

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 665, Page 7, Section 135.686, Line 103,
2 by inserting after all of said section and line the following:

3
4 "142.041. 1. As used in this section, the following terms shall mean:

5 (1) "BTU of gaseous biofuel", British thermal unit of measurement to express the energy
6 content of fuels;

7 (2) "Gaseous biofuel", methane-based fuel derived from bio-waste material, including
8 animal waste, animal processing waste, pre and post-consumer food waste, vegetative waste
9 material, cardboard, and paper waste materials and similar materials that are produced through an
10 anaerobic digester process, with the exclusion of landfills, that is injected into the natural gas
11 pipeline grid for delivery to the market;

12 (3) "Gaseous biofuel certification", biofuel that meets commercially-acceptable natural gas
13 pipeline quality standards of the local market, that the flow meters used to determine the quantity of
14 gaseous biofuel produced are industry standard and properly calibrated by a third-party professional
15 engineer, and the readings have been taken by a qualified individual;

16 (4) "MMBTU of gaseous biofuel", one million British thermal units;

17 (5) "Missouri qualified gaseous biofuel producer", any producer of gaseous biofuel whose
18 principal place of business and facility for the anaerobic digester and biofuel upgrading is located
19 within the state of Missouri and is registered with the United States Environmental Protection
20 Agency according to the requirements of 40 CFR 79 and which has made formal application, and
21 conforms to the requirements of this section, and:

22 (a) Has registered with the department of agriculture by March 31, 2018;

23 (b) Has begun construction of the facility before July 31, 2018; and

24 (c) Has begun production of gaseous biofuel before December 31, 2018.

25 2. There is hereby created the "Missouri Qualified Gaseous Biofuel Producer Incentive
26 Fund" that shall be used to provide economic subsidies to Missouri qualified gaseous biofuel
27 producers. Upon appropriation, the director of the department of agriculture shall administer the
28 fund. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in
29 the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The
30 state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
31 interest and moneys earned on such investments shall be credited to the fund.

32 3. A Missouri qualified gaseous biofuel shall be eligible for a monthly grant from the fund
33 provided that one hundred percent of the feedstock originates in the United States. However, the
34 director may waive the feedstock requirements on an annual basis if the facility provides
35 verification that adequate feedstock is not available. A Missouri qualified gaseous biofuel producer
36 shall only be eligible for the grant for a total of sixty months unless such producers during the sixty

Standing Action Taken _____ Date _____

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months fail, due to a lack of appropriations, to receive the full amount from the fund for which the producers were eligible, in which case such producers shall continue to be eligible until they have received the maximum amount of funding for which such producers were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated BTU of qualified gaseous biofuel produced during the preceding month from feedstock, as certified by the department of agriculture, and applying such figure to the per-BTU incentive credit established in this subsection. Each Missouri qualified gaseous biofuel producer shall be eligible for a total grant in any fiscal year equal to two thousand three hundred forty-four billionths of one dollar per BTU for the first two million two hundred fifty thousand MMBTU of qualified gaseous biofuel produced from feedstock in the fiscal year. All such qualified gaseous biofuel produced by a Missouri qualified gaseous biofuel producer in excess of two million two hundred fifty thousand MMBTU shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified gaseous biofuel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the last day of the month for which the grant is sought. The application shall include:

- (1) The location of the Missouri qualified gaseous biofuel producer;
- (2) The average number of citizens of Missouri employed by the Missouri qualified gaseous biofuel producer in the preceding month, if applicable;
- (3) The number of ton equivalents of Missouri feedstock and out-of-state feedstock used by the Missouri qualified gaseous biofuel producer in the production of gaseous biofuel in the preceding month;
- (4) The number of BTU of qualified gaseous biofuel the producer manufactures during the month for which the grant is applied;
- (5) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified gaseous biofuel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

6. This section shall expire on December 31, 2018. However, Missouri qualified gaseous biofuel producers receiving any grants awarded prior to July 31, 2018, shall continue to be eligible for the remainder of the original sixty-month time period under the same terms and conditions of this section unless such producer during such sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which he or she was eligible. In such case, such producers shall continue to be eligible until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.