

SECOND REGULAR SESSION

HOUSE BILL NO. 1590

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MUNZLINGER (Sponsor), FISHER,
DOUGHERTY AND SANDER (Co-sponsors).

Read 1st time January 10, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4236L.01I

AN ACT

To repeal sections 135.800, 135.805, 142.028, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 348.430, 348.432, 348.505, 414.012, 414.032, 414.042, 414.052, 414.112, 414.122, and 414.420, RSMo, and to enact in lieu thereof twenty-five new sections relating to the administration of agriculture incentives and programs.

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

Section A. Sections 135.800, 135.805, 142.028, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 348.430, 348.432, 348.505, 414.012, 414.032, 414.042, 414.052, 414.112, 414.122, and 414.420, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 135.633, 135.800, 135.805, 142.028, 144.053, 144.063, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 348.230, 348.235, 348.430, 348.432, 348.505, 414.012, 414.032, 414.042, 414.052, 414.112, 414.122, and 414.420, to read as follows:

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

- (1) **"Authority", the Missouri agricultural and small business development authority;**
- (2) **"Eligible expenses", the actual cost to a producer of implementing odor abatement best management practices and systems necessary to achieve MELO accreditation from the department of agriculture. Eligible expenses includes the actual cost of implementing odor abatement best management practices and systems necessary**

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.

8 to meet preferred environmental practices. All eligible expenses shall be less any federal
9 or other state incentives;

10 (3) "MELO", managed environment livestock operation;

11 (4) "Odor abatement best management practices", best management practices as
12 established by the department of natural resources and the department of agriculture;

13 (5) "Preferred environmental practice", those odor abatement best management
14 practices which exceed the criteria for MELO accreditation;

15 (6) "Producer", a person, partnership, corporation, trust, or limited liability
16 company who is a Missouri resident and whose primary purpose is agriculture production;

17 (7) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo,
18 excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or otherwise due
19 under chapter 147, 148, or 153, RSMo;

20 (8) "Taxpayer", any individual or entity subject to the tax imposed in chapter 143,
21 RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the
22 tax imposed in chapter 147, 148, or 153, RSMo.

23 2. For all taxable years beginning on or after January 1, 2008, a taxpayer shall be
24 allowed a tax credit for the eligible costs of implementing odor abatement best management
25 practices and systems. The authority shall establish a managed environment livestock
26 operation odor abatement tax credit program for producers. The maximum cumulative
27 tax credit amount per taxpayer shall be equal to:

28 (1) The lesser of fifty percent of the eligible expenses for implementing odor
29 abatement best management practices and systems necessary to achieve MELO
30 accreditation from the department of agriculture and/or basic infrastructure to increase
31 the setback from the property line, or fifty thousand dollars; or

32 (2) The lesser of seventy-five percent of the eligible expenses for implementing odor
33 abatement best management practices and systems necessary to meet preferred
34 environmental practices and/or basic infrastructure to increase the setback from the
35 property line, or seventy-five thousand dollars.

36 3. If the amount of the tax credit issued exceeds the amount of the taxpayer's state
37 tax liability for the tax year for which the credit is claimed, the difference shall not be
38 refundable but may be carried back to any of the taxpayer's three prior taxable years and
39 carried forward to any of the taxpayer's five subsequent taxable years regardless of the
40 type of tax liability to which such credits are applied as authorized under subsection 4 of
41 this section. Tax credits granted under this section may be transferred, sold, or assigned.
42 Whenever a certificate of tax credit is assigned, transferred, sold, or otherwise conveyed,
43 a notarized endorsement shall be filed with the authority specifying the name and address

44 of the new owner of the tax credit or the value of the credit. The cumulative amount of tax
45 credits which may be issued under this section in any one fiscal year shall not exceed three
46 hundred thousand dollars.

47 4. Producers may receive a credit against the tax or estimated quarterly tax
48 otherwise due under chapter 143, RSMo, other than taxes withheld under sections 143.191
49 to 143.265, RSMo, or chapter 147 or 148, RSMo.

50 5. Tax credits claimed in a taxable year may be done so on a quarterly basis and
51 applied to the estimated quarterly tax otherwise due under subsection 4 of this section. If
52 a quarterly tax credit claim or series of claims contributes to causing an overpayment of
53 taxes for a taxable year, such overpayment shall not be refunded but shall be applied to the
54 next taxable year.

55 6. A producer shall submit to the authority an application for tax credit allocation
56 before any eligible expenses are expended. The authority may promulgate rules
57 establishing eligibility under this section, taking into consideration:

58 (1) The potential for significant odor reduction;

59 (2) The producer's ability to provide funding for the implementation of odor
60 abatement best management practices;

61 (3) The implementation of proven odor abatement technologies; and

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

63 7. The authority may impose a one-time application fee of one-fourth of one percent
64 which shall be collected at the time of the tax credit issuance.

65 8. Ninety percent of the tax credits authorized under this section shall initially be
66 issued to producers for MELO accreditation projects in any fiscal year. If any portion of
67 the ninety percent of tax credits offered to producers for MELO accreditation projects is
68 unused as of March first in any fiscal year, the unused portion of tax credits may be
69 offered to producers for preferred environmental practices.

70 9. If any portion of the ten percent of tax credits offered to producers for preferred
71 environmental practices projects is unused as of March first in any fiscal year, the unused
72 portion of tax credits may be offered to approved MELO accreditation projects.

73 10. Any odor abatement tax credit not issued by June thirtieth of each fiscal year
74 shall expire.

75 11. The department of agriculture shall promulgate rules to create a MELO
76 accreditation program. The program shall establish criteria for meeting MELO
77 accreditation. The provisions of subsections 1 to 10 of this section shall only become
78 effective upon the joint committee on administrative rules fulfilling its responsibilities
79 under chapter 536, RSMo, and the rules becoming effective. The joint committee on

80 **administrative rules shall notify the revisor of statutes once the rules have become effective.**
81 **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is**
82 **created under the authority delegated in this section shall become effective only if it**
83 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
84 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
85 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
86 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
87 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
88 **adopted after August 28, 2008, shall be invalid and void.**

89 **12. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

90 **(1) The provisions of the new program authorized under this section shall sunset**
91 **automatically three years after the effective date of this section unless reauthorized by an**
92 **act of the general assembly; and**

93 **(2) If such program is reauthorized, the program authorized under this section**
94 **shall sunset automatically three years after the effective date of the reauthorization of this**
95 **section; and**

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

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be
2 cited as the "Tax Credit Accountability Act of 2004".

3 2. As used in sections 135.800 to 135.830, the following terms mean:

4 (1) "Administering agency", the state agency or department charged with administering
5 a particular tax credit program, as set forth by the program's enacting statute; where no
6 department or agency is set forth, the department of revenue;

7 (2) "Agricultural tax credits", the agricultural product utilization contributor tax credit
8 created pursuant to section 348.430, RSMo, the new generation cooperative incentive tax credit
9 created pursuant to section 348.432, RSMo, **the family farm breeding livestock loan tax credit**
10 **created under section 348.505, RSMo, the qualified beef tax credit created under section**
11 **135.679**, and the wine and grape production tax credit created pursuant to section 135.700;

12 (3) "All tax credit programs", the tax credit programs included in the definitions of
13 agricultural tax credits, business recruitment tax credits, community development tax credits,
14 domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, housing
15 tax credits, redevelopment tax credits, and training and educational tax credits;

16 (4) "Business recruitment tax credits", the business facility tax credit created pursuant
17 to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created
18 pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development

19 programs created pursuant to sections 100.700 to 100.850, RSMo, the development tax credits
20 created pursuant to sections 32.100 to 32.125, RSMo, the rebuilding communities tax credit
21 created pursuant to section 135.535, and the film production tax credit created pursuant to
22 section 135.750;

23 (5) "Community development tax credits", the neighborhood assistance tax credit created
24 pursuant to sections 32.100 to 32.125, RSMo, the family development account tax credit created
25 pursuant to sections 208.750 to 208.775, RSMo, the dry fire hydrant tax credit created pursuant
26 to section 320.093, RSMo, and the transportation development tax credit created pursuant to
27 section 135.545;

28 (6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant
29 to section 135.460 and sections 620.1100 to 620.1103, RSMo, the shelter for victims of domestic
30 violence created pursuant to section 135.550, the senior citizen or disabled person property tax
31 credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit
32 created pursuant to sections 135.325 to 135.339, the maternity home tax credit created pursuant
33 to section 135.600, and the shared care tax credit created pursuant to section 660.055, RSMo;

34 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections
35 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500
36 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, RSMo,
37 the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, RSMo,
38 the research tax credit created pursuant to section 620.1039, RSMo, the small business incubator
39 tax credit created pursuant to section 620.495, RSMo, the guarantee fee tax credit created
40 pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to
41 sections 32.105 to 32.125, RSMo;

42 (8) "Environmental tax credits", the charcoal producer tax credit created pursuant to
43 section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and
44 the manufacturing and recycling flexible cellulose casing tax credit created pursuant to section
45 260.285, RSMo;

46 (9) "Housing tax credits", the neighborhood preservation tax credit created pursuant to
47 sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections
48 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to
49 32.125, RSMo;

50 (10) "Recipient", the individual or entity who is the original applicant for and who
51 receives proceeds from a tax credit program directly from the administering agency, the person
52 or entity responsible for the reporting requirements established in section 135.805;

53 (11) "Redevelopment tax credits", the historic preservation tax credit created pursuant
54 to sections 253.545 to 253.561, RSMo, the brownfield redevelopment program tax credit created

55 pursuant to sections 447.700 to 447.718, RSMo, the community development corporations tax
56 credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created
57 pursuant to subsection 6 of section 100.286, RSMo, the bond guarantee tax credit created
58 pursuant to section 100.297, RSMo, and the disabled access tax credit created pursuant to section
59 135.490;

60 (12) "Training and educational tax credits", the community college new jobs tax credit
61 created pursuant to sections 178.892 to 178.896, RSMo, the skills development account tax
62 credit created pursuant to sections 620.1400 to 620.1460, RSMo, the mature worker tax credit
63 created pursuant to section 620.1560, RSMo, and the sponsorship and mentoring tax credit
64 created pursuant to section 135.348.

135.805. 1. A recipient of a community development tax credit shall annually, for a
2 period of three years following issuance of tax credits, provide to the administering agency
3 information confirming the title and location of the corresponding project, the estimated or actual
4 time period for completion of the project, and all geographic areas impacted by the project.

5 2. A recipient of a redevelopment tax credit shall annually, for a period of three years
6 following issuance of tax credits, provide to the administering agency information confirming
7 whether the property is used for residential, commercial, or governmental purposes, and the
8 projected or actual project cost, labor cost, and date of completion.

9 3. A recipient of a business recruitment tax credit shall annually, for a period of three
10 years following issuance of tax credits, provide to the administering agency information
11 confirming the category of business by size, the address of the business headquarters and all
12 offices located within this state, the number of employees at the time of the annual update, an
13 updated estimate of the number of employees projected to increase as a result of the completion
14 of the project, and the estimated or actual project cost.

15 4. A recipient of a training and educational tax credit shall annually, for a period of three
16 years following issuance of tax credits, provide to the administering agency information
17 confirming the name and address of the educational institution used, the average salary of
18 workers served as of such annual update, the estimated or actual project cost, and the number of
19 employees and number of students served as of such annual update.

20 5. A recipient of a housing tax credit shall annually, for a period of three years following
21 issuance of tax credits, provide to the administering agency information confirming the address
22 of the property, the fair market value of the property, as defined in subsection 6 of section
23 135.802, and the projected or actual labor cost and completion date of the project.

24 6. A recipient of an entrepreneurial tax credit shall annually, for a period of three years
25 following issuance of tax credits, provide to the administering agency information confirming
26 the amount of investment and the names of the project, fund, and research project.

27 7. A recipient of an agricultural tax credit shall annually, for a period of three years
28 following issuance of tax credits, provide to the administering agency information confirming
29 the type of agricultural commodity, the amount of contribution, the type of equipment purchased,
30 and the name and description of the facility, except that if the agricultural credit is issued as a
31 result of a producer member investing in a new generation processing entity **or new generation**
32 **cooperative** then the new generation processing entity **or new generation cooperative**, and not
33 the recipient, shall annually, for a period of three years following issuance of tax credits, provide
34 to the administering agency information confirming the type of agricultural commodity, the
35 amount of contribution, the type of equipment purchased, and the name and description of the
36 facility.

37 8. A recipient of an environmental tax credit shall annually, for a period of three years
38 following issuance of tax credits, provide to the administering agency information detailing any
39 change to the type of equipment purchased, if applicable, and any change to any environmental
40 impact statement, if such statement is required by state or federal law.

41 9. The reporting requirements established in this section shall be due annually on June
42 thirtieth of each year. No person or entity shall be required to make an annual report until at least
43 one year after the credit issuance date.

44 10. Where the sole requirement for receiving a tax credit in the enabling legislation of
45 any tax credit is an obligatory assessment upon a taxpayer or a monetary contribution to a
46 particular group or entity, the reporting requirements provided in this section shall apply to the
47 recipient of such assessment or contribution and shall not apply to the assessed nor the
48 contributor.

49 11. Where the enacting statutes of a particular tax credit program or the rules of a
50 particular administering agency require reporting of information that includes the information
51 required in sections 135.802 to 135.810, upon reporting of the required information, the
52 applicant shall be deemed to be in compliance with the requirements of sections 135.802 to
53 135.810. The administering agency shall notify in writing the department of economic
54 development of the administering agency's status as custodian of any particular tax credit
55 program and that all records pertaining to the program are available at the administering agency's
56 office for review by the department of economic development.

57 12. The provisions of subsections 1 to 10 of this section shall apply beginning on June
58 30, 2005.

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

2 (1) "Fuel ethanol", [one hundred ninety-eight proof ethanol denatured in conformity with
3 the United States Bureau of Alcohol, Tobacco and Firearms' regulations and fermented and
4 distilled in a facility whose principal (over fifty percent) feed stock is cereal grain or cereal grain

5 by-products] **a fuel which meets ASTM International specification number D 4806 or**
6 **subsequent specifications for blending with gasoline for use as automotive spark-ignition**
7 **engine fuel and where the ethanol is made from cereal grains, cereal grain by-products, or**
8 **qualified biomass;**

9 (2) "Fuel ethanol blends", a mixture of ninety percent gasoline and ten percent fuel
10 ethanol in which the gasoline portion of the blend or the finished blend meets the [American
11 Society for Testing and Materials -] **ASTM International** specification number [D-439] **D 4814;**

12 (3) "Missouri qualified fuel ethanol producer", any producer of fuel ethanol whose
13 principal place of business and facility for the fermentation and distillation of fuel ethanol is
14 located within the state of Missouri and is at least fifty-one percent owned by agricultural
15 producers actively engaged in agricultural production for commercial purposes, and which has
16 made formal application, posted a bond, and conformed to the requirements of this section;

17 (4) "**Professional forester**", **any individual who holds a bachelor of science degree**
18 **in forestry from a regionally accredited college or university with a minimum of two years**
19 **of professional forest management experience;**

20 (5) "**Qualified biomass**", **any agriculture-derived organic material or any wood-**
21 **derived organic material harvested in accordance with a site specific forest management**
22 **plan focused for long-term forest sustainability developed by a professional forester and**
23 **qualified, in consultation with the conservation commission, by the Missouri agricultural**
24 **and small business development authority.**

25 2. The "Missouri Qualified Fuel Ethanol Producer Incentive Fund" is hereby created and
26 subject to appropriations shall be used to provide economic subsidies to Missouri qualified fuel
27 ethanol producers pursuant to this section. The director of the department of agriculture shall
28 administer the fund pursuant to this section.

29 3. A Missouri qualified fuel ethanol producer shall be eligible for a monthly grant from
30 the fund, except that a Missouri qualified fuel ethanol producer shall only be eligible for the
31 grant for a total of sixty months unless such producer during those sixty months failed, due to
32 a lack of appropriations, to receive the full amount from the fund for which they were eligible,
33 in which case such producers shall continue to be eligible for up to twenty-four additional
34 months or until they have received the maximum amount of funding for which they were eligible
35 during the original sixty-month time period. The amount of the grant is determined by
36 calculating the estimated gallons of qualified fuel ethanol production to be produced from
37 Missouri agricultural products **or qualified biomass** for the succeeding calendar month, as
38 certified by the department of agriculture, and applying such figure to the per-gallon incentive
39 credit established in this subsection. Each Missouri qualified fuel ethanol producer shall be
40 eligible for a total grant in any fiscal year equal to twenty cents per gallon for the first twelve and

41 one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products
42 **or qualified biomass** in the fiscal year plus five cents per gallon for the next twelve and one-half
43 million gallons of qualified fuel ethanol produced from Missouri agricultural products **or**
44 **qualified biomass** in the fiscal year. All such qualified fuel ethanol produced by a Missouri
45 qualified fuel ethanol producer in excess of twenty-five million gallons shall not be applied to
46 the computation of a grant pursuant to this subsection. The department of agriculture shall pay
47 all grants for a particular month by the fifteenth day after receipt and approval of the application
48 described in subsection 4 of this section. If actual production of qualified fuel ethanol during a
49 particular month either exceeds or is less than that estimated by a Missouri qualified fuel ethanol
50 producer, the department of agriculture shall adjust the subsequent monthly grant by paying
51 additional amount or subtracting the amount in deficiency by using the calculation described in
52 this subsection.

53 4. In order for a Missouri qualified fuel ethanol producer to obtain a grant from the fund
54 for a particular month, an application for such funds shall be received no later than fifteen days
55 prior to the first day of the month for which the grant is sought. The application shall include:

56 (1) The location of the Missouri qualified fuel ethanol producer;

57 (2) The average number of citizens of Missouri employed by the Missouri qualified fuel
58 ethanol producer in the preceding quarter, if applicable;

59 (3) The number of bushels of Missouri agricultural commodities **or green weight tons**
60 **of qualified biomass** used by the Missouri qualified fuel ethanol producer in the production of
61 fuel ethanol in the preceding quarter;

62 (4) The number of gallons of qualified fuel ethanol the producer expects to manufacture
63 during the month for which the grant is applied;

64 (5) A copy of the qualified fuel ethanol producer license required pursuant to subsection
65 5 of this section, name and address of surety company, and amount of bond to be posted pursuant
66 to subsection 5 of this section; and

67 (6) Any other information deemed necessary by the department of agriculture to
68 adequately ensure that such grants shall be made only to Missouri qualified fuel ethanol
69 producers.

70 5. The director of the department of agriculture, in consultation with the department of
71 revenue **and the department of conservation**, shall promulgate rules and regulations necessary
72 for the administration of the provisions of this section. The director shall also establish
73 procedures for bonding Missouri qualified fuel ethanol producers. Each Missouri qualified fuel
74 ethanol producer who attempts to obtain moneys pursuant to this section shall be bonded in an
75 amount not to exceed the estimated maximum monthly grant to be issued to such Missouri
76 qualified fuel ethanol producer.

77 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
78 is created under the authority delegated in this section shall become effective only if it complies
79 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
80 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
81 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
82 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
83 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
84 invalid and void.

85 **7. Beginning January 1, 2009, through December 31, 2019, the economic subsidies**
86 **provided under this section to Missouri qualified fuel ethanol producers of fuel ethanol**
87 **made from qualified biomass shall not exceed ten million dollars per year. Prior to**
88 **January 1, 2009, and after December 31, 2019, Missouri qualified fuel ethanol producers**
89 **of fuel ethanol made from qualified biomass shall be ineligible for economic subsidies**
90 **under this section.**

144.053. 1. As used in this section, "machinery and equipment" means new or used
2 **farm tractors and such other new or used machinery and equipment and repair or**
3 **replacement parts thereon, and supplies and lubricants used exclusively, solely, and**
4 **directly for the planting, harvesting, processing, or transporting of a forestry product, and**
5 **the purchase of motor fuel, as defined in section 142.800, RSMo, therefor which is used for**
6 **agricultural purposes.**

7 **2. Notwithstanding any other provision of law to the contrary, for purposes of**
8 **department of revenue administrative interpretation, all machinery and equipment used**
9 **solely for the planting, harvesting, processing, or transporting of a forestry product shall**
10 **be considered farm machinery, and shall be exempt from state and local sales and use tax,**
11 **as provided for other farm machinery in section 144.030.**

144.063. 1. In addition to all other exemptions granted under this chapter, there
2 **is also specifically exempted from the provisions of the local sales tax law as defined in**
3 **section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.761 and from**
4 **the computation of the tax levied, assessed or payable under the local sales tax law as**
5 **defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.761,**
6 **all sales of fencing materials used for agricultural purposes.**

7 **2. The provisions of this section shall expire six years from the effective date of this**
8 **act.**

260.546. 1. In the event that a hazardous substance release occurs for which a political
2 **subdivision or volunteer fire protection association as defined in section 320.300, RSMo,**
3 **provides emergency services, the person having control over a hazardous substance shall be**

4 liable for such reasonable [cleanup] **and necessary** costs incurred by the political subdivision
5 or volunteer fire protection association **while securing an emergency situation or cleaning up**
6 **any hazardous substances**. Such liability includes the cost of materials[,] **and** supplies [and
7 contractual services] actually used to secure [an] **the** emergency situation. The liability may also
8 include the cost for contractual services which are not routinely provided by the department or
9 political subdivision or volunteer fire protection association. Such liability shall not include the
10 cost of normal services which otherwise would have been provided. Such liability shall not
11 include budgeted administrative costs or the costs for duplicate services if multiple response
12 teams are requested by the department or political subdivision unless, in the opinion of the
13 department or political subdivision, duplication of service was required to protect the public
14 health and environment. [Such liability shall be established upon receipt by] **No later than sixty**
15 **days after the completion of the cleanup of the release of a hazardous substance, the**
16 **political subdivision or volunteer fire protection association shall submit to** the person
17 having control of the spilled hazardous substance [of] an itemized statement of costs provided
18 by the political subdivision. **The statement of costs shall include but not be limited to an**
19 **explanation of why the costs were reasonable and necessary. The explanation shall**
20 **describe how such costs were not duplicative, did not include costs for normal services that**
21 **would otherwise have been provided, and why contractual services, if any, were utilized**
22 **in the response to the emergency situation.**

23 2. Full payment shall be made within thirty days of receipt of the cost statement unless
24 the person having control over the hazardous substance contests the amount of the costs pursuant
25 to this section. If the person having control over the hazardous substance elects to contest the
26 payment of such costs, [he] **such person** shall file an appeal with the director within thirty days
27 of receipt of the cost statement.

28 3. Upon receipt of such an appeal, the director shall notify the parties involved of the
29 appeal and collect such evidence from the parties involved as [he] **the director** deems necessary
30 to make a determination of reasonable cleanup costs. **The burden of proof shall be on the**
31 **political subdivision or volunteer fire protection district to document and justify such costs**
32 **allowed under subsection 1 of this section.** Within [thirty] **sixty** days of notification of the
33 appeal, the director shall notify the parties of his **or her** decision. The director shall direct the
34 person having control over a hazardous substance to pay those costs [he] **the director** finds to
35 be reasonable and appropriate. The determination of the director shall become final thirty days
36 after receipt of the notice by the parties involved unless prior to such date one of the involved
37 parties files a petition for judicial review pursuant to chapter 536, RSMo.

38 4. The political subdivision or volunteer fire protection association may apply to the
39 department for reimbursement from the hazardous waste fund created in section 260.391 for the

40 costs for which the person having control over a hazardous substance shall be liable if the
41 political subdivision or volunteer fire protection association is able to demonstrate a need for
42 immediate relief for such costs and believes it will not receive prompt payment from the person
43 having control over a hazardous substance. When the liability owed to the political subdivision
44 or volunteer fire protection association by the person having control over a hazardous substance
45 is paid, the political subdivision or volunteer fire protection association shall reimburse the
46 department for any payment it has received from the hazardous waste fund. Such reimbursement
47 to a political subdivision or volunteer fire protection association by the department shall be paid
48 back to the department by the political subdivision or volunteer fire protection association within
49 that time limit imposed by the department notwithstanding failure of the person having control
50 over a hazardous substance to reimburse the political subdivision or volunteer fire protection
51 association within that time.

261.035. 1. There is hereby created in the state treasury for the use of the [marketing]
2 **agriculture business development** division of the state department of agriculture a fund to be
3 known as "The [Marketing] **Agriculture Business Development Fund**". All moneys received
4 by the state department of agriculture for marketing development from any source within the
5 state shall be deposited in the fund.

6 2. Moneys deposited in the fund shall, upon appropriation by the general assembly to the
7 state department of agriculture, be expended by the state department of agriculture [for purposes
8 of agricultural marketing development] and for no other purposes.

9 3. The unexpended balance in the [marketing] **agriculture business** development fund
10 at the end of the biennium shall not be transferred to the ordinary revenue fund of the state
11 treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating
12 to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

261.230. The director of the department of agriculture shall, for the use of the
2 [marketing] **agriculture business development** division of the department of agriculture,
3 develop and implement rules and regulations by product category for all Missouri agricultural
4 products included in the AgriMissouri marketing program.

261.235. 1. There is hereby created in the state treasury for the use of the [marketing]
2 **agriculture business development** division of the state department of agriculture a fund to be
3 known as "The [Missouri Agricultural Products Marketing Development] **AgriMissouri Fund**".
4 All moneys received by the state department of agriculture for Missouri agricultural products
5 marketing development from any source, including trademark fees, shall be deposited in the
6 fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the
7 state department of agriculture, be expended by the [marketing] **agriculture business**
8 **development** division of the state department of agriculture for promotion of Missouri

9 agricultural products under the AgriMissouri program. The unexpended balance in the [Missouri
10 agricultural products marketing development] **AgriMissouri** fund at the end of the biennium
11 shall not be transferred to the general revenue fund of the state treasury and accordingly shall be
12 exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary
13 revenue funds of the state by the state treasurer.

14 2. There is hereby created within the department of agriculture the "[Citizens']
15 **AgriMissouri** Advisory Commission for Marketing Missouri Agricultural Products". The
16 commission shall establish guidelines, and make recommendations to the director of agriculture,
17 for the use of funds appropriated by the general assembly for the [marketing] **agriculture**
18 **business development** division of the department of agriculture, and for all funds collected or
19 appropriated to the [Missouri agricultural products marketing development] **AgriMissouri** fund
20 created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of
21 the AgriMissouri trademark associated with Missouri agricultural products that have been
22 approved by the general assembly, and shall advance the following objectives:

23 (1) Increasing the impact and fostering the effectiveness of local efforts to promote
24 Missouri agricultural products;

25 (2) Enabling and encouraging expanded advertising efforts for Missouri agricultural
26 products;

27 (3) Encouraging effective, high-quality advertising projects, innovative marketing
28 strategies, and the coordination of local, regional and statewide marketing efforts;

29 (4) Providing training and technical assistance to cooperative-marketing partners of
30 Missouri agricultural products.

31 3. The commission may establish a fee structure for sellers electing to use the
32 AgriMissouri trademark associated with Missouri agricultural products. Under the fee structure:

33 (1) A seller having gross annual sales greater than two million dollars per fiscal year of
34 Missouri agricultural products which constitute the final product of a series of processes or
35 activities shall remit to the [marketing] **agriculture business development** division of the
36 department of agriculture, at such times and in such manner as may be prescribed, a trademark
37 fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of
38 products carrying the AgriMissouri trademark; and

39 (2) All sellers having gross annual sales less than or equal to two million dollars per
40 fiscal year of Missouri agricultural products which constitute the final product of a series of
41 processes or activities shall, after three years of selling Missouri agricultural products carrying
42 the AgriMissouri trademark, remit to the [marketing] **agriculture business development**
43 division of the department of agriculture, at such times and in such manner as may be prescribed,

44 a trademark fee of one-half of one percent of the aggregate amount of all of such seller's
45 wholesale sales of products carrying the AgriMissouri trademark.

46

47 All trademark fees shall be deposited to the credit of the [Missouri agricultural products
48 marketing development] **AgriMissouri** fund, created pursuant to this section.

49 4. The [marketing] **agriculture business development** division of the department of
50 agriculture is authorized to promulgate rules consistent with the guidelines and fee structure
51 established by the commission. No rule or portion of a rule shall become effective unless it has
52 been promulgated pursuant to the provisions of chapter 536, RSMo.

53 5. The commission shall consist of nine members appointed by the governor with the
54 advice and consent of the senate. One member shall be the director of the [market] **agriculture**
55 **business** development division of the department of agriculture, or his or her representative. At
56 least one member shall be a specialist in advertising; at least one member shall be a specialist
57 in agribusiness; at least one member shall be a specialist in the retail grocery business; at least
58 one member shall be a specialist in communications; at least one member shall be a specialist
59 in product distribution; at least one member shall be a family farmer with expertise in livestock
60 farming; at least one member shall be a family farmer with expertise in grain farming and at least
61 one member shall be a family farmer with expertise in organic farming. Members shall serve
62 for four-year terms, except in the first appointments three members shall be appointed for terms
63 of four years, three members shall be appointed for terms of three years and three members shall
64 be appointed for terms of two years each. Any member appointed to fill a vacancy of an
65 unexpired term shall be appointed for the remainder of the term of the member causing the
66 vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by
67 the commission.

68 6. Commission members shall receive no compensation but shall be reimbursed for
69 actual and necessary expenses incurred in the performance of their official duties on the
70 commission. The division of [market] **agriculture business** development of the department of
71 agriculture shall provide all necessary staff and support services as required by the commission
72 to hold commission meetings, to maintain records of official acts and to conduct all other
73 business of the commission. The commission shall meet quarterly and at any such time that it
74 deems necessary. Meetings may be called by the chairperson or by a petition signed by a
75 majority of the members of the commission. Ten days' notice shall be given in writing to such
76 members prior to the meeting date. A simple majority of the members of the commission shall
77 be present to constitute a quorum. Proxy voting shall not be permitted.

261.239. The [marketing] **agriculture business development** division of the department
2 of agriculture shall create an Internet web site for the purpose of fostering the marketing of
3 Missouri agricultural products over the Internet.

263.232. It shall be the duty of any person or persons, association of persons,
2 corporations, partnerships, the state highways and transportation commission, any state
3 department, any state agency, the county commissions, the township boards, school boards,
4 drainage boards, the governing bodies of incorporated cities, railroad companies and other
5 transportation companies or their authorized agents and those supervising state-owned lands:

6 (1) To control and eradicate the spread of cut-leaved teasel (*Dipsacus laciniatus*) and
7 common teasel (*Dipsacus fullonum*), which are hereby designated as noxious and dangerous
8 weeds to agriculture, by methods approved by the Environmental Protection Agency and in
9 compliance with the manufacturer's label instructions; [and]

10 (2) To control the spread of kudzu vine (*Pueraria lobata*), which is hereby designated as
11 a noxious and dangerous weed to agriculture, by methods approved by the Environmental
12 Protection Agency and in compliance and conformity with the manufacturer's label instructions;

13 **(3) To control the spread of spotted knapweed (*Centaurea biebersteinii*, including**
14 **all subspecies), which is hereby designated as a noxious and dangerous weed to agriculture,**
15 **by methods approved by the Environmental Protection Agency and in compliance and**
16 **conformity with the manufacturer's label instructions; and**

17 **(4) To control the spread of sericea lespedeza (*Lespedeza cuneata*), which is hereby**
18 **designated as a noxious and dangerous weed to agriculture, by methods approved by the**
19 **Environmental Protection Agency and in compliance and conformity with the**
20 **manufacturer's label instructions.**

265.200. The executive board of the Missouri state horticultural society shall have the
2 power and duty:

3 (1) To authorize the director to expend, within the appropriations provided therefor, a
4 designated amount of the moneys in the apple merchandising fund in the enforcement of sections
5 265.130 and 265.140, referring to the labeling of apples.

6 (2) To authorize the director to expend, within the appropriations provided therefor, a
7 reasonable amount of the moneys in the apple merchandising fund in the administration of
8 sections 265.150 to 265.180, referring to the collection of levies imposed by this chapter.

9 (3) To authorize the director to apportion, within the appropriations provided therefor,
10 a reasonable amount of the moneys in the apple merchandising fund to the [marketing]
11 **agriculture business** development fund.

12 (4) To plan and to authorize the director to conduct a campaign of education, advertising,
13 publicity and sales promotion to increase the consumption of Missouri apples and the director

14 may contract for any advertising, publicity and sales promotion service. To accomplish such
15 purpose the director shall have power and it shall be the duty of the director, within the
16 appropriations provided therefor, to disseminate information:

17 (a) Relating to apples and the importance thereof in preserving the public health, the
18 economy thereof in the diet of the people, and the importance thereof in the nutrition of children;

19 (b) Relating to the problem of furnishing the consumer at all times with a supply of good
20 quality apples at reasonable prices;

21 (c) Relating to such other, further and additional information as shall tend to promote
22 increased consumption of Missouri apples, and as may foster a better understanding and more
23 efficient cooperation between producers, dealers and the consuming public.

24 (5) To cooperate with other state, regional and national agricultural organizations and
25 may at its discretion authorize the director to expend within the appropriations provided therefor
26 moneys of the apple merchandising fund for such purposes.

**348.230. 1. The Missouri agricultural and small business development authority,
2 subject to appropriation, shall pay for the first full year of charged interest on any
3 applicable Missouri linked deposit program loan, as provided in sections 30.750 to 30.850,
4 RSMo. For the purpose of this section, the term "applicable loan" shall mean any loan
5 made and used solely for the acquisition of dairy cows and other replacement dairy
6 females.**

**7 2. The Missouri agricultural and small business development authority may charge
8 a fee for the service in subsection 1 of this section, not to exceed fifty dollars per individual.
9 Revenue generated from the fee shall be used to defray administrative costs.**

**348.235. 1. The Missouri agricultural and small business development authority,
2 subject to appropriation not to exceed fifty thousand dollars, shall develop and implement
3 dairy business planning grants as provided in this section.**

**4 2. The Missouri agricultural and small business development authority may charge
5 an application fee for the grants developed under this section, not to exceed fifty dollars
6 per application. Revenue generated from the application fee shall be used to defray the
7 cost of administering the grants.**

**8 3. Eligible applicants shall be existing or start-up dairy operations wholly located
9 in the state of Missouri that are at least fifty-one percent owned by residents of this state.**

**10 4. A single grant shall not exceed five thousand dollars or finance more than ninety
11 percent of the cost of the business plan, whichever is less.**

**12 5. Proceeds from a grant shall only be used to contract with a dairy business
13 planning professional that is approved by the Missouri agricultural and small business
14 development authority.**

15 **6. The Missouri agricultural and small business development authority may**
16 **promulgate rules establishing eligibility and award criteria under this section including,**
17 **but not limited to, the following:**

18 **(1) The potential to improve the profitability, modernization, and expansion of the**
19 **dairy operation;**

20 **(2) The education, experience, and past relevant experience of the dairy business**
21 **planning professional;**

22 **(3) The qualifications, education, and experience of the dairy owner or owners and**
23 **management team;**

24 **(4) The potential for timely near-term application of the results of the study;**

25 **(5) The potential economic benefit to the state of Missouri;**

26 **(6) Such other factors as the Missouri agricultural and small business development**
27 **authority may establish.**

28 **7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
29 **that is created under the authority delegated in this section shall become effective only if**
30 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
31 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
32 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
33 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
34 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
35 **adopted after August 28, 2008, shall be invalid and void.**

348.430. 1. The tax credit created in this section shall be known as the "Agricultural
2 Product Utilization Contributor Tax Credit".

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

4 (1) "Authority", the agriculture and small business development authority as provided
5 in this chapter;

6 (2) "Contributor", an individual, partnership, corporation, trust, limited liability
7 company, entity or person that contributes cash funds to the authority;

8 (3) "Development facility", a facility producing either a good derived from an
9 agricultural commodity or using a process to produce a good derived from an agricultural
10 product;

11 (4) "Eligible new generation cooperative", a nonprofit cooperative association formed
12 pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose
13 of operating **within this state** a development facility or a renewable fuel production facility;

14 (5) "Eligible new generation processing entity", a partnership, corporation, cooperative,
15 or limited liability company organized or incorporated pursuant to the laws of this state

16 consisting of not less than twelve members, approved by the authority, for the purpose of owning
17 or operating within this state a development facility or a renewable fuel production facility in
18 which producer members:

19 (a) Hold a majority of the governance or voting rights of the entity and any governing
20 committee;

21 (b) Control the hiring and firing of management; and

22 (c) Deliver agricultural commodities or products to the entity for processing, unless
23 processing is required by multiple entities;

24 (6) "Renewable fuel production facility", a facility producing an energy source which is
25 derived from a renewable, domestically grown, organic compound capable of powering
26 machinery, including an engine or power plant, and any by-product derived from such energy
27 source.

28 3. For all tax years beginning on or after January 1, 1999, a contributor who contributes
29 funds to the authority may receive a credit against the tax or estimated quarterly tax otherwise
30 due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to
31 143.265, RSMo, chapter 148, RSMo, chapter 147, RSMo, in an amount of up to one hundred
32 percent of such contribution. Tax credits claimed in a taxable year may be done so on a quarterly
33 basis and applied to the estimated quarterly tax pursuant to this subsection. If a quarterly tax
34 credit claim or series of claims contributes to causing an overpayment of taxes for a taxable year,
35 such overpayment shall not be refunded but shall be applied to the next taxable year. The
36 awarding of such credit shall be at the approval of the authority, based on the least amount of
37 credits necessary to provide incentive for the contributions. A contributor that receives tax
38 credits for a contribution to the authority shall receive no other consideration or compensation
39 for such contribution, other than a federal tax deduction, if applicable, and goodwill.

40 4. A contributor shall submit to the authority an application for the tax credit authorized
41 by this section on a form provided by the authority. If the contributor meets all criteria
42 prescribed by this section and the authority, the authority shall issue a tax credit certificate in the
43 appropriate amount. Tax credits issued pursuant to this section may be claimed in the taxable
44 year in which the contributor contributes funds to the authority. For all fiscal years beginning
45 on or after July 1, 2004, tax credits allowed pursuant to this section may be carried back to any
46 of the contributor's three prior tax years and may be carried forward to any of the contributor's
47 five subsequent taxable years. Tax credits issued pursuant to this section may be assigned,
48 transferred or sold and the new owner of the tax credit shall have the same rights in the credit as
49 the contributor. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise
50 conveyed, a notarized endorsement shall be filed with the authority specifying the name and
51 address of the new owner of the tax credit or the value of the credit.

52 5. The funds derived from contributions in this section shall be used for financial
53 assistance or technical assistance for the purposes provided in section 348.407 to rural
54 agricultural business concepts as approved by the authority. The authority may provide or
55 facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts,
56 but limited to two million dollars per project or the net state economic impact, whichever is less.
57 Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for
58 an amount that is the least amount necessary to cause the project to occur, as determined by the
59 authority. The authority may structure the loans, equity investments or guaranteed loans in a way
60 that facilitates the project, but also provides for a compensatory return on investment or loan
61 payment to the authority, based on the risk of the project.

62 6. In any given year, at least ten percent of the funds granted to rural agricultural business
63 concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single
64 rural agricultural business concept shall receive more than two hundred thousand dollars in grant
65 awards from the authority. Agricultural businesses owned by minority members or women shall
66 be given consideration in the allocation of funds.

 348.432. 1. The tax credit created in this section shall be known as the "New Generation
2 Cooperative Incentive Tax Credit".

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

4 (1) "Authority", the agriculture and small business development authority as provided
5 in this chapter;

6 (2) "Development facility", a facility producing either a good derived from an
7 agricultural commodity or using a process to produce a good derived from an agricultural
8 product;

9 (3) "Eligible new generation cooperative", a nonprofit cooperative association formed
10 pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose
11 of operating **within this state** a development facility or a renewable fuel production facility and
12 approved by the authority;

13 (4) "Eligible new generation processing entity", a partnership, corporation, cooperative,
14 or limited liability company organized or incorporated pursuant to the laws of this state
15 consisting of not less than twelve members, approved by the authority, for the purpose of owning
16 or operating within this state a development facility or a renewable fuel production facility in
17 which producer members:

18 (a) Hold a majority of the governance or voting rights of the entity and any governing
19 committee;

20 (b) Control the hiring and firing of management; and

21 (c) Deliver agricultural commodities or products to the entity for processing, unless
22 processing is required by multiple entities;

23 (5) "Employee-qualified capital project", an eligible new generation cooperative with
24 capital costs greater than fifteen million dollars which will employ at least sixty employees;

25 (6) "Large capital project", an eligible new generation cooperative with capital costs
26 greater than one million dollars;

27 (7) "Producer member", a person, partnership, corporation, trust or limited liability
28 company whose main purpose is agricultural production that invests cash funds to an eligible
29 new generation cooperative or eligible new generation processing entity;

30 (8) "Renewable fuel production facility", a facility producing an energy source which is
31 derived from a renewable, domestically grown, organic compound capable of powering
32 machinery, including an engine or power plant, and any by-product derived from such energy
33 source;

34 (9) "Small capital project", an eligible new generation cooperative with capital costs of
35 no more than one million dollars.

36 3. Beginning tax year 1999, and ending December 31, 2002, any producer member who
37 invests cash funds in an eligible new generation cooperative or eligible new generation
38 processing entity may receive a credit against the tax or estimated quarterly tax otherwise due
39 pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to
40 143.265, RSMo, or chapter 148, RSMo, chapter 147, RSMo, in an amount equal to the lesser of
41 fifty percent of such producer member's investment or fifteen thousand dollars.

42 4. For all tax years beginning on or after January 1, 2003, any producer member who
43 invests cash funds in an eligible new generation cooperative or eligible new generation
44 processing entity may receive a credit against the tax or estimated quarterly tax otherwise due
45 pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to
46 143.265, RSMo, chapter 147, RSMo, or chapter 148, RSMo, in an amount equal to the lesser of
47 fifty percent of such producer member's investment or fifteen thousand dollars. Tax credits
48 claimed in a taxable year may be done so on a quarterly basis and applied to the estimated
49 quarterly tax pursuant to subsection 3 of this section. If a quarterly tax credit claim or series of
50 claims contributes to causing an overpayment of taxes for a taxable year, such overpayment shall
51 not be refunded but shall be applied to the next taxable year.

52 5. A producer member shall submit to the authority an application for the tax credit
53 authorized by this section on a form provided by the authority. If the producer member meets
54 all criteria prescribed by this section and is approved by the authority, the authority shall issue
55 a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section may
56 be carried back to any of the producer member's three prior taxable years and carried forward to

57 any of the producer member's five subsequent taxable years regardless of the type of tax liability
58 to which such credits are applied as authorized pursuant to subsection 3 of this section. Tax
59 credits issued pursuant to this section may be assigned, transferred, sold or otherwise conveyed
60 and the new owner of the tax credit shall have the same rights in the credit as the producer
61 member. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise
62 conveyed, a notarized endorsement shall be filed with the authority specifying the name and
63 address of the new owner of the tax credit or the value of the credit.

64 6. Ten percent of the tax credits authorized pursuant to this section initially shall be
65 offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits
66 offered to small capital costs projects is unused in any calendar year, then the unused portion of
67 tax credits may be offered to employee-qualified capital projects and large capital projects. If
68 the authority receives more applications for tax credits for small capital projects than tax credits
69 are authorized therefor, then the authority, by rule, shall determine the method of distribution of
70 tax credits authorized for small capital projects.

71 7. Ninety percent of the tax credits authorized pursuant to this section initially shall be
72 offered in any fiscal year to employee-qualified capital projects and large capital projects. If any
73 portion of the ninety percent of tax credits offered to employee-qualified capital projects and
74 large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may
75 be offered to small capital projects. The maximum tax credit allowed per employee-qualified
76 capital project is three million dollars and the maximum tax credit allowed per large capital
77 project is one million five hundred thousand dollars. If the authority approves the maximum tax
78 credit allowed for any employee-qualified capital project or any large capital project, then the
79 authority, by rule, shall determine the method of distribution of such maximum tax credit. In
80 addition, if the authority receives more tax credit applications for employee-qualified capital
81 projects and large capital projects than the amount of tax credits authorized therefor, then the
82 authority, by rule, shall determine the method of distribution of tax credits authorized for
83 employee-qualified capital projects and large capital projects.

348.505. 1. As used in this section, "state tax liability", any state tax liability incurred
2 by a taxpayer under the provisions of chapters 143, 147, and 148, RSMo, exclusive of the
3 provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265,
4 RSMo, and related provisions.

5 2. Any eligible lender under the family farm livestock loan program under section
6 348.500 shall be entitled to receive a tax credit equal to one hundred percent of the amount of
7 interest waived by the lender under section 348.500 on a qualifying loan for the first year of the
8 loan only. The tax credit shall be evidenced by a tax credit certificate issued by the agricultural
9 and small business development authority and may be used to satisfy the state tax liability of the

10 owner of such certificate that becomes due in the tax year in which the interest on a qualified
11 loan is waived by the lender under section 348.500. No lender may receive a tax credit under
12 this section unless such person presents a tax credit certificate to the department of revenue for
13 payment of such state tax liability. The amount of the tax credits that may be issued to all
14 eligible lenders claiming tax credits authorized in this section in a fiscal year shall not exceed
15 [one] **three** hundred [fifty] thousand dollars.

16 3. The agricultural and small business development authority shall be responsible for the
17 administration and issuance of the certificate of tax credits authorized by this section. The
18 authority shall issue a certificate of tax credit at the request of any lender. Each request shall
19 include a true copy of the loan documents, the name of the lender who is to receive a certificate
20 of tax credit, the type of state tax liability against which the tax credit is to be used, and the
21 amount of the certificate of tax credit to be issued to the lender based on the interest waived by
22 the lender under section 348.500 on the loan for the first year.

23 4. The Missouri department of revenue shall accept a certificate of tax credit in lieu of
24 other payment in such amount as is equal to the lesser of the amount of the tax or the remaining
25 unused amount of the credit as indicated on the certificate of tax credit, and shall indicate on the
26 certificate of tax credit the amount of tax thereby paid and the date of such payment.

27 5. The following provisions shall apply to tax credits authorized under this section:

28 (1) Tax credits claimed in a taxable year may be claimed on a quarterly basis and applied
29 to the estimated quarterly tax of the lender;

30 (2) Any amount of tax credit which exceeds the tax due, including any estimated
31 quarterly taxes paid by the lender under subdivision (1) of this subsection which results in an
32 overpayment of taxes for a taxable year, shall not be refunded but may be carried over to any
33 subsequent taxable year, not to exceed a total of three years for which a tax credit may be taken
34 for a qualified family farm livestock loan;

35 (3) Notwithstanding any provision of law to the contrary, a lender may assign, transfer
36 or sell tax credits authorized under this section, with the new owner of the tax credit receiving
37 the same rights in the tax credit as the lender. For any tax credits assigned, transferred, sold, or
38 otherwise conveyed, a notarized endorsement shall be filed by the lender with the authority
39 specifying the name and address of the new owner of the tax credit and the value of such tax
40 credit; and

41 (4) Notwithstanding any other provision of this section to the contrary, any commercial
42 bank may use tax credits created under this section as provided in section 148.064, RSMo, and
43 receive a net tax credit against taxes actually paid in the amount of the first year's interest on
44 loans made under this section. If such first year tax credits reduce taxes due as provided in

45 section 148.064, RSMo, to zero, the remaining tax credits may be carried over as otherwise
46 provided in this section and utilized as provided in section 148.064, RSMo, in subsequent years.

414.012. As used in this chapter, the following words mean:

2 (1) "American Society for Testing and Materials (ASTM)", a scientific and technical
3 organization formed for the development of standards on characteristics and performance of
4 materials, products, systems, and services, and the promotion of related knowledge;

5 (2) "**Automotive lubricants**", **any material interposed between two surfaces that**
6 **reduces the friction or wear between them;**

7 (3) "Aviation turbine fuel (jet fuel)", a refined oil intended for use as a source of energy
8 for jet aircraft, the classification of which shall be defined by the American Society for Testing
9 and Materials (ASTM);

10 [(3)] (4) "Barrel", for the purposes of sections 414.012 to 414.152, fifty gallons shall
11 constitute a barrel;

12 [(4)] (5) "Closed container", a container so sealed by means of a lid or other device that
13 neither liquid nor vapor will escape from it at ordinary temperatures;

14 [(5)] (6) "Combustible liquid", those liquids as defined by the most current issue of
15 Booklet 30 of the National Fire Protection Association entitled Flammable and Combustible
16 Liquid Code;

17 [(6)] (7) "Container", any vessel of sixty United States gallons or less capacity used for
18 transporting or storing flammable or combustible liquids;

19 [(7)] (8) "Department", the Missouri state department of agriculture;

20 [(8)] (9) "Diesel fuel", refined oils commonly used in internal combustion engines where
21 ignited by pressure and not by electric spark, the classification of which shall be defined by the
22 American Society for Testing and Materials (ASTM);

23 [(9)] (10) "Director", the director of agriculture of the Missouri state department of
24 agriculture or his delegated representative;

25 [(10)] (11) "Flammable liquids", those liquids as defined by the most current issue of
26 Booklet 30 of the National Fire Protection Association entitled Flammable and Combustible
27 Liquid Code;

28 [(11)] (12) "Gasoline", a volatile mixture of liquid hydrocarbons generally containing
29 small amounts of additives suitable for use as a fuel in spark-ignition internal combustion
30 engines;

31 [(12)] (13) "Gasoline-alcohol blend", a blend consisting primarily of gasoline and a
32 substantial amount of one or more alcohols;

33 [(13)] (14) "Heating oil (fuel oil)", a refined oil intended for use as a furnace oil, range
34 oil or fuel oil for heating or cooking purposes;

35 [(14)] (15) "Kerosene", a refined oil intended for heating or illuminating use, the
36 classification of which shall be defined by the American Society for Testing and Materials
37 (ASTM);

38 [(15)] (16) "Motor fuel", any liquid product used for the generation of power in an
39 internal combustion engine;

40 [(16)] (17) "Person", both plural and singular, as the case demands, and includes
41 individuals, partnerships, corporations, companies, firms, societies, and associations;

42 (18) "**Petroleum products**", **products obtained from distilling and processing of**
43 **crude oil petroleum, unfinished oils, recycled oils, natural gas liquids, refinery blend**
44 **stocks, and other hydrocarbon compounds.**

414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline,
2 gasoline-alcohol blends [and] , other motor fuels, **and automotive lubricants** shall meet the
3 requirements in the annual book of ASTM standards and supplements thereto. **When no ASTM**
4 **standard exists, the department may adopt other generally recognized national consensus**
5 **standards by rule.** The director may promulgate rules and regulations on the **posting of prices**
6 **at the gas station or convenience store**, labeling, standards for, and identity of [motor] fuels
7 [and heating oils] , **petroleum products, and automotive lubricants.**

8 2. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to
9 insure that these fuels conform to advertised grade and octane. [In no event shall the penalty for
10 a first violation of this section exceed a written reprimand] **Unless it is necessary to protect the**
11 **public's health or safety, the penalty for a first violation of this section shall not exceed a**
12 **written reprimand.**

414.042. 1. When offered for sale or when used in this state, kerosene, diesel fuel,
2 heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends, and other motor fuels shall
3 be tested and meet the requirements as provided in this chapter. Every dealer, distributor,
4 producer or compounder of such oil or fuel shall immediately upon request make available to the
5 director a sample of gasoline, gasoline-alcohol blends, diesel fuel, heating oil, kerosene, aviation
6 turbine fuel, [and] other motor fuels, **and automotive lubricants** at his own expense. The
7 director shall inspect and test all requested samples for compliance with the provisions of this
8 chapter.

9 2. The director shall not be required to make a complete analysis of all samples tested
10 pursuant to subsection 1 of this section.

11 3. If it is demonstrated that some impurity or imperfection exists in the sampled product
12 to render it unfit for its intended purposes, the director may reject the product for such purposes
13 by issuing a stop-sale order.

414.052. 1. All premises including bulk storage installations, terminals, dispensing or
2 distributing facilities, equipment, appliances or devices utilized for the sale of products regulated
3 by sections 414.012 to 414.152 shall be kept in such condition as to be safe from fire and
4 explosion and not likely to cause injury to adjoining property or to the public.

5 2. The director shall have access during normal business hours to all places where motor
6 fuels **and automotive lubricants** are marketed for the purposes of examination, inspection,
7 taking of samples and investigation. If such access shall be refused by the owner or agent or
8 other persons leasing the same, the director or his agent may obtain an administrative search
9 warrant from a court of competent jurisdiction.

10 3. At least every six months, the director shall inspect and examine all premises in this
11 state at or on which gasoline, gasoline-alcohol blends, diesel fuel, heating oil, kerosene and
12 aviation turbine fuel is kept and sold at retail, provided that sales at such premises shall aggregate
13 on an average two hundred gallons or more per month, except marine installations, which shall
14 be tested and inspected at least once per year.

15 4. Failure by any owner or operator of any fuel storage or dispensing system used for the
16 sale of petroleum products to remedy any deficit or condition which is or may constitute a fire
17 or safety hazard to adjoining property or to the public may be reason for the director to issue a
18 stop use order on that portion of the fuel storage or dispensing system which constitutes the fire
19 or safety hazard. The order shall remain in effect until such time as the deficit or condition is
20 corrected. An inspection shall be performed by the director or his authorized representative
21 within one working day of notification that the deficit or condition has been corrected.

22 5. Any owner or operator of any fuel storage or dispensing system used for the sale of
23 petroleum products aggrieved by a stop use order, may within seventy-two hours after issuance
24 of such order, appeal to the director for an informal hearing to explain the facts. The hearing
25 shall be held within two working days of the receipt of the appeal, with a determination of such
26 findings by the director within twenty-four hours of the hearing. Any owner or operator
27 aggrieved by a determination of the director may appeal to the circuit court of the county in
28 which the owner or operator resides.

414.112. 1. No person shall store, sell, expose for sale, or offer for sale, gasoline, diesel
2 fuel, heating oil, kerosene, aviation turbine fuel, gasoline-alcohol blends [or] , other motor fuels,
3 **or automotive lubricants** so as to deceive or tend to deceive the purchaser as to the nature,
4 quality, and identity of the product so sold or offered for sale, or under any name whatsoever
5 except the true trade name thereof.

6 2. No person shall store, sell, expose for sale, or offer for sale, any reclaimed motor or
7 lubricating oils; except that all drums, cans, or other containers, holding such reclaimed motor
8 or lubricating oils before being offered for sale, shall have imprinted thereon, in contrasting color

9 with the other surface of the container, in letters not less than one-half inch in height, wording
10 specifying "reclaimed" motor or lubricating oil.

11 3. No person shall hinder or obstruct the director, or his delegated representative, in the
12 reasonable performance of his duties.

414.122. Every person engaged in business in this state as a common carrier or marketer
2 of fuels or petroleum products shall exhibit upon demand by the director of agriculture or the
3 director of revenue, books, papers, and records showing any shipment in, into or out of this state
4 of gasoline, diesel fuel, heating oil, kerosene [or] , aviation turbine fuel, **or automotive**
5 **lubricants**, and also any books, papers, and records showing the origin or destination of such
6 shipments, including the names and addresses of the consignors and consignees of such
7 shipments.

414.420. **1. As used in this section, the term "alternative fuel" shall have the same**
2 **meaning as in section 414.400.**

3 **2.** There is hereby created the "Missouri [Ethanol and Other Renewable Fuel Sources]
4 **Alternative Fuels** Commission" composed of [seven] **nine** members, including two members
5 of the senate of different political parties appointed by the president pro tem of the senate, two
6 members of the house of representatives of different political parties appointed by the speaker
7 of the house, and [three] **five** other persons appointed by the governor, with the advice and
8 consent of the senate. The members appointed by the governor [may include, but are not limited
9 to,] **shall be** persons engaged in [the ethanol production industry] **industries that produce**
10 **alternative fuels, wholesale alternative fuels, or retail alternative fuels**, and no more than two
11 of such members shall **represent an alternative fuel producer, retailer, or wholesaler and no**
12 **more than three of such members shall** be of the same political party. The members appointed
13 by the governor shall be appointed for a term of four years[, except that of the first members
14 appointed, one shall serve for a term of two years, one shall serve for a term of three years, and
15 one shall serve for a term of four years]. Vacancies in the membership of the commission shall
16 be filled in the same manner as the original appointments. The commission shall elect a member
17 of its own group as chairman at the first meeting, which shall be called by the governor. The
18 commission shall meet at least four times in a calendar year at the call of the chairman. [The
19 commission shall promote the continued production of ethanol and the continued usage of
20 ethanol and fuel ethanol blends, as defined in section 142.027, RSMo, and the production and
21 usage of other renewable fuel sources, in this state. The commission shall report to each regular
22 session of the general assembly its recommendations for legislation in the field of the promotion
23 of the ethanol industry and related subjects in this state.] Members of the commission shall serve
24 without compensation but shall be reimbursed for actual and necessary expenses incurred in the
25 performance of their duties.

26 **3. The commission shall:**

27 **(1) Make recommendations to the governor and general assembly on changes to**
28 **state law to facilitate the sale and distribution of alternative fuels and alternative fuel**
29 **vehicles;**

30 **(2) Promote the development, sale, distribution, and consumption of alternative**
31 **fuels;**

32 **(3) Promote the development and use of alternative fuel vehicles and technology**
33 **that will enhance the use of alternative and renewable transportation fuels;**

34 **(4) Educate consumers about alternative fuels, including but not limited to ethanol**
35 **and biodiesel;**

36 **(5) Develop a long-range plan for the state to reduce consumption of petroleum**
37 **fuels; and**

38 **(6) Submit an annual report to the governor and the general assembly.**

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