 7671[,] et seq., regarding any Class I or Class II substances as defined therein; **and**

(d) Regulations necessary to implement and enforce the risk management plans under 42 U.S.C. Section 7412(r), as amended, for agricultural facilities that use, store, or sell anhydrous ammonia;

(2) After holding public hearings in accordance with section 643.070, establish areas of the state and prescribe air quality standards for such areas giving due recognition to variations, if any, in the characteristics of different areas of the state which may be deemed by the commission to be relevant;

(3) (a) To require persons engaged in operations which result in air pollution to monitor or test emissions

32 and to file reports containing information relating to rate,
33 period of emission and composition of effluent;

34 (b) Require submission to the director for approval of
35 plans and specifications for any article, machine,
36 equipment, device, or other contrivance specified by
37 regulation the use of which may cause or control the
38 issuance of air contaminants; but any person responsible for
39 complying with the standards established under sections
40 643.010 to 643.355 shall determine, unless found by the
41 director to be inadequate, the means, methods, processes,
42 equipment and operation to meet the established standards;

43 (4) Hold hearings upon appeals from orders of the
44 director or from any other actions or determinations of the
45 director hereunder for which provision is made for appeal,
46 and in connection therewith, issue subpoenas requiring the
47 attendance of witnesses and the production of evidence
48 reasonably relating to the hearing;

49 (5) Enter such order or determination as may be
50 necessary to effectuate the purposes of sections 643.010 to
51 643.355. In making its orders and determinations hereunder,
52 the commission shall exercise a sound discretion in weighing
53 the equities involved and the advantages and disadvantages
54 to the person involved and to those affected by air
55 contaminants emitted by such person as set out in section
56 643.030. If any small business, as defined by section
57 643.020, requests information on what would constitute
58 compliance with the requirements of sections 643.010 to
59 643.355 or any order or determination of the department or
60 commission, the department shall respond with written
61 criteria to inform the small business of the actions
62 necessary for compliance. No enforcement action shall be
63 undertaken by the department or commission until the small

64 business has had a period of time, negotiated with the
65 department, to achieve compliance;

66 (6) Cause to be instituted in a court of competent
67 jurisdiction legal proceedings to compel compliance with any
68 final order or determination entered by the commission or
69 the director;

70 (7) Settle or compromise in its discretion, as it may
71 deem advantageous to the state, any suit for recovery of any
72 penalty or for compelling compliance with the provisions of
73 any rule;

74 (8) Develop such facts and make such investigations as
75 are consistent with the purposes of sections 643.010 to
76 643.355, and, in connection therewith, to enter or authorize
77 any representative of the department to enter at all
78 reasonable times and upon reasonable notice in or upon any
79 private or public property for the purpose of inspecting or
80 investigating any condition which the commission or director
81 shall have probable cause to believe to be an air
82 contaminant source or upon any private or public property
83 having material information relevant to said air contaminant
84 source. The results of any such investigation shall be
85 reduced to writing, and a copy thereof shall be furnished to
86 the owner or operator of the property. No person shall
87 refuse entry or access, requested for purposes of inspection
88 under this provision, to an authorized representative of the
89 department who presents appropriate credentials, nor
90 obstruct or hamper the representative in carrying out the
91 inspection. A suitably restricted search warrant, upon a
92 showing of probable cause in writing and upon oath, shall be
93 issued by any judge having jurisdiction to any such
94 representative for the purpose of enabling him to make such
95 inspection;

96 (9) Secure necessary scientific, technical,
97 administrative and operational services, including
98 laboratory facilities, by contract or otherwise, with any
99 educational institution, experiment station, or any board,
100 department, or other agency of any political subdivision or
101 state or the federal government;

102 (10) Classify and identify air contaminants; and

103 (11) Hold public hearings as required by sections
104 643.010 to 643.355.

105 2. No rule or portion of a rule promulgated under the
106 authority of this chapter shall become effective unless it
107 has been promulgated pursuant to the provisions of section
108 536.024.

109 3. The commission shall have the following duties with
110 respect to the prevention, abatement and control of air
111 pollution:

112 (1) Prepare and develop a general comprehensive plan
113 for the prevention, abatement and control of air pollution;

114 (2) Encourage voluntary cooperation by persons or
115 affected groups to achieve the purposes of sections 643.010
116 to 643.355;

117 (3) Encourage political subdivisions to handle air
118 pollution problems within their respective jurisdictions to
119 the extent possible and practicable and provide assistance
120 to political subdivisions;

121 (4) Encourage and conduct studies, investigations and
122 research;

123 (5) Collect and disseminate information and conduct
124 education and training programs;

125 (6) Advise, consult and cooperate with other agencies
126 of the state, political subdivisions, industries, other

127 states and the federal government, and with interested
128 persons or groups;

129 (7) Represent the state of Missouri in all matters
130 pertaining to interstate air pollution including the
131 negotiations of interstate compacts or agreements.

132 4. Nothing contained in sections 643.010 to 643.355
133 shall be deemed to grant to the commission or department any
134 jurisdiction or authority with respect to air pollution
135 existing solely within commercial and industrial plants,
136 works, or shops or to affect any aspect of employer-employee
137 relationships as to health and safety hazards.

138 5. Any information relating to secret processes or
139 methods of manufacture or production discovered through any
140 communication required under this section shall be kept
141 confidential.

643.079. 1. Any air contaminant source required to
2 obtain a permit issued under sections 643.010 to 643.355
3 shall pay annually beginning April 1, 1993, a fee as
4 provided herein. For the first year the fee shall be twenty-
5 five dollars per ton of each regulated air contaminant
6 emitted. Thereafter, the fee shall be set every three years
7 by the commission by rule and shall be at least twenty-five
8 dollars per ton of regulated air contaminant emitted but not
9 more than forty dollars per ton of regulated air contaminant
10 emitted in the previous calendar year. If necessary, the
11 commission may make annual adjustments to the fee by rule.
12 The fee shall be set at an amount consistent with the need
13 to fund the reasonable cost of administering sections
14 643.010 to 643.355, taking into account other moneys
15 received pursuant to sections 643.010 to 643.355. For the
16 purpose of determining the amount of air contaminant
17 emissions on which the fees authorized under this section

18 are assessed, a facility shall be considered one source
19 [under the definition of] **as described in** subsection 2 of
20 section 643.078, except that a facility with multiple
21 operating permits shall pay the emission fees authorized
22 under this section separately for air contaminants emitted
23 under each individual permit.

24 2. A source which produces charcoal from wood shall
25 pay an annual emission fee under this subsection in lieu of
26 the fee established in subsection 1 of this section. The
27 fee shall be based upon a maximum fee of twenty-five dollars
28 per ton and applied upon each ton of regulated air
29 contaminant emitted for the first four thousand tons of each
30 contaminant emitted in the amount established by the
31 commission pursuant to subsection 1 of this section, reduced
32 according to the following schedule:

33 (1) For fees payable under this subsection in the
34 years 1993 and 1994, the fee shall be reduced by one hundred
35 percent;

36 (2) For fees payable under this subsection in the
37 years 1995, 1996 and 1997, the fee shall be reduced by
38 eighty percent;

39 (3) For fees payable under this subsection in the
40 years 1998, 1999 and 2000, the fee shall be reduced by sixty
41 percent.

42 3. The fees imposed in subsection 2 of this section
43 shall not be imposed or collected after the year 2000 unless
44 the general assembly reimposes the fee.

45 4. Each air contaminant source with a permit issued
46 under sections 643.010 to 643.355 shall pay the fee for the
47 first four thousand tons of each regulated air contaminant
48 emitted each year but no air contaminant source shall pay
49 fees on total emissions of regulated air contaminants in

50 excess of twelve thousand tons in any calendar year. A
51 permitted air contaminant source which emitted less than one
52 ton of all regulated pollutants shall pay a fee equal to the
53 amount per ton set by the commission. An air contaminant
54 source which pays emission fees to a holder of a certificate
55 of authority issued pursuant to section 643.140 may deduct
56 such fees from any amount due under this section. The fees
57 imposed in this section shall not be applied to carbon oxide
58 emissions. The fees imposed in subsection 1 **of this section**
59 and this subsection shall not be applied to sulfur dioxide
60 emissions from any Phase I affected unit subject to the
61 requirements of Title IV, Section 404, of the federal Clean
62 Air Act, as amended, 42 U.S.C. Section 7651[,] et seq., any
63 sooner than January 1, 2000. The fees imposed on emissions
64 from Phase I affected units shall be consistent with and
65 shall not exceed the provisions of the federal Clean Air
66 Act, as amended, and the regulations promulgated
67 thereunder. Any such fee on emissions from any Phase I
68 affected unit shall be reduced by the amount of the service
69 fee paid by that Phase I affected unit pursuant to
70 subsection 8 of this section in that year. Any fees that
71 may be imposed on Phase I sources shall follow the
72 procedures set forth in subsection 1 **of this section** and
73 this subsection and shall not be applied retroactively.

74 5. Moneys collected under this section shall be
75 transmitted to the director of revenue for deposit in
76 appropriate subaccounts of the natural resources protection
77 fund created in section 640.220. A subaccount shall be
78 maintained for fees paid by air contaminant sources which
79 are required to be permitted under Title V of the federal
80 Clean Air Act, as amended, 42 U.S.C. Section 7661[,] et
81 seq., and used, upon appropriation, to fund activities by

82 the department to implement the operating permits program
83 authorized by Title V of the federal Clean Air Act, as
84 amended. Another subaccount shall be maintained for fees
85 paid by air contaminant sources which are not required to be
86 permitted under Title V of the federal Clean Air Act as
87 amended, and used, upon appropriation, to fund other air
88 pollution control program activities. Another subaccount
89 shall be maintained for service fees paid under subsection 8
90 of this section by Phase I affected units which are subject
91 to the requirements of Title IV, Section 404, of the federal
92 Clean Air Act Amendments of 1990 **(42 U.S.C. Section 7651c)**,
93 as amended, [42 U.S.C. Section 7651,] and used, upon
94 appropriation, to fund air pollution control program
95 activities. The provisions of section 33.080 to the
96 contrary notwithstanding, moneys in the fund shall not
97 revert to general revenue at the end of each biennium.
98 Interest earned by moneys in the subaccounts shall be
99 retained in the subaccounts. The per-ton fees established
100 under subsection 1 of this section may be adjusted annually,
101 consistent with the need to fund the reasonable costs of the
102 program, but shall not be less than twenty-five dollars per
103 ton of regulated air contaminant nor more than forty dollars
104 per ton of regulated air contaminant. The first adjustment
105 shall apply to moneys payable on April 1, 1994, and shall be
106 based upon the general price level for the twelve-month
107 period ending on August thirty-first of the previous
108 calendar year.

109 6. The department may initiate a civil action in
110 circuit court against any air contaminant source which has
111 not remitted the appropriate fees within thirty days. In
112 any judgment against the source, the department shall be
113 awarded interest at a rate determined pursuant to section

114 408.030 and reasonable attorney's fees. In any judgment
115 against the department, the source shall be awarded
116 reasonable attorney's fees.

117 7. The department shall not suspend or revoke a permit
118 for an air contaminant source solely because the source has
119 not submitted the fees pursuant to this section.

120 8. Any Phase I affected unit which is subject to the
121 requirements of Title IV, Section 404, of the federal Clean
122 Air Act **Amendments of 1990 (42 U.S.C. Section 7651c)**, as
123 amended, [42 U.S.C. Section 7651,] shall pay annually
124 beginning April 1, 1993, and terminating December 31, 1999,
125 a service fee for the previous calendar year as provided
126 herein. For the first year, the service fee shall be twenty-
127 five thousand dollars for each Phase I affected generating
128 unit to help fund the administration of sections 643.010 to
129 643.355. Thereafter, the service fee shall be annually set
130 by the commission by rule, following public hearing, based
131 on an annual allocation prepared by the department showing
132 the details of all costs and expenses upon which such fees
133 are based consistent with the department's reasonable needs
134 to administer and implement sections 643.010 to 643.355 and
135 to fulfill its responsibilities with respect to Phase I
136 affected units, but such service fee shall not exceed twenty-
137 five thousand dollars per generating unit. Any such Phase I
138 affected unit which is located on one or more contiguous
139 tracts of land with any Phase II generating unit that pays
140 fees under subsection 1 or subsection 2 of this section
141 shall be exempt from paying service fees under this
142 subsection. A "contiguous tract of land" shall be defined
143 to mean adjacent land, excluding public roads, highways and
144 railroads, which is under the control of or owned by the
145 permit holder and operated as a single enterprise.

146 9. The department of natural resources shall determine
147 the fees due pursuant to this section by the state of
148 Missouri and its departments, agencies and institutions,
149 including two- and four-year institutions of higher
150 education. The director of the department of natural
151 resources shall forward the various totals due to the joint
152 committee on capital improvements and the directors of the
153 individual departments, agencies and institutions. The
154 departments, as part of the budget process, shall annually
155 request by specific line item appropriation funds to pay
156 said fees and capital funding for projects determined to
157 significantly improve air quality. If the general assembly
158 fails to appropriate funds for emissions fees as
159 specifically requested, the departments, agencies and
160 institutions shall pay said fees from other sources of
161 revenue or funds available. The state of Missouri and its
162 departments, agencies and institutions may receive
163 assistance from the small business technical assistance
164 program established pursuant to section 643.173.

165 **10. Each retail agricultural facility that uses,**
166 **stores, or sells anhydrous ammonia that is an air**
167 **contaminant source subject to the risk management plan under**
168 **42 U.S.C. Section 7412(r), as amended, shall pay an annual**
169 **registration fee of two hundred dollars. In addition, each**
170 **retail agricultural facility that uses, stores, or sells**
171 **anhydrous ammonia shall pay an annual tonnage fee calculated**
172 **on the number of tons of anhydrous ammonia sold. The**
173 **initial retail tonnage fee shall be set at one dollar and**
174 **twenty-five cents per ton of anhydrous ammonia used or**
175 **sold. Each distributor or terminal agricultural facility**
176 **that uses, stores, or sells anhydrous ammonia that is an air**
177 **contaminant source subject to the risk management plan**

178 program 3 under 40 CFR Part 68 shall pay an annual
179 registration fee of five thousand dollars and shall not pay
180 a tonnage fee. The annual registration fees and tonnage fee
181 may be periodically revised under subsection 11 of this
182 section. However, the fees collected shall be used
183 exclusively for the purposes of administering the provisions
184 of 42 U.S.C. Section 7412(r), as amended, for such
185 agricultural facilities. Fees paid by agricultural air
186 contaminant sources that use, store, or sell anhydrous
187 ammonia for the purposes of implementing the requirements of
188 42 U.S.C. Section 7412(r), as amended, shall be deposited
189 into the anhydrous ammonia risk management plan subaccount
190 within the natural resources protection fund created in
191 section 643.245. If the funding exceeds the reasonable
192 costs to administer the programs as set forth in this
193 section, the department of natural resources shall reduce
194 fees for all registrants if the fees derived exceed the
195 reasonable cost of administering the risk management plan
196 under 42 U.S.C. Section 7412(r), as amended.

197 11. Notwithstanding any statutory fee amounts or
198 maximums to the contrary, the department of natural
199 resources may conduct a comprehensive review and propose
200 changes to the fee structure authorized by sections 643.073,
201 643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and
202 643.242 after holding stakeholder meetings in order to
203 solicit stakeholder input from each of the following
204 groups: the asbestos industry, electric utilities, mineral
205 and metallic mining and processing facilities, cement kiln
206 representatives, and any other interested industrial or
207 business entities or interested parties. The department
208 shall submit a proposed fee structure with stakeholder
209 agreement to the air conservation commission. The

210 commission shall review such recommendations at the
211 forthcoming regular or special meeting, but shall not vote
212 on the fee structure until a subsequent meeting. If the
213 commission approves, by vote of two-thirds majority or five
214 of seven commissioners, the fee structure recommendations,
215 the commission shall authorize the department to file a
216 notice of proposed rulemaking containing the recommended fee
217 structure, and after considering public comments, may
218 authorize the department to file the order of rulemaking for
219 such rule with the joint committee on administrative rules
220 pursuant to sections 536.021 and 536.024 no later than
221 December first of the same year. If such rules are not
222 disapproved by the general assembly in the manner set out
223 below, they shall take effect on January first of the
224 following calendar year and the previous fee structure shall
225 expire upon the effective date of the commission-adopted fee
226 structure. Any regulation promulgated under this subsection
227 shall be deemed to be beyond the scope and authority
228 provided in this subsection, or detrimental to permit
229 applicants, if the general assembly, within the first sixty
230 calendar days of the regular session immediately following
231 the filing of such regulation, by concurrent resolution
232 disapproves the regulation by concurrent resolution. If the
233 general assembly so disapproves any regulation filed under
234 this subsection, the commission shall continue to use the
235 previous fee structure. The authority of the commission to
236 further revise the fee structure as provided by this
237 subsection shall expire on August 28, 2024.

643.245. 1. All moneys received pursuant to sections
2 643.225 to 643.245 and any other moneys so designated shall
3 be placed in the state treasury and credited to the "Natural
4 Resources Protection Fund – Air Pollution Asbestos Fee

5 Subaccount", which is hereby created. Such moneys received
6 pursuant to sections 643.225 to 643.245 shall, subject to
7 appropriation, be used solely for the purpose of
8 administering this chapter. Any unexpended balance in such
9 fund at the end of any appropriation period shall not be
10 transferred to the general revenue fund of the state
11 treasury and shall be exempt from the provisions of section
12 33.080.

13 **2. All moneys received under subsection 10 of section**
14 **643.079 and any other moneys so designated shall be placed**
15 **in the "Natural Resources Protection Fund - Anhydrous**
16 **Ammonia Risk Management Plan Subaccount", which is hereby**
17 **created. Such moneys received under subsection 10 of**
18 **section 643.079 shall, subject to appropriation, be used**
19 **solely for the purpose of administering the provisions of**
20 **section 643.079. Any unexpended balance in such fund at the**
21 **end of any appropriation period shall not be transferred to**
22 **the general revenue fund of the state treasury and shall be**
23 **exempt from the provisions of section 33.080.**

24 **3.** The state treasurer, with the approval of the board
25 of fund commissioners, is authorized to deposit all of the
26 moneys in any of the qualified state depositories. All such
27 deposits shall be secured in such manner and shall be made
28 upon such terms and conditions as are now and may hereafter
29 be approved by law relative to state deposits. Any interest
30 received on such deposits shall be credited to the natural
31 resources protection fund – air pollution asbestos fee
32 subaccount.

2 [266.355. Unless provided for by federal
3 law, rule or regulation, the director of the
4 department of agriculture shall promulgate,
5 pursuant to chapter 536, and enforce regulations
6 setting forth minimum general standards covering
the design, construction, location,

7 installation, and operation of equipment for
8 storing, handling, transporting by tank truck,
9 tank trailer, tank car and utilizing anhydrous
10 ammonia. The provisions of this section shall
11 not apply to equipment which is in use for
12 storing anhydrous ammonia as of August 28, 2010,
13 and which is found by the department to be in
14 substantial compliance with generally accepted
15 standards of safety regarding life and
16 property. The department shall adopt the
17 minimum general safety standards for the storage
18 and handling of anhydrous ammonia set forth in
19 ANSI Standard K61.1-1999, Safety Requirements
20 for the Storage and Handling of Anhydrous
21 Ammonia; except that, ANSI Standard K61.1-1999
22 shall not be adopted by the department prior to
23 December 1, 2012. For purposes of this section,
24 "ANSI" means the American National Standards
25 Institute.]

Section B. Because immediate action is necessary to
2 promote agricultural economic opportunities in this state,
3 the repeal of section 266.355, the repeal and reenactment of
4 sections 60.301, 60.315, 60.345, 135.305, 135.686, 348.436,
5 348.500, 643.050, 643.079, and 643.245, and the enactment of
6 sections 21.915, 135.755, 135.775, 135.778, 135.1610,
7 275.357 of this act is deemed necessary for the immediate
8 preservation of the public health, welfare, peace, and
9 safety, and is hereby declared to be an emergency act within
10 the meaning of the constitution, and the repeal of section
11 266.355, the repeal and reenactment of sections 60.301,
12 60.315, 60.345, 135.305, 135.686, 348.436, 348.500, 643.050,
13 643.079, and 643.245, and the enactment of sections 21.915,
14 135.755, 135.775, 135.778, 135.1610, 275.357 of this act
15 shall be in full force and effect upon its passage and
16 approval.

✓