

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1720

101ST GENERAL ASSEMBLY

4074H.02P

DANA RADEMAN MILLER, Chief Clerk

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 fourteen new sections relating to agricultural economic opportunities, with an emergency clause.

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60.301, 60.315, 60.345, 135.305, 135.686, 266.355, 348.436, 2 348.500, 643.050, 643.079, and 643.245, RSMo, are repealed and fourteen new sections 3 enacted in lieu thereof, to be known as sections 60.301, 60.315, 60.345, 135.305, 135.686, 4 135.755, 135.775, 135.778, 275.357, 348.436, 348.500, 643.050, 643.079, and 643.245, to 5 read as follows:

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

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

8 (2) "Existent corner", a corner whose position can be identified by verifying the 9 evidence of the original monument or its accessories, or by some physical evidence described 10 in the field notes, or located by an acceptable supplemental survey record or some physical 11 evidence thereof, or by testimony. The physical evidence of a corner may have been entirely 12 obliterated but the corner will be considered existent if its position can be recovered through

EXPLANATION — Matter enclosed in bold-faced brackets [~~thus~~] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 the testimony of one or more witnesses who have a dependable knowledge of the original
14 location. A legally reestablished corner shall have the same status as an existent corner;

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

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

22 (5) "Obliterated, decayed or destroyed corner", ~~[an-existent corner]~~ **a position** at
23 whose point there are no remaining traces of the original monument or its accessories, but
24 whose location has been perpetuated by subsequent surveys, or the point may be recovered
25 beyond reasonable doubt by the acts and testimony of local residents, competent surveyors,
26 other qualified local authorities or witnesses, or by some acceptable record evidence. A
27 position that depends upon the use of collateral evidence can be accepted only if duly
28 supported, generally through proper relation to known corners, and agreement with the field
29 notes regarding distances to natural objects, stream crossings, line trees, etc., or
30 unquestionable testimony;

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

34 (7) "Proportionate measurement", a measurement of a line that gives equal relative
35 weight to all parts of the line. The excess or deficiency between two existent corners is so
36 distributed that the amount of excess or deficiency given to each interval bears the same
37 proportion to the whole difference as the record length of the interval bears to the whole
38 record distance:

39 (a) "Single proportionate measurement", a measurement of a line applied to a new
40 measurement made between known points on a line to determine one or more positions on
41 that line;

42 (b) "Double proportionate measurement", a measurement applied to a new
43 measurement made between four known corners, two each on intersecting meridional and
44 latitudinal lines, for the purpose of relating the intersection to both. ~~[The procedure is
45 described as follows: first, measurements will be made between the nearest existent corners
46 north and south of the lost corner. A temporary point will be determined to locate the latitude
47 of the lost corner on the straight line connecting the existent corners and at the proper
48 proportionate distance. Second, measurements will be made between the nearest existent
49 corners east and west of the lost corner. A temporary point will be determined to locate the~~

50 ~~longitude of the lost corner on the straight line connecting the existent corners and at the~~
51 ~~proportionate distance. Third, determine the location of the lost corner at the intersection of~~
52 ~~an east-west line through the point determining the latitude of the lost corner with a north-~~
53 ~~south line through the point determining the longitude of the lost corner.]~~ When the total
54 length of the line between the nearest existing corners was not measured in the original
55 government survey, the record distance from one existing corner to the lost corner will be
56 used instead of the proportionate distance. This exception will apply to either or both of the
57 east-west or north-south lines;

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

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

8 (1) Existent original corners shall not be disturbed. Consequently, discrepancies
9 between the new and record measurements shall not in any manner affect the measurements
10 beyond the existent corners; but the differences shall be distributed proportionately within the
11 several intervals along the line between the corners;

12 (2) Standard parallels shall be given precedence over other township exteriors, and,
13 ordinarily, the latter shall be given precedence over subdivisional lines; section corners shall
14 be located or reestablished before the position of lost quarter-section corners can be
15 determined;

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

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

22 ~~(5) [Lost standard corners shall be reestablished on a standard or correction line by~~
23 ~~single proportionate measurement on the line connecting the nearest identified standard or~~
24 ~~closing corners on opposite sides of the lost corner or corners, as the case may be;~~

25 ~~(6) All lost section and quarter-section corners on the township boundary lines shall~~
26 ~~be reestablished by single proportionate measurement between the nearest existent corners on~~

27 ~~opposite sides of the lost corner according to the conditions represented upon the original~~
 28 ~~government plat;~~

29 ~~(7)~~ **Lost corners on township exteriors, excluding corners referenced in**
 30 **subdivision (3) of this section, whether they are standard or closing corners, shall be**
 31 **reestablished by single proportionate measurement on the line connecting the next**
 32 **nearest existent standard or closing corner on opposite sides of the lost corner;**

33 **(6)** A lost interior corner of four sections shall be reestablished by double
 34 proportionate measurement;

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

38 ~~(9)~~ **(7)** All lost quarter-section corners on the section boundaries within the township
 39 shall be reestablished by single proportionate measurement between the adjoining section
 40 corners, after the section corners have been identified or reestablished; and

41 ~~[(10)~~ **(8)** Where a line has been terminated with a measurement in one direction only,
 42 a lost corner shall be reestablished by record bearing and distance, counting from the nearest
 43 regular corner, the latter having been duly identified or reestablished.

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

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

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

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

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

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

9 (3) "Meat processing modernization or expansion", constructing, improving, or
10 acquiring buildings or facilities, or acquiring equipment for meat processing including the
11 following, if used exclusively for meat processing and if acquired and placed in service in this
12 state during tax years beginning on or after January 1, 2017, but ending on or before
13 December 31, ~~2024~~ **2028**:

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

16 (b) Building additions;

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

19 (d) Livestock intake and storage equipment;

20 (e) Processing and manufacturing equipment including cutting equipment, mixers,
21 grinders, sausage stuffers, meat smokers, curing equipment, cooking equipment, pipes,
22 motors, pumps, and valves;

23 (f) Packaging and handling equipment including sealing, bagging, boxing, labeling,
24 conveying, and product movement equipment;

25 (g) Warehouse equipment including storage and curing racks;

26 (h) Waste treatment and waste management equipment including tanks, blowers,
27 separators, dryers, digesters, and equipment that uses waste to produce energy, fuel, or
28 industrial products;

29 (i) Computer software and hardware used for managing the claimant's meat
30 processing operation including software and hardware related to logistics, inventory
31 management, production plant controls, and temperature monitoring controls; and

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

35 (4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding
36 withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter
37 147;

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

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

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

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

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

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

53 4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's
54 state tax liability for the tax year for which the credit is claimed. No tax credit claimed under
55 this section shall be refundable. The tax credit shall be claimed in the tax year in which the
56 meat processing modernization or expansion expenses were paid, but any amount of credit
57 that the taxpayer is prohibited by this section from claiming in a tax year may be carried
58 forward to any of the taxpayer's four subsequent tax years. The total amount of tax credits
59 that any taxpayer may claim shall not exceed seventy-five thousand dollars per year. If two or
60 more persons own and operate the meat processing facility, each person may claim a credit
61 under this section in proportion to ~~[his or her]~~ **such person's** ownership interest; except that,
62 the aggregate amount of the credits claimed by all persons who own and operate the meat
63 processing facility shall not exceed seventy-five thousand dollars per year. The amount of tax
64 credits authorized in this section ~~[and section 135.679]~~ in a calendar year shall not exceed two
65 million dollars. Tax credits shall be issued on an as-received application basis until the
66 calendar year limit is reached. Any credits not issued in any calendar year shall expire and
67 shall not be issued in any subsequent year.

68 5. To claim the tax credit allowed under this section, the taxpayer shall submit to the
69 authority an application for the tax credit on a form provided by the authority and any
70 application fee imposed by the authority. The application shall be filed with the authority at
71 the end of each calendar year in which a meat processing modernization or expansion project
72 was completed and for which a tax credit is claimed under this section. The application shall
73 include any certified documentation, proof of meat processing modernization or expansion,
74 and any other information required by the authority. All required information obtained by the
75 authority shall be confidential and not disclosed except by court order, subpoena, or as

76 otherwise provided by law. If the taxpayer and the meat processing modernization or
77 expansion meet all criteria required by this section and approval is granted by the authority,
78 the authority shall issue a tax credit certificate in the appropriate amount. Tax credit
79 certificates issued under this section may be assigned, transferred, sold, or otherwise
80 conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax
81 credit as the original taxpayer. If a tax credit certificate is assigned, transferred, sold, or
82 otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the
83 name and address of the new owner of the tax credit certificate and the value of the tax credit.

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

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

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

94 9. The authority may promulgate rules to implement the provisions of this section.
95 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under
96 the authority delegated in this section shall become effective only if it complies with and is
97 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
98 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
99 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
100 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
101 rule proposed or adopted after August 28, 2016, shall be invalid and void.

102 10. This section shall not be subject to the Missouri sunset act, sections 23.250 to
103 23.298.

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

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

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

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

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

11 **2. For all tax years beginning on or after January 1, 2023, a retail dealer that**
12 **sells higher ethanol blend at such retail dealer's retail service station shall be allowed a**
13 **tax credit to be taken against the retail dealer's state income tax liability. The amount of**
14 **the credit shall equal five cents per gallon of higher ethanol blend sold by the retail**
15 **dealer and dispensed through metered pumps at the retail dealer's retail service station**
16 **during the tax year in which the tax credit is claimed. Tax credits authorized pursuant**
17 **to this section shall not be transferred, sold, or assigned. If the amount of the tax credit**
18 **exceeds the taxpayer's state tax liability, the difference shall not be refundable but may**
19 **be carried forward to any of the five subsequent tax years. The total amount of tax**
20 **credits authorized pursuant to this section for any given fiscal year shall not exceed five**
21 **million dollars.**

22 **3. In the event the total amount of tax credits claimed under this section exceeds**
23 **the amount of available tax credits, the tax credits shall be apportioned among all**
24 **eligible retail dealers claiming a tax credit by April fifteenth, or as directed by section**
25 **143.851, of the fiscal year in which the tax credit is claimed.**

26 **4. The tax credit allowed by this section shall be claimed by such taxpayer at the**
27 **time such taxpayer files a return and shall be applied against the income tax liability**
28 **imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to**
29 **143.265, after reduction for all other credits allowed thereon. The department may**
30 **require any documentation it deems necessary to implement the provisions of this**
31 **section.**

32 **5. The department shall promulgate rules to implement the provisions of this**
33 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
34 **created under the authority delegated in this section shall become effective only if it**
35 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
36 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
37 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
38 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
39 **then the grant of rulemaking authority and any rule proposed or adopted after August**
40 **28, 2022, shall be invalid and void.**

41 **6. Under section 23.253 of the Missouri sunset act:**

42 **(1) The provisions of this section shall automatically sunset on December 31,**
43 **2028, unless reauthorized by an act of the general assembly; and**

44 **(2) If such program is reauthorized, the program authorized under this section**
45 **shall automatically sunset twelve years after the effective date of the reauthorization of**
46 **this section; and**

47 **(3) This section shall terminate on September first of the calendar year**
48 **immediately following the calendar year in which the program authorized under this**
49 **section is sunset.**

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

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

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

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

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

18 **(5) "Distributor", a person, firm, or corporation doing business in this state**
19 **that:**

20 **(a) Produces, refines, blends, compounds, or manufactures motor fuel;**

21 **(b) Imports motor fuel into the state; or**

22 **(c) Is engaged in distribution of motor fuel;**

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

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

28 **2. For all tax years beginning on or after January 1, 2023, a retail dealer that**
29 **sells a biodiesel blend at a retail service station or a distributor that sells a biodiesel**
30 **blend directly to the final user located in this state shall be allowed a tax credit to be**

31 taken against the retail dealer or distributor's state income tax liability. The amount of
32 the credit shall be equal to:

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

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

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

44 4. In the event the total amount of tax credits claimed under this section exceeds
45 the amount of available tax credits, the tax credits shall be apportioned among all
46 eligible retail dealers and distributors claiming a tax credit by April fifteenth, or as
47 directed by section 143.851, of the fiscal year in which the tax credit is claimed.

48 5. The tax credit allowed by this section shall be claimed by such taxpayer at the
49 time such taxpayer files a return and shall be applied against the income tax liability
50 imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to
51 143.265, after reduction for all other credits allowed thereon. The department may
52 require any documentation it deems necessary to administer the provisions of this
53 section.

54 6. Notwithstanding any other provision of law to contrary, if the tax credit cap in
55 this section is not met, the remaining amount of tax credits available to claim shall be
56 applied to the tax credit in section 135.778 if the tax credit cap in section 135.778 has
57 been met.

58 7. Notwithstanding the provisions of section 32.057 to the contrary, the
59 department may work with the division of weights and measures within the department
60 of agriculture to validate that the biodiesel blend a retail dealer or distributor claims for
61 the tax credit authorized under this section contains a sufficient percentage of biodiesel
62 fuel.

63 8. The department shall promulgate rules to implement and administer the
64 provisions of this section. Any rule or portion of a rule, as that term is defined in section
65 536.010, that is created pursuant to the authority delegated in this section shall become
66 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
67 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any

68 of the powers vested with the general assembly pursuant to chapter 536 to review, to
69 delay the effective date, or to disapprove and annul a rule are subsequently held
70 unconstitutional, then the grant of rulemaking authority and any rule proposed or
71 adopted after August 28, 2022, shall be invalid and void.

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

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

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

79 (3) This section shall terminate on September first of the calendar year
80 immediately following the calendar year in which the program authorized under this
81 section is sunset. The termination of the program as described in this subsection shall
82 not be construed to preclude any qualified taxpayer who claims any benefit under any
83 program that is sunset under this subsection from claiming such benefit for all allowable
84 activities related to such claim that were completed before the program was sunset or to
85 eliminate any responsibility of the department to verify the continued eligibility of
86 qualified individuals receiving tax credits and to enforce other requirements of law that
87 applied before the program was sunset.

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

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

9 (2) "B99", a blend of ninety-nine percent biodiesel fuel that meets the most
10 recent version of the ASTM International D6751 Standard Specification for Biodiesel
11 Fuel Blend Stock with a minimum of one-tenth of one percent and maximum of one
12 percent diesel fuel that meets the most recent version of the ASTM International D975
13 Standard Specification for Diesel Fuel;

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

15 (4) "Missouri biodiesel producer", a person, firm, or corporation doing business
16 in this state that produces biodiesel fuel in this state, is registered with the United States
17 Environmental Protection Agency according to the requirements of 40 CFR Part 79,

18 **and has begun construction on such facility or has been selling biodiesel fuel produced**
19 **at such facility on or before August 28, 2022.**

20 **2. For all tax years beginning on or after January 1, 2023, a Missouri biodiesel**
21 **producer shall be allowed a tax credit to be taken against the producer's state income**
22 **tax liability. The amount of the tax credit shall be two cents per gallon of biodiesel fuel**
23 **produced by the Missouri biodiesel producer.**

24 **3. Tax credits authorized under this section shall not be transferred, sold, or**
25 **assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the**
26 **difference shall be refundable. The total amount of tax credits authorized under this**
27 **section for any given fiscal year shall not exceed four million dollars.**

28 **4. In the event the total amount of tax credits claimed under this section exceeds**
29 **the amount of available tax credits, the tax credits shall be apportioned among all**
30 **eligible Missouri biodiesel producers claiming the credit by April fifteenth, or as**
31 **directed by section 143.851, of the fiscal year in which the tax credit is claimed.**

32 **5. The tax credit authorized under this section shall be claimed by such taxpayer**
33 **at the time such taxpayer files a return and shall be applied against the income tax**
34 **liability imposed by chapter 143 after reduction for all other credits allowed thereon.**
35 **The department may require any documentation it deems necessary to administer the**
36 **provisions of this section.**

37 **6. Notwithstanding any other provision of law to contrary, if the tax credit cap in**
38 **this section is not met, the remaining amount of tax credits available to claim shall be**
39 **applied to the tax credit in section 135.775 if the tax credit cap in section 135.775 has**
40 **been met.**

41 **7. The department shall promulgate rules to implement and administer the**
42 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
43 **536.010, that is created pursuant to the authority delegated in this section shall become**
44 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
45 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
46 **of the powers vested with the general assembly pursuant to chapter 536 to review, to**
47 **delay the effective date, or to disapprove and annul a rule are subsequently held**
48 **unconstitutional, then the grant of rulemaking authority and any rule proposed or**
49 **adopted after August 28, 2022, shall be invalid and void.**

50 **8. Under section 23.253 of the Missouri sunset act:**

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

54 **(2) If such program is reauthorized, the program authorized under this section**
55 **shall automatically sunset twelve years after the effective date of the reauthorization of**
56 **this section; and**

57 **(3) This section shall terminate on September first of the calendar year**
58 **immediately following the calendar year in which the program authorized under this**
59 **section is sunset. The termination of the program as described in this subsection shall**
60 **not be construed to preclude any qualified taxpayer who claims any benefit under any**
61 **program that is sunset under this subsection from claiming such benefit for all allowable**
62 **activities related to such claim that were completed before the program was sunset, or to**
63 **eliminate any responsibility of the department to verify the continued eligibility of**
64 **qualified individuals receiving tax credits and to enforce other requirements of law that**
65 **applied before the program was sunset.**

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

2 **(1) "Commodity merchandising council" or "council", the same definition as in**
3 **section 275.300 and for soybeans shall be, as provided under the federal act, the**
4 **qualified state soybean board known as the Missouri Soybean Merchandising Council;**

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

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

12 **(4) "Net market price":**

13 **(a) Except as provided in paragraph (b) of this subdivision, the sales price or**
14 **other value received by a producer for any soybeans after adjustments for any premium**
15 **or discount based on grading or quality factors, as determined by the Secretary of**
16 **Agriculture of the United States, the director, or both; or**

17 **(b) For soybeans pledged as collateral for a loan issued under any Commodity**
18 **Credit Corporation price support loan program and, when the soybeans are forfeited by**
19 **the producer in lieu of loan repayment, the principal amount of the loan;**

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

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

26 **The state assessment shall not be in addition to the national assessment but shall**
27 **correspond to the state credit or portion of the total assessment paid to the council.**

28 **3. If the assessment under the federal act is reduced to less than one-half of one**
29 **percent or ceases to be effective, the state assessment imposed and levied under this**
30 **section shall, for as long as such assessment is reduced or no such assessment is made, be**
31 **equal to one-half of one percent of the net market price of soybeans grown within this**
32 **state less any assessment paid to the United Soybean Board under the federal act.**

33 **4. The total of such state assessment and federal assessment shall be:**

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

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

38 **5. State fees collected under this section shall be subject to the refund provision**
39 **provided under section 275.360.**

40 **6. No provision of this section shall be construed as a change to the amount of**
41 **any fee collected under section 275.350 or a major change for purposes of section**
42 **275.330.**

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

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

2 2. As used in this section, "small farmer" means a farmer who is a Missouri resident
3 and who has less than ~~[two hundred fifty]~~ **five hundred** thousand dollars in gross sales per
4 year.

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

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

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

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

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

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

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

18 6. Eligible borrowers under the program:

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

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

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

24 7. Upon approval of the family farm livestock loan by a lender under subsection 4 of
25 this section, the loan shall be submitted for approval by the agricultural and small business
26 development authority. The authority shall promulgate rules establishing eligibility under this
27 section, taking into consideration:

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

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

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

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

33 8. For eligible borrowers participating in the program, the authority shall be
34 responsible for reviewing the purchase price of any livestock to be purchased by an eligible
35 borrower under the program to determine whether the price to be paid is appropriate for the
36 type of livestock purchased. The authority may impose a one-time loan review fee of one
37 percent which shall be collected by the lender at the time of the loan and paid to the authority.

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

40 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
41 created under the authority delegated in this section shall become effective only if it complies
42 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
43 This section and chapter 536 are nonseverable and if any of the powers vested with the
44 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
45 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
46 rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid
47 and void.

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

3 (1) Adopt, promulgate, amend and repeal rules and regulations consistent with the
4 general intent and purposes of sections 643.010 to 643.355, chapter 536, ~~and~~ Titles V and VI
5 of the federal Clean Air Act, as amended, 42 U.S.C. 7661[5] et seq., **and 42 U.S.C. Section**
6 **7412(r), as amended, for covered processes of agricultural stationary sources that use,**
7 **store, or sell anhydrous ammonia,** including, but not limited to:

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

9 (b) Establishment of maximum quantities of air contaminants that may be emitted
10 from any air contaminant source; ~~and~~

11 (c) Regulations necessary to enforce the provisions of Title VI of the Clean Air Act,
12 as amended, 42 U.S.C. 7671[~~5~~] et seq., regarding any Class I or Class II substances as defined
13 therein; **and**

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

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

21 (3) (a) To require persons engaged in operations which result in air pollution to
22 monitor or test emissions and to file reports containing information relating to rate, period of
23 emission and composition of effluent;

24 (b) Require submission to the director for approval of plans and specifications for any
25 article, machine, equipment, device, or other contrivance specified by regulation the use of
26 which may cause or control the issuance of air contaminants; but any person responsible for
27 complying with the standards established under sections 643.010 to 643.355 shall determine,
28 unless found by the director to be inadequate, the means, methods, processes, equipment and
29 operation to meet the established standards;

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

34 (5) Enter such order or determination as may be necessary to effectuate the purposes
35 of sections 643.010 to 643.355. In making its orders and determinations hereunder, the
36 commission shall exercise a sound discretion in weighing the equities involved and the
37 advantages and disadvantages to the person involved and to those affected by air
38 contaminants emitted by such person as set out in section 643.030. If any small business,
39 as defined by section 643.020, requests information on what would constitute compliance
40 with the requirements of sections 643.010 to 643.355 or any order or determination of the
41 department or commission, the department shall respond with written criteria to inform the
42 small business of the actions necessary for compliance. No enforcement action shall be
43 undertaken by the department or commission until the small business has had a period of
44 time, negotiated with the department, to achieve compliance;

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

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

51 (8) Develop such facts and make such investigations as are consistent with the
52 purposes of sections 643.010 to 643.355, and, in connection therewith, to enter or authorize
53 any representative of the department to enter at all reasonable times and upon reasonable
54 notice in or upon any private or public property for the purpose of inspecting or investigating
55 any condition which the commission or director shall have probable cause to believe to be an
56 air contaminant source or upon any private or public property having material information
57 relevant to said air contaminant source. The results of any such investigation shall be reduced
58 to writing, and a copy thereof shall be furnished to the owner or operator of the property. No
59 person shall refuse entry or access, requested for purposes of inspection under this provision,
60 to an authorized representative of the department who presents appropriate credentials, nor
61 obstruct or hamper the representative in carrying out the inspection. A suitably restricted
62 search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by
63 any judge having jurisdiction to any such representative for the purpose of enabling him to
64 make such inspection;

65 (9) Secure necessary scientific, technical, administrative and operational services,
66 including laboratory facilities, by contract or otherwise, with any educational institution,
67 experiment station, or any board, department, or other agency of any political subdivision or
68 state or the federal government;

69 (10) Classify and identify air contaminants; and

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

71 2. No rule or portion of a rule promulgated under the authority of this chapter shall
72 become effective unless it has been promulgated pursuant to the provisions of section
73 536.024.

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

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

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

80 (3) Encourage political subdivisions to handle air pollution problems within their
81 respective jurisdictions to the extent possible and practicable and provide assistance to
82 political subdivisions;

83 (4) Encourage and conduct studies, investigations and research;

84 (5) Collect and disseminate information and conduct education and training
85 programs;

86 (6) Advise, consult and cooperate with other agencies of the state, political
87 subdivisions, industries, other states and the federal government, and with interested persons
88 or groups;

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

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

95 5. Any information relating to secret processes or methods of manufacture or
96 production discovered through any communication required under this section shall be kept
97 confidential.

643.079. 1. Any air contaminant source required to obtain a permit issued under
2 sections 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided
3 herein. For the first year the fee shall be twenty-five dollars per ton of each regulated air
4 contaminant emitted. Thereafter, the fee shall be set every three years by the commission by
5 rule and shall be at least twenty-five dollars per ton of regulated air contaminant emitted but
6 not more than forty dollars per ton of regulated air contaminant emitted in the previous
7 calendar year. If necessary, the commission may make annual adjustments to the fee by rule.
8 The fee shall be set at an amount consistent with the need to fund the reasonable cost of
9 administering sections 643.010 to 643.355, taking into account other moneys received
10 pursuant to sections 643.010 to 643.355. For the purpose of determining the amount of air
11 contaminant emissions on which the fees authorized under this section are assessed, a facility
12 shall be considered one source ~~[under the definition of]~~ **as described in** subsection 2 of
13 section 643.078, except that a facility with multiple operating permits shall pay the emission
14 fees authorized under this section separately for air contaminants emitted under each
15 individual permit.

16 2. A source which produces charcoal from wood shall pay an annual emission fee
17 under this subsection in lieu of the fee established in subsection 1 of this section. The fee
18 shall be based upon a maximum fee of twenty-five dollars per ton and applied upon each ton
19 of regulated air contaminant emitted for the first four thousand tons of each contaminant

20 emitted in the amount established by the commission pursuant to subsection 1 of this section,
21 reduced according to the following schedule:

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

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

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

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

30 4. Each air contaminant source with a permit issued under sections 643.010 to
31 643.355 shall pay the fee for the first four thousand tons of each regulated air contaminant
32 emitted each year but no air contaminant source shall pay fees on total emissions of regulated
33 air contaminants in excess of twelve thousand tons in any calendar year. A permitted air
34 contaminant source which emitted less than one ton of all regulated pollutants shall pay a fee
35 equal to the amount per ton set by the commission. An air contaminant source which pays
36 emission fees to a holder of a certificate of authority issued pursuant to section 643.140 may
37 deduct such fees from any amount due under this section. The fees imposed in this section
38 shall not be applied to carbon oxide emissions. The fees imposed in subsection 1 **of this**
39 **section** and this subsection shall not be applied to sulfur dioxide emissions from any Phase I
40 affected unit subject to the requirements of Title IV, Section 404, of the federal Clean Air Act,
41 as amended, 42 U.S.C. Section 7651[~~5~~] et seq., any sooner than January 1, 2000. The fees
42 imposed on emissions from Phase I affected units shall be consistent with and shall not
43 exceed the provisions of the federal Clean Air Act, as amended, and the regulations
44 promulgated thereunder. Any such fee on emissions from any Phase I affected unit shall be
45 reduced by the amount of the service fee paid by that Phase I affected unit pursuant to
46 subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources
47 shall follow the procedures set forth in subsection 1 **of this section** and this subsection and
48 shall not be applied retroactively.

49 5. Moneys collected under this section shall be transmitted to the director of revenue
50 for deposit in appropriate subaccounts of the natural resources protection fund created in
51 section 640.220. A subaccount shall be maintained for fees paid by air contaminant sources
52 which are required to be permitted under Title V of the federal Clean Air Act, as amended, 42
53 U.S.C. Section 7661[~~5~~] et seq., and used, upon appropriation, to fund activities by the
54 department to implement the operating permits program authorized by Title V of the federal
55 Clean Air Act, as amended. Another subaccount shall be maintained for fees paid by air
56 contaminant sources which are not required to be permitted under Title V of the federal Clean

57 Air Act as amended, and used, upon appropriation, to fund other air pollution control program
58 activities. Another subaccount shall be maintained for service fees paid under subsection 8 of
59 this section by Phase I affected units which are subject to the requirements of Title IV, Section
60 404, of the federal Clean Air Act Amendments of 1990 (**42 U.S.C. Section 7651c**), as
61 amended, [~~42 U.S.C. Section 7651,~~] and used, upon appropriation, to fund air pollution
62 control program activities. The provisions of section 33.080 to the contrary notwithstanding,
63 moneys in the fund shall not revert to general revenue at the end of each biennium. Interest
64 earned by moneys in the subaccounts shall be retained in the subaccounts. The per-ton fees
65 established under subsection 1 of this section may be adjusted annually, consistent with the
66 need to fund the reasonable costs of the program, but shall not be less than twenty-five dollars
67 per ton of regulated air contaminant nor more than forty dollars per ton of regulated air
68 contaminant. The first adjustment shall apply to moneys payable on April 1, 1994, and shall
69 be based upon the general price level for the twelve-month period ending on August thirty-
70 first of the previous calendar year.

71 6. The department may initiate a civil action in circuit court against any air
72 contaminant source which has not remitted the appropriate fees within thirty days. In any
73 judgment against the source, the department shall be awarded interest at a rate determined
74 pursuant to section 408.030 and reasonable attorney's fees. In any judgment against the
75 department, the source shall be awarded reasonable attorney's fees.

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

78 8. Any Phase I affected unit which is subject to the requirements of Title IV, Section
79 404, of the federal Clean Air Act **Amendments of 1990 (42 U.S.C. Section 7651c)**, as
80 amended, [~~42 U.S.C. Section 7651,~~] shall pay annually beginning April 1, 1993, and
81 terminating December 31, 1999, a service fee for the previous calendar year as provided
82 herein. For the first year, the service fee shall be twenty-five thousand dollars for each Phase
83 I affected generating unit to help fund the administration of sections 643.010 to 643.355.
84 Thereafter, the service fee shall be annually set by the commission by rule, following public
85 hearing, based on an annual allocation prepared by the department showing the details of all
86 costs and expenses upon which such fees are based consistent with the department's
87 reasonable needs to administer and implement sections 643.010 to 643.355 and to fulfill its
88 responsibilities with respect to Phase I affected units, but such service fee shall not exceed
89 twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is
90 located on one or more contiguous tracts of land with any Phase II generating unit that pays
91 fees under subsection 1 or subsection 2 of this section shall be exempt from paying service
92 fees under this subsection. A "contiguous tract of land" shall be defined to mean adjacent

93 land, excluding public roads, highways and railroads, which is under the control of or owned
94 by the permit holder and operated as a single enterprise.

95 9. The department of natural resources shall determine the fees due pursuant to this
96 section by the state of Missouri and its departments, agencies and institutions, including two-
97 and four-year institutions of higher education. The director of the department of natural
98 resources shall forward the various totals due to the joint committee on capital improvements
99 and the directors of the individual departments, agencies and institutions. The departments,
100 as part of the budget process, shall annually request by specific line item appropriation funds
101 to pay said fees and capital funding for projects determined to significantly improve air
102 quality. If the general assembly fails to appropriate funds for emissions fees as specifically
103 requested, the departments, agencies and institutions shall pay said fees from other sources of
104 revenue or funds available. The state of Missouri and its departments, agencies and
105 institutions may receive assistance from the small business technical assistance program
106 established pursuant to section 643.173.

107 10. **Each retail agricultural facility that uses, stores, or sells anhydrous ammonia**
108 **that is an air contaminant source subject to the risk management plan under 42 U.S.C.**
109 **Section 7412(r), as amended, shall pay an annual registration fee of two hundred**
110 **dollars. In addition, each retail agricultural facility that uses, stores, or sells anhydrous**
111 **ammonia shall pay an annual tonnage fee calculated on the number of tons of**
112 **anhydrous ammonia sold. The initial retail tonnage fee shall be set at one dollar and**
113 **twenty-five cents per ton of anhydrous ammonia used or sold. Each distributor or**
114 **terminal agricultural facility that uses, stores, or sells anhydrous ammonia that is an air**
115 **contaminant source subject to the risk management plan program 3 under 40 CFR Part**
116 **68 shall pay an annual registration fee of five thousand dollars and shall not pay a**
117 **tonnage fee. The annual registration fees and tonnage fee may be periodically revised**
118 **under subsection 11 of this section. However, the fees collected shall be used exclusively**
119 **for the purposes of administering the provisions of 42 U.S.C. Section 7412(r), as**
120 **amended, for such agricultural facilities. Fees paid by agricultural air contaminant**
121 **sources that use, store, or sell anhydrous ammonia for the purposes of implementing the**
122 **requirements of 42 U.S.C. Section 7412(r), as amended, shall be deposited into the**
123 **anhydrous ammonia risk management plan subaccount within the natural resources**
124 **protection fund created in section 643.245. If the funding exceeds the reasonable costs**
125 **to administer the programs as set forth in this section, the department of natural**
126 **resources shall reduce fees for all registrants if the fees derived exceed the reasonable**
127 **cost of administering the risk management plan under 42 U.S.C. Section 7412(r), as**
128 **amended.**

129 **11.** Notwithstanding any statutory fee amounts or maximums to the contrary, the
130 department of natural resources may conduct a comprehensive review and propose changes to
131 the fee structure authorized by sections 643.073, 643.075, 643.079, 643.225, 643.228,
132 643.232, 643.237, and 643.242 after holding stakeholder meetings in order to solicit
133 stakeholder input from each of the following groups: the asbestos industry, electric utilities,
134 mineral and metallic mining and processing facilities, cement kiln representatives, and any
135 other interested industrial or business entities or interested parties. The department shall
136 submit a proposed fee structure with stakeholder agreement to the air conservation
137 commission. The commission shall review such recommendations at the forthcoming regular
138 or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the
139 commission approves, by vote of two-thirds majority or five of seven commissioners, the fee
140 structure recommendations, the commission shall authorize the department to file a notice of
141 proposed rulemaking containing the recommended fee structure, and after considering public
142 comments, may authorize the department to file the order of rulemaking for such rule with the
143 joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later
144 than December first of the same year. If such rules are not disapproved by the general
145 assembly in the manner set out below, they shall take effect on January first of the following
146 calendar year and the previous fee structure shall expire upon the effective date of the
147 commission-adopted fee structure. Any regulation promulgated under this subsection shall be
148 deemed to be beyond the scope and authority provided in this subsection, or detrimental to
149 permit applicants, if the general assembly, within the first sixty calendar days of the regular
150 session immediately following the filing of such regulation, by concurrent resolution
151 disapproves the regulation by concurrent resolution. If the general assembly so disapproves
152 any regulation filed under this subsection, the commission shall continue to use the previous
153 fee structure. The authority of the commission to further revise the fee structure as provided
154 by this subsection shall expire on August 28, 2024.

643.245. 1. All moneys received pursuant to sections 643.225 to 643.245 and any
2 other moneys so designated shall be placed in the state treasury and credited to the "Natural
3 Resources Protection Fund — Air Pollution Asbestos Fee Subaccount", which is hereby
4 created. Such moneys received pursuant to sections 643.225 to 643.245 shall, subject to
5 appropriation, be used solely for the purpose of administering this chapter. Any unexpended
6 balance in such fund at the end of any appropriation period shall not be transferred to the
7 general revenue fund of the state treasury and shall be exempt from the provisions of section
8 33.080.

9 **2. All moneys received under subsection 10 of section 643.079 and any other**
10 **moneys so designated shall be placed in the "Natural Resources Protection Fund -**
11 **Anhydrous Ammonia Risk Management Plan Subaccount", which is hereby created.**

12 **Such moneys received under subsection 10 of section 643.079 shall, subject to**
13 **appropriation, be used solely for the purpose of administering the provisions of**
14 **section 643.079. Any unexpended balance in such fund at the end of any appropriation**
15 **period shall not be transferred to the general revenue fund of the state treasury and**
16 **shall be exempt from the provisions of section 33.080.**

17 **3.** The state treasurer, with the approval of the board of fund commissioners, is
18 authorized to deposit all of the moneys in any of the qualified state depositories. All such
19 deposits shall be secured in such manner and shall be made upon such terms and conditions as
20 are now and may hereafter be approved by law relative to state deposits. Any interest
21 received on such deposits shall be credited to the natural resources protection fund — air
22 pollution asbestos fee subaccount.

2 ~~[266.355. Unless provided for by federal law, rule or regulation, the~~
3 ~~director of the department of agriculture shall promulgate, pursuant to chapter~~
4 ~~536, and enforce regulations setting forth minimum general standards covering~~
5 ~~the design, construction, location, installation, and operation of equipment for~~
6 ~~storing, handling, transporting by tank truck, tank trailer, tank car and utilizing~~
7 ~~anhydrous ammonia. The provisions of this section shall not apply to~~
8 ~~equipment which is in use for storing anhydrous ammonia as of August 28,~~
9 ~~2010, and which is found by the department to be in substantial compliance~~
10 ~~with generally accepted standards of safety regarding life and property. The~~
11 ~~department shall adopt the minimum general safety standards for the storage~~
12 ~~and handling of anhydrous ammonia set forth in ANSI Standard K61.1-1999,~~
13 ~~Safety Requirements for the Storage and Handling of Anhydrous Ammonia;~~
14 ~~except that, ANSI Standard K61.1-1999 shall not be adopted by the~~
15 ~~department prior to December 1, 2012. For purposes of this section,~~
~~"ANSI" means the American National Standards Institute.]~~

2 Section B. Because immediate action is necessary to promote agricultural economic
3 opportunities in this state, section A of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and section A of this act shall be in full
6 force and effect upon its passage and approval.

✓