

SENATE SUBSTITUTE

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HOUSE BILL NO. 257

AN ACT

To repeal sections 143.121, 148.330, 348.015, 348.430, 348.432, 644.016, and 644.051, RSMo, and to enact in lieu thereof twenty-four new sections relating to agriculture, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 143.121, 148.330, 348.015, 348.430,
2 348.432, 644.016, and 644.051, RSMo, are repealed and twenty-four
3 new sections enacted in lieu thereof, to be known as sections
4 10.150, 143.121, 148.330, 261.250, 261.253, 261.256, 261.259,
5 261.262, 261.265, 261.268, 261.271, 261.277, 261.283, 261.289,
6 267.800, 348.015, 348.430, 348.432, 644.016, 644.051, 644.581,
7 644.582, 644.583, and 1, to read as follows:

8 10.150. The Missouri native grass (*Andropogon gerardii*)
9 known as "Big Bluestem" is selected for, and shall be known as,
10 the official grass of the state of Missouri.

11 143.121. 1. The Missouri adjusted gross income of a
12 resident individual shall be [his] the taxpayer's federal

1 adjusted gross income subject to the modifications in this
2 section.

3 2. There shall be added to [his] the taxpayer's federal
4 adjusted gross income:

5 (a) The amount of any federal income tax refund received
6 for a prior year which resulted in a Missouri income tax benefit;

7 (b) Interest on certain governmental obligations excluded
8 from federal gross income by Section 103 of the Internal Revenue
9 Code. The previous sentence shall not apply to interest on
10 obligations of the state of Missouri or any of its political
11 subdivisions or authorities and shall not apply to the interest
12 described in subdivision (a) of subsection 3 of this section.
13 The amount added [under] pursuant to this paragraph shall be
14 reduced by the amounts applicable to such interest that would
15 have been deductible in computing the taxable income of the
16 taxpayer except only for the application of Section 265 of the
17 Internal Revenue Code. The reduction shall only be made if it is
18 at least five hundred dollars;

19 (c) The amount of any deduction that is included in the
20 computation of federal taxable income [under] pursuant to Section
21 168 of the Internal Revenue Code as amended by the Job Creation
22 and Worker Assistance Act of 2002 to the extent the amount
23 deducted relates to property purchased on or after July 1, 2002,
24 but before July 1, 2003, and to the extent the amount deducted
25 exceeds the amount that would have been deductible [under]
26 pursuant to Section 168 of the Internal Revenue Code of 1986 as
27 in effect on January 1, 2002; and

28 (d) The amount of any deduction that is included in the

1 computation of federal taxable income for net operating loss
2 allowed by Section 172 of the Internal Revenue Code of 1986, as
3 amended, [except for any deduction] other than the deduction
4 allowed by Section 172(b)(1)(G) and Section 172(i) of the
5 Internal Revenue Code of 1986, as amended, for a net operating
6 loss the taxpayer claims in the tax year in which the net
7 operating loss occurred or carries forward for a period [not to
8 exceed] of more than twenty years and carries backward for [not]
9 more than two years.

10 3. There shall be subtracted from [his] the taxpayer's
11 federal adjusted gross income the following amounts to the extent
12 included in federal adjusted gross income:

13 (a) Interest or dividends on obligations of the United
14 States and its territories and possessions or of any authority,
15 commission or instrumentality of the United States to the extent
16 exempt from Missouri income taxes [under] pursuant to the laws of
17 the United States. The amount subtracted [under] pursuant to
18 this paragraph shall be reduced by any interest on indebtedness
19 incurred to carry the described obligations or securities and by
20 any expenses incurred in the production of interest or dividend
21 income described in this paragraph. The reduction in the
22 previous sentence shall only apply to the extent that such
23 expenses including amortizable bond premiums are deducted in
24 determining [his] the taxpayer's federal adjusted gross income or
25 included in [his] the taxpayer's Missouri itemized deduction.
26 The reduction shall only be made if the expenses total at least
27 five hundred dollars;

28 (b) The portion of any gain, from the sale or other

1 disposition of property having a higher adjusted basis to the
2 taxpayer for Missouri income tax purposes than for federal income
3 tax purposes on December 31, 1972, that does not exceed such
4 difference in basis. If a gain is considered a long-term capital
5 gain for federal income tax purposes, the modification shall be
6 limited to one-half of such portion of the gain;

7 (c) The amount necessary to prevent the taxation [under
8 sections 143.011 to 143.996] pursuant to chapter 143 of any
9 annuity or other amount of income or gain which was properly
10 included in income or gain and was taxed [under] pursuant to the
11 laws of Missouri for a taxable year prior to January 1, 1973, to
12 the taxpayer, or to a decedent by reason of whose death the
13 taxpayer acquired the right to receive the income or gain, or to
14 a trust or estate from which the taxpayer received the income or
15 gain;

16 (d) Accumulation distributions received by a taxpayer as a
17 beneficiary of a trust to the extent that the same are included
18 in federal adjusted gross income;

19 (e) The amount of any state income tax refund for a prior
20 year which was included in the federal adjusted gross income;

21 (f) The portion of capital gain specified in [subsection 3
22 of section 144.747] section 135.357, RSMo, that would otherwise
23 be included in federal adjusted gross income; and

24 (g) The amount that would have been deducted in the
25 computation of federal taxable income [under] pursuant to Section
26 168 of the Internal Revenue Code as in effect on January 1, 2002,
27 to the extent that amount relates to property purchased on or
28 after July 1, 2002, but before July 1, 2003, and to the extent

1 that amount exceeds the amount actually deducted [under] pursuant
2 to Section 168 of the Internal Revenue Code as amended by the Job
3 Creation and Worker Assistance Act of 2002.

4 4. There shall be added to or subtracted from [his] the
5 taxpayer's federal adjusted gross income the taxpayer's share of
6 the Missouri fiduciary adjustment provided in section 143.351.

7 5. There shall be added to or subtracted from [his] the
8 taxpayer's federal adjusted gross income the modifications
9 provided in section 143.411.

10 148.330. 1. Every such company shall, on or before the
11 first day of March in each year, make a return, verified by the
12 affidavit of its president and secretary, or other authorized
13 officers, to the director of the department of insurance stating
14 the amount of all premiums received on account of policies issued
15 in this state by the company, whether in cash or in notes, during
16 the year ending on the thirty-first day of December, next
17 preceding. Upon receipt of such returns the director of the
18 department of insurance shall verify the same and certify the
19 amount of tax due from the various companies on the basis and at
20 the rates provided in section 148.320, and shall certify the same
21 to the director of revenue together with the amount of the
22 quarterly installments to be made as provided in subsection 2 of
23 this section, on or before the thirtieth day of April of each
24 year.

25 2. Beginning January 1, 1983, the amount of the tax due for
26 that calendar year and each succeeding calendar year thereafter
27 shall be paid in four approximately equal estimated quarterly
28 installments, and a fifth reconciling installment. The first

1 four installments shall be based upon the tax for the immediately
2 preceding taxable year ending on the thirty-first day of
3 December, next preceding. The quarterly installments shall be
4 made on the first day of March, the first day of June, the first
5 day of September and the first day of December. Immediately
6 after receiving certification from the director of the department
7 of insurance of the amount of tax due from the various companies
8 the director of revenue shall notify and assess each company the
9 amount of taxes on its premiums for the calendar year ending on
10 the thirty-first day of December, next preceding. The director
11 of revenue shall also notify and assess each company the amount
12 of the estimated quarterly installments to be made for the
13 calendar year. If the amount of the actual tax due for any year
14 exceeds the total of the installments made for such year, the
15 balance of the tax due shall be paid on the first day of June of
16 the year following, together with the regular quarterly payment
17 due at that time. If the total amount of the tax actually due is
18 less than the total amount of the installments actually paid, the
19 amount by which the amount paid exceeds the amount due shall be
20 credited against the tax for the following year and deducted from
21 the quarterly installment otherwise due on the first day of June.
22 If the March first quarterly installment made by a company is
23 less than the amount assessed by the director of revenue, the
24 difference will be due on June first, but no interest will accrue
25 to the state on the difference unless the amount paid by the
26 company is less than eighty percent of one-fourth of the total
27 amount of tax assessed by the director of revenue for the
28 immediately preceding taxable year. The state treasurer, upon

1 receiving the moneys paid as a tax upon such premiums to the
2 director of revenue, shall place the moneys to the credit of a
3 fund to be known as "The County Stock Insurance Fund", which is
4 hereby created and established.

5 3. If the estimated quarterly tax installments are not so
6 paid, the director of revenue shall certify such fact to the
7 director of the division of insurance who shall thereafter
8 suspend such delinquent company or companies from the further
9 transaction of business in this state until such taxes shall be
10 paid and such companies shall be subject to the provisions of
11 sections 148.410 to 148.461.

12 4. On or before the first day of September of each year the
13 commissioner of administration shall apportion all moneys in the
14 county stock insurance fund to the general revenue fund of the
15 state, to the county treasurer and to the treasurer of the school
16 district in which the principal office of the company paying the
17 same is located. All premium tax credits described in sections
18 135.500 to 135.529, RSMo, and sections 348.430 and 348.432, RSMo,
19 shall only reduce the amounts apportioned to the general revenue
20 fund of the state and shall not reduce any moneys apportioned to
21 the treasurer of the school district in which the principal
22 office of the company paying the same is located. Apportionments
23 shall be made in the same ratio which the rates of levy for the
24 same year for state purposes, for county purposes, and for all
25 school district purposes, bear to each other; provided that any
26 proceeds from such tax for prior years remaining on hand in the
27 hands of the county collector or county treasurer undistributed
28 [on the effective date of sections 148.310 to 148.460] and any

1 proceeds of such tax for prior years collected thereafter shall
2 be distributed and paid in accordance with the provisions of such
3 sections. Whenever the word "county" occurs herein it shall be
4 construed to include the city of St. Louis.

5 261.250. Sections 261.250 to 261.289 shall be known and may
6 be cited as the "Growers' District Authorization Act".

7 261.253. As used in sections 261.250 to 261.289, the
8 following terms shall mean:

9 (1) "Clerk", the clerk or other official of the
10 municipality or county who is the custodian of the official
11 records of the municipality or county;

12 (2) "District" or "growers' district", a district organized
13 pursuant to sections 261.250 to 261.289;

14 (3) "Federal government", the United States of America or
15 any agency or instrumentality, corporate or otherwise, of the
16 United States of America;

17 (4) "Municipality", any incorporated city, town, or village
18 in the state;

19 (5) "Person", any individual, firm, partnership,
20 corporation, company, association, joint stock association, or
21 body politic; and shall include any trustee, receiver, assignee,
22 or other similar representative thereof;

23 (6) "Public body", the state or any municipality, county
24 township, board, commission, authority, district, or any other
25 subdivision of the state;

26 (7) "Real property", all lands, including improvements and
27 fixtures thereon, and property of any nature appurtenant thereto,
28 or used in connection therewith, and every estate, interest and

1 right, legal or equitable, therein, including terms for years and
2 liens by way of judgment, mortgage or otherwise and the
3 indebtedness secured by such liens.

4 261.256. 1. It is hereby established that growers'
5 districts may be voluntarily created by Missouri producers
6 raising agricultural crops for food, feed, industrial and
7 pharmaceutical uses, to be known by the name established by the
8 creators of the growers' district. Nothing in sections 261.250
9 to 261.289 shall force any private property owner to participate
10 in a growers' district.

11 2. Upon organization, each district shall file with the
12 clerk of the circuit court in the county in which the majority of
13 the district is located and shall adopt bylaws addressing
14 governance of the district, expansion of the district to include
15 new members, and the exercise of any other powers necessary to
16 effectuate the purposes of sections 261.250 to 261.289.

17 261.259. 1. The members of a district shall elect a board
18 of commissioners of such district which shall consist of five
19 commissioners.

20 2. All commissioners of a district shall be owners or
21 operators of land used for the cultivation of commercial crops
22 within the physical boundaries of the district.

23 3. Commissioners shall be appointed for a term of office of
24 four years except that all vacancies shall be filled for the
25 unexpired term.

26 261.262. 1. The powers vested in each district pursuant to
27 sections 261.250 to 261.289 shall be exercised by the board of
28 commissioners thereof. A majority of the commissioners shall

1 constitute a quorum of such board for the purpose of conducting
2 business and exercising the powers of the authority and for all
3 other purposes. Action may be taken by the board upon a vote of
4 a majority of the commissioners present, unless in any case the
5 bylaws of the authority shall require a larger number. Meetings
6 of the board of an authority may be held anywhere within the
7 perimeter boundaries of the area of operation of the authority.

8 2. The commissioners of an authority shall elect a chairman
9 from among the commissioners. A district may employ attorneys,
10 engineers, agronomists, technical experts and such other
11 officers, agents and employees, permanent and temporary, as it
12 may require, and shall determine their qualifications, duties and
13 compensation. A district may delegate to one or more of its
14 agents or employees such powers or duties as it may deem proper.

15 261.265. A commissioner of a district shall receive no
16 compensation for his or her services, but shall be entitled to
17 the necessary expenses, including traveling expenses, incurred in
18 the discharge of his or her duties. Each commissioner shall hold
19 office until such successor has been appointed and qualified.

20 261.268. For inefficiency or neglect of duty or misconduct
21 in office, a commissioner of a district may be removed by a
22 majority of the board of commissioners, excluding the
23 commissioner at issue, but a commissioner shall be removed only
24 after a hearing at which the commissioner at issue is present and
25 given an opportunity to be heard.

26 261.271. 1. A district shall have all the powers necessary
27 or convenient to carry out and effectuate the purposes and
28 provisions of sections 261.250 to 261.289 including the following

1 powers in addition to other granted herein:

2 (1) To sue and to be sued;

3 (2) To have a seal and to alter the same at pleasure;

4 (3) To have perpetual succession;

5 (4) To make and execute contracts and other instruments
6 necessary or convenient to the exercise of the powers of the
7 authority;

8 (5) To make, and from time to time, amend and repeal
9 bylaws, rules and regulations not inconsistent with sections
10 261.250 to 261.289 to carry out the provisions of sections;

11 (6) Adopt regulations;

12 (7) Assess charges and penalties as may be necessary to
13 effectuate the purpose of sections 261.250 to 261.289 and
14 according to the regulations established by the district;

15 (8) Within its area of operation, to purchase, lease,
16 obtain options upon, acquire by gift, grant, bequest, devise, or
17 otherwise, any real or personal property or any interest therein,
18 including fee simple absolute title, together with any
19 improvements thereon, necessary or incidental to its purposes, to
20 hold, improve, or clear any such property; to sell, lease,
21 exchange, transfer, assign, subdivide, retain for its own use,
22 mortgage, pledge, hypothecate or otherwise encumber or dispose of
23 any real or personal property or any interest therein; to enter
24 into contracts with public agencies containing covenants,
25 restrictions and conditions regarding the use of such property
26 for the district's purposes and such other covenants,
27 restrictions and conditions as the district may deem necessary to
28 effectuate the purposes of sections 261.250 to 261.289; to make

1 any of the covenants, restrictions, or conditions of the
2 foregoing contracts running with the land, and to provide
3 appropriate remedies for any breach of any such covenants, or
4 conditions, including the right in the authority to terminate
5 such contracts and any interest in the property created pursuant
6 thereto; to insure or provide for the insurance of any real or
7 personal property or operations of authority against any risks or
8 hazards, including the power to pay premiums on any such
9 insurance; and to enter into contracts necessary to effectuate
10 the purposes of sections 261.250 to 261.289; provided, however,
11 that no statutory provision with respect to the acquisition,
12 clearance or disposition of property by other public bodies shall
13 restrict an authority or other public bodies exercising powers
14 pursuant to this section, in such functions, unless the general
15 assembly shall specifically so state;

16 (9) To invest any funds held in reserves or sinking funds
17 or any funds not required for immediate disbursement, in property
18 or securities in which savings banks may legally invest funds
19 subject to their control;

20 (10) To borrow money and to apply for and accept advances,
21 loans, grants, contributions and any other form of financial
22 assistance from the federal government, the state, county,
23 municipality or other public body or from any sources public or
24 private, for the purposes of sections 261.250 to 261.289, to give
25 such security as may be required and to enter into and carry out
26 contracts in connection therewith;

27 (11) Acting through one or more commissioners or other
28 persons designated by the authority, to conduct examinations and

1 investigations and to hear testimony and take proof under oath at
2 public or private hearings on any matter material for its
3 information; to administer oaths; to make available to
4 appropriate agencies, including those charged with the duty of
5 abating or requiring the correction of nuisances or like
6 conditions, its findings and recommendations with regard to any
7 building or property where conditions exist which are dangerous
8 to the public health, safety, or welfare;

9 (12) To make such expenditures as may be necessary to carry
10 out the purposes of sections 261.250 to 261.289; and

11 (13) To exercise all powers or parts or combinations of
12 powers necessary, convenient or appropriate to undertake and
13 carry out all the powers herein granted.

14 2. A grower district incorporated under the provisions of
15 sections 261.250 to 261.289, shall be dissolved if, at any time
16 the majority of owners the acres of land within said district,
17 petition the circuit court, where said district was incorporated,
18 for a dissolution thereof.

19 261.277. For the purpose of aiding and cooperating with a
20 district, any public body may, upon such terms, with reasonable
21 consideration, as it may determine:

22 (1) Dedicate, sell, convey or lease any of its interest in
23 any property, or grant easements, licenses or any other rights or
24 privileges therein to a district;

25 (2) Cause administrative and other services to be furnished
26 to the authority of the character which the public body is
27 otherwise empowered to undertake or furnish for the same or other
28 purposes;

1 (3) Do any and all things necessary or convenient to aid
2 and cooperate in the planning or carrying out the purposes of a
3 district;

4 (4) Lend, grant or contribute funds to a district;

5 (5) Employ any funds belonging to or within the control of
6 such public body, including funds derived from the sale or
7 furnishing of property, service, or facilities to a district; and

8 (6) Enter into agreements with a district representing
9 action to be taken by such public body pursuant to any of the
10 powers granted by sections 261.250 to 261.289.

11 261.283. Any two or more districts may join or cooperate
12 with one another in the exercise of any or all of the powers
13 conferred hereby to effectuate the purposes of sections 261.250
14 to 261.289.

15 261.289. The powers conferred by sections 261.250 to
16 261.289 shall be in addition and supplemental to the powers
17 conferred by any other law.

18 267.800. Interstate and intrastate movement of animals
19 pursuant to the health and management of privately owned domestic
20 and exotic ungulates within the state of the Missouri shall be
21 under the jurisdiction and control of the Missouri department of
22 agriculture. Any costs associated with inspections by the
23 department pursuant to this section shall be at the expense of
24 the owner.

25 348.015. As used in sections 348.005 to 348.225, the
26 following terms shall mean:

27 (1) "Agricultural development loan", a loan for the
28 acquisition, construction, improvement, or rehabilitation of

1 agricultural property;

2 (2) "Agricultural property", any land and easements and
3 real and personal property, including, but not limited to,
4 buildings, structures, improvements, equipment, and livestock,
5 which is used or is to be used in Missouri by Missouri residents
6 for:

7 (a) The operation of a farm or ranch;

8 (b) Planting, cultivating, or harvesting cereals, natural
9 fibers, fruits, vegetables, or trees;

10 (c) Grazing, feeding, or the care of livestock, poultry, or
11 fish;

12 (d) Dairy production;

13 (e) Storing, transporting, or processing farm and ranch
14 products, including, without limitation, facilities such as grain
15 elevators, cotton gins, shipping heads, livestock pens,
16 warehouses, wharfs, docks, creameries, or feed plants; and

17 (f) Supplying and conserving water, draining or irrigating
18 land, collecting, treating, and disposing of liquid and solid
19 waste, or controlling pollution, as needed for the operations set
20 out in this subdivision;

21 (3) "Authority", the Missouri agricultural and small
22 business development authority organized pursuant to the
23 provisions of sections 348.005 to 348.180;

24 (4) "Bonds", any bonds, notes, debentures, interim
25 certificates, bond, grant, or revenue anticipation notes, or any
26 other evidences of indebtedness;

27 (5) "Borrower", any individual, partnership, corporation,
28 including a corporation or other entity organized pursuant to

1 section 274.220, RSMo, firm, cooperative, association, trust,
2 estate, political subdivision, state agency, or other legal
3 entity or its representative executing a note or other evidence
4 of a loan;

5 (6) "Eligible borrower", a borrower qualifying for an
6 agricultural development loan, a small business development loan,
7 or a small business pollution control facility loan under such
8 criteria and priorities as may be established in rules of the
9 authority or in procedural manuals issued thereunder for the
10 purpose of directing the use of available loan funds on the basis
11 of need for and value of each loan for the maintenance of the
12 agricultural economy or small business and on the meeting of
13 pollution control objectives and assuring conformity with
14 conditions established by insurers or guarantors of loans and the
15 preservation of the security of bonds or notes issued to finance
16 the loan;

17 (7) "Insurer" or "guarantor", the Farmers Home
18 Administration of the Department of Agriculture of the United
19 States, the United States Small Business Administration, or any
20 other or successor agency or instrumentality of the United States
21 having power, or any insurance company qualified under Missouri
22 law, to insure or guarantee the payment of agricultural
23 development loans, small business development loans, or small
24 business pollution control facility loans and interest thereon,
25 or any portion thereof;

26 (8) "Lender", any state or national bank, federal land
27 bank, production credit association, bank for cooperatives,
28 federal or state- chartered savings and loan association or

1 building and loan association or small business investment
2 company that is subject to credit examination by an agency of the
3 state or federal government, or any other lending institution
4 approved by the insurer or guarantor of an agricultural
5 development loan, small business development loan, or small
6 business pollution control facility loan which undertakes to make
7 or service such a loan;

8 (9) "Pollution", any form of environmental pollution
9 including, but not limited to, water pollution, air pollution,
10 land pollution, solid waste pollution, thermal pollution,
11 radiation contamination, or noise pollution;

12 (10) "Pollution control facility" or "facilities", any
13 land, interest in land, building, structure, facility, system,
14 fixture, improvement, appurtenance, machinery, equipment, or any
15 combination thereof, and all real and personal property deemed
16 necessary therewith, having to do with, or the end purpose of
17 which is, reducing, controlling, or preventing pollution;

18 (11) "Small business", those enterprises which, at the time
19 of their application to the authority, meet the criteria, as
20 interpreted and applied by the authority, for definition as a
21 "small business" established for the Small Business
22 Administration and set forth in Section 121.301 of Part 121 of
23 Title 13 of the Code of Federal Regulations;

24 (12) "Small business development loan", a loan for the
25 acquisition, construction, improvement, or rehabilitation of
26 property owned or to be acquired by a small business as defined
27 herein;

28 (13) "Small business pollution control facility loan", a

1 loan for the acquisition, construction, improvement, or
2 rehabilitation of a pollution control facility or facilities by a
3 small business;

4 (14) "Value added agricultural products", any product or
5 products that are the result of:

6 (a) Using an agricultural product grown in this state to
7 produce another agricultural product grown in this state;

8 (b) A change in the physical state or form of the original
9 agricultural product;

10 (c) An agricultural product grown in this state whose value
11 has been enhanced by special production methods such as
12 organically-grown products; or

13 (d) A physical segregation of a commodity or agricultural
14 product grown in this state that enhances its value such as
15 identity preserved marketing systems.

16 348.430. 1. The tax credit created in this section shall
17 be known as the "Agricultural Product Utilization Contributor Tax
18 Credit".

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

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

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

25 (3) "Development facility", a facility producing either a
26 good derived from an agricultural commodity or using a process to
27 produce a good derived from an agricultural product;

28 (4) "Eligible new generation cooperative", a nonprofit

1 cooperative association formed pursuant to chapter 274, RSMo, or
2 incorporated pursuant to chapter 357, RSMo, for the purpose of
3 operating a development facility or a renewable fuel production
4 facility;

5 (5) "Eligible new generation processing entity", a
6 partnership, corporation, cooperative, or limited liability
7 company organized or incorporated pursuant to the laws of this
8 state consisting of not less than twelve members, approved by the
9 authority, for the purpose of owning or operating within this
10 state a development facility or a renewable fuel production
11 facility in which producer members:

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

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

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

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

23 3. For all tax [year] years beginning on or after January
24 1, 1999, a contributor who contributes funds to the authority may
25 receive a credit against the tax otherwise due pursuant to
26 chapter 143, RSMo, other than taxes withheld pursuant to sections
27 143.191 to 143.265, RSMo, chapter 148, RSMo, chapter 147, RSMo,
28 in an amount of up to one hundred percent of such contribution.

1 The awarding of such credit shall be at the approval of the
2 authority, based on the least amount of credits necessary to
3 provide incentive for the contributions. A contributor that
4 receives tax credits for a contribution to the authority shall
5 receive no other consideration or compensation for such
6 contribution, other than a federal tax deduction, if applicable,
7 and goodwill. A contributor that receives tax credits for a
8 contribution provided in this section may not be a member, owner,
9 investor or lender of an eligible new generation cooperative or
10 eligible new generation processing entity that receives financial
11 assistance from the authority either at the time the contribution
12 is made or for a period of two years thereafter.

13 4. A contributor shall submit to the authority an
14 application for the tax credit authorized by this section on a
15 form provided by the authority. If the contributor meets all
16 criteria prescribed by this section and the authority, the
17 authority shall issue a tax credit certificate in the appropriate
18 amount. Tax credits issued pursuant to this section [shall
19 initially] may be claimed in the taxable year in which the
20 contributor contributes funds to the authority. [Any amount of
21 credit that exceeds the tax due for a contributor's taxable year]
22 Tax credits allowed pursuant to this section may immediately be
23 carried back to any of the contributor's three prior tax years
24 and may be carried forward to any of the contributor's five
25 subsequent taxable years. Tax credits issued pursuant to this
26 section may be assigned, transferred or sold. Whenever a
27 certificate of tax credit is assigned, transferred, sold or
28 otherwise conveyed, a notarized endorsement shall be filed with

1 the authority specifying the name and address of the new owner of
2 the tax credit or the value of the credit.

3 5. The funds derived from contributions in this section
4 shall be used for financial assistance or technical assistance
5 for the purposes provided in section 348.407, to rural
6 agricultural business concepts as approved by the authority. The
7 authority may provide or facilitate loans, equity investments, or
8 guaranteed loans for rural agricultural business concepts, but
9 limited to two million dollars per project or the net state
10 economic impact, whichever is less. Loans, equity investments or
11 guaranteed loans may only be provided to feasible projects, and
12 for an amount that is the least amount necessary to cause the
13 project to occur, as determined by the authority. The authority
14 may structure the loans, equity investments or guaranteed loans
15 in a way that facilitates the project, but also provides for a
16 compensatory return on investment or loan payment to the
17 authority, based on the risk of the project.

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

25 348.432. 1. The tax credit created in this section shall
26 be known as the "New Generation Cooperative Incentive Tax
27 Credit".

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

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

3 (2) "Development facility", a facility producing either a
4 good derived from an agricultural commodity or using a process to
5 produce a good derived from an agricultural product;

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

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

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

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

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

24 (5) "Employee-qualified capital project", an eligible new
25 generation cooperative with capital costs greater than fifteen
26 million dollars which will employ at least [one hundred] sixty
27 employees;

28 (6) "Large capital project", an eligible new generation

1 cooperative with capital costs greater than one million dollars;

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

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

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

15 3. Beginning tax year 1999, and ending December 31, 2002,
16 any producer member who invests cash funds in an eligible new
17 generation cooperative or eligible new generation processing
18 entity may receive a credit against the tax otherwise due
19 pursuant to chapter 143, RSMo, other than taxes withheld pursuant
20 to sections 143.191 to 143.265, RSMo, or chapter 148, RSMo,
21 chapter 147, RSMo, in an amount equal to the lesser of fifty
22 percent of such producer member's investment or fifteen thousand
23 dollars.

24 4. For all tax years beginning on or after January 1, 2003,
25 any producer member who invests cash funds in an eligible new
26 generation cooperative or eligible new generation processing
27 entity may receive a credit against the tax otherwise due
28 pursuant to chapter 143, RSMo, other than taxes withheld pursuant

1 to sections 143.191 to 143.265, RSMo, chapter 147, RSMo, or
2 chapter 148, RSMo, in an amount equal to the lesser of fifty
3 percent of such producer member's investment or fifteen thousand
4 dollars.

5 5. A producer member shall submit to the authority an
6 application for the tax credit authorized by this section on a
7 form provided by the authority. If the producer member meets all
8 criteria prescribed by this section and is approved by the
9 authority, the authority shall issue a tax credit certificate in
10 the appropriate amount. Tax credits issued pursuant to this
11 section [shall initially be claimed in the taxable year in which
12 the producer member contributes capital to an eligible new
13 generation cooperative or eligible new generation processing
14 entity. Any amount of credit that exceeds the tax due for a
15 producer member's taxable year] may be carried back to any of the
16 producer member's three prior taxable years and carried forward
17 to any of the producer member's five subsequent taxable years
18 regardless of the type of tax liability to which such credits are
19 applied as authorized pursuant to subsection 3 of this section.

20 Tax credits issued pursuant to this section may be assigned,
21 transferred, sold or otherwise conveyed and the new owner of the
22 tax credit shall have the same rights in the credit as the
23 producer member. Whenever a certificate of tax credit is
24 assigned, transferred, sold or otherwise conveyed, a notarized
25 endorsement shall be filed with the authority specifying the name
26 and address of the new owner of the tax credit or the value of
27 the credit.

28 6. Ten percent of the tax credits authorized pursuant to

1 this section initially shall be offered in any fiscal year to
2 small capital projects. If any portion of the ten percent of tax
3 credits offered to small capital costs projects is unused in any
4 calendar year, then the unused portion of tax credits may be
5 offered to employee-qualified capital projects and large capital
6 projects. If the authority receives more applications for tax
7 credits for small capital projects than tax credits are
8 authorized therefor, then the authority, by rule, shall determine
9 the method of distribution of tax credits authorized for small
10 capital projects.

11 7. Ninety percent of the tax credits authorized pursuant to
12 this section initially shall be offered in any fiscal year to
13 employee-qualified capital projects and large capital projects.
14 If any portion of the ninety percent of tax credits offered to
15 employee-qualified capital projects and large capital costs
16 projects is unused in any fiscal year, then the unused portion of
17 tax credits may be offered to small capital projects. The
18 maximum tax credit allowed per employee-qualified capital project
19 is three million dollars and the maximum tax credit allowed per
20 large capital project is one million five hundred thousand
21 dollars. If the authority approves the maximum tax credit
22 allowed for any employee-qualified capital project or any large
23 capital project, then the authority, by rule, shall determine the
24 method of distribution of such maximum tax credit. In addition,
25 if the authority receives more tax credit applications for
26 employee-qualified capital projects and large capital projects
27 than the amount of tax credits authorized therefor, then the
28 authority, by rule, shall determine the method of distribution of

1 tax credits authorized for employee-qualified capital projects
2 and large capital projects.

3 644.016. When used in sections 644.006 to 644.141 and in
4 standards, rules and regulations promulgated pursuant to sections
5 644.006 to 644.141, the following words and phrases mean:

6 (1) "Aquaculture facility", a hatchery, fish farm, or other
7 facility used for the production of aquatic animals that is
8 required to have a permit pursuant to the federal Clean Water
9 Act, as amended, 33 U.S.C. 1251 et seq.;

10 (2) "Commission", the clean water commission of the state
11 of Missouri created in section 644.021;

12 (3) "Conference, conciliation and persuasion", a process of
13 verbal or written communications consisting of meetings, reports,
14 correspondence or telephone conferences between authorized
15 representatives of the department and the alleged violator. The
16 process shall, at a minimum, consist of one offer to meet with
17 the alleged violator tendered by the department. During any such
18 meeting, the department and the alleged violator shall negotiate
19 in good faith to eliminate the alleged violation and shall
20 attempt to agree upon a plan to achieve compliance;

21 (4) "Department", the department of natural resources;

22 (5) "Director", the director of the department of natural
23 resources;

24 (6) "Discharge", the causing or permitting of one or more
25 water contaminants to enter the waters of the state;

26 (7) "Effluent control regulations", limitations on the
27 discharge of water contaminants;

28 (8) "General permit", a permit written with a standard

1 group of conditions and with applicability intended for a
2 designated category of water contaminant sources that have the
3 same or similar operations, discharges and geographical
4 locations, and that require the same or similar monitoring, and
5 that would be more appropriately controlled pursuant to a general
6 permit rather than pursuant to a site-specific permit;

7 (9) "Human sewage", human excreta and wastewater, including
8 bath and toilet waste, residential laundry waste, residential
9 kitchen waste, and other similar waste from household or
10 establishment appurtenances;

11 (10) "Income" includes retirement benefits, consultant
12 fees, and stock dividends;

13 (11) "Minor violation", a violation which possesses a small
14 potential to harm the environment or human health or cause
15 pollution, was not knowingly committed, and is not defined by the
16 United States Environmental Protection Agency as other than
17 minor;

18 (12) "Permit by rule", a permit granted by rule, not by a
19 paper certificate, and conditioned by the permit holder's
20 compliance with commission rules;

21 (13) "Permit holders or applicants for a permit" shall not
22 include officials or employees who work full time for any
23 department or agency of the state of Missouri;

24 (14) "Person", any individual, partnership, copartnership,
25 firm, company, public or private corporation, association, joint
26 stock company, trust, estate, political subdivision, or any
27 agency, board, department, or bureau of the state or federal
28 government, or any other legal entity whatever which is

1 recognized by law as the subject of rights and duties;

2 (15) "Point source", any discernible, confined and discrete
3 conveyance, including but not limited to any pipe, ditch,
4 channel, tunnel, conduit, well, discrete fissure, container,
5 rolling stock, concentrated animal feeding operation, or vessel
6 or other floating craft, from which pollutants are or may be
7 discharged. This term does not include agricultural stormwater
8 discharges and return flows from irrigated agriculture;

9 (16) "Pollution", such contamination or other alteration of
10 the physical, chemical or biological properties of any waters of
11 the state, including change in temperature, taste, color,
12 turbidity, or odor of the waters, or such discharge of any
13 liquid, gaseous, solid, radioactive, or other substance into any
14 waters of the state as will or is reasonably certain to create a
15 nuisance or render such waters harmful, detrimental or injurious
16 to public health, safety or welfare, or to domestic, industrial,
17 agricultural, recreational, or other legitimate beneficial uses,
18 or to wild animals, birds, fish or other aquatic life;

19 (17) "Pretreatment regulations", limitations on the
20 introduction of pollutants or water contaminants into publicly
21 owned treatment works or facilities which the commission
22 determines are not susceptible to treatment by such works or
23 facilities or which would interfere with their operation, except
24 that wastes as determined compatible for treatment pursuant to
25 any federal water pollution control act or guidelines shall be
26 limited or treated pursuant to this chapter only as required by
27 such act or guidelines;

28 (18) "Residential housing development", any land which is

1 divided or proposed to be divided into three or more lots,
2 whether contiguous or not, for the purpose of sale or lease as
3 part of a common promotional plan for residential housing;

4 (19) "Sewer system", pipelines or conduits, pumping
5 stations, and force mains, and all other structures, devices,
6 appurtenances and facilities used for collecting or conducting
7 wastes to an ultimate point for treatment or handling;

8 (20) "Significant portion of his or her income" shall mean
9 ten percent of gross personal income for a calendar year, except
10 that it shall mean fifty percent of gross personal income for a
11 calendar year if the recipient is over sixty years of age, and is
12 receiving such portion pursuant to retirement, pension, or
13 similar arrangement;

14 (21) "Site-specific permit", a permit written for
15 discharges emitted from a single water contaminant source and
16 containing specific conditions, monitoring requirements and
17 effluent limits to control such discharges;

18 (22) "Treatment facilities", any method, process, or
19 equipment which removes, reduces, or renders less obnoxious water
20 contaminants released from any source;

21 (23) "Water contaminant", any particulate matter or solid
22 matter or liquid or any gas or vapor or any combination thereof,
23 or any temperature change which is in or enters any waters of the
24 state either directly or indirectly by surface runoff, by sewer,
25 by subsurface seepage or otherwise, which causes or would cause
26 pollution upon entering waters of the state, or which violates or
27 exceeds any of the standards, regulations or limitations set
28 forth in sections 644.006 to 644.141 or any federal water

1 pollution control act, or is included in the definition of
2 pollutant in such federal act;

3 (24) "Water contaminant source", the point or points of
4 discharge from a single tract of property on which is located any
5 installation, operation or condition which includes any point
6 source defined in sections 644.006 to 644.141 [and nonpoint
7 source pursuant to any federal water pollution control act],
8 which causes or permits a water contaminant therefrom to enter
9 waters of the state either directly or indirectly;

10 (25) "Water quality standards", specified concentrations
11 and durations of water contaminants which reflect the
12 relationship of the intensity and composition of water
13 contaminants to potential undesirable effects;

14 (26) "Waters of the state", all rivers, streams, lakes and
15 other bodies of surface and subsurface water lying within or
16 forming a part of the boundaries of the state which are not
17 entirely confined and located completely upon lands owned, leased
18 or otherwise controlled by a single person or by two or more
19 persons jointly or as tenants in common and includes waters of
20 the United States lying within the state.

21 644.051. 1. It is unlawful for any person:

22 (1) To cause pollution of any waters of the state or to
23 place or cause or permit to be placed any water contaminant in a
24 location where it is reasonably certain to cause pollution of any
25 waters of the state;

26 (2) To discharge any water contaminants into any waters of
27 the state which reduce the quality of such waters below the water
28 quality standards established by the commission;

1 (3) To violate any pretreatment and toxic material control
2 regulations, or to discharge any water contaminants into any
3 waters of the state which exceed effluent regulations or permit
4 provisions as established by the commission or required by any
5 federal water pollution control act;

6 (4) To discharge any radiological, chemical, or biological
7 warfare agent or high-level radioactive waste into the waters of
8 the state.

9 2. It shall be unlawful for any person to build, erect,
10 alter, replace, operate, use or maintain any water contaminant or
11 point source in this state that is subject to standards, rules or
12 regulations promulgated pursuant to the provisions of sections
13 644.006 to 644.141 unless such person holds a permit from the
14 commission, subject to such exceptions as the commission may
15 prescribe by rule or regulation. However, no permit shall be
16 required of any person for any emission into publicly owned
17 treatment facilities or into publicly owned sewer systems
18 tributary to publicly owned treatment works.

19 3. Every proposed water contaminant or point source which,
20 when constructed or installed or established, will be subject to
21 any federal water pollution control act or sections 644.006 to
22 644.141 or regulations promulgated pursuant to the provisions of
23 such act shall make application to the director for a permit at
24 least thirty days prior to the initiation of construction or
25 installation or establishment. Every water contaminant or point
26 source in existence when regulations or sections 644.006 to
27 644.141 become effective shall make application to the director
28 for a permit within sixty days after the regulations or sections

1 644.006 to 644.141 become effective, whichever shall be earlier.
2 The director shall promptly investigate each application, which
3 investigation shall include such hearings and notice, and
4 consideration of such comments and recommendations as required by
5 sections 644.006 to 644.141 and any federal water pollution
6 control act. If the director determines that the source meets or
7 will meet the requirements of sections 644.006 to 644.141 and the
8 regulations promulgated pursuant thereto, the director shall
9 issue a permit with such conditions as he or she deems necessary
10 to ensure that the source will meet the requirements of sections
11 644.006 to 644.141 and any federal water pollution control act as
12 it applies to sources in this state. If the director determines
13 that the source does not meet or will not meet the requirements
14 of either act and the regulations pursuant thereto, the director
15 shall deny the permit pursuant to the applicable act and issue
16 any notices required by sections 644.006 to 644.141 and any
17 federal water pollution control act. Notwithstanding the
18 provisions of subsections 1 and 2 of this section to the
19 contrary, notices of violation shall not be issued for a release
20 of a water contaminant from an animal confinement facility or the
21 animal waste application system, excluding lagoons, that is
22 totally confined on the owner's property, so long as it does not
23 enter waters of this state, and clean up begins within twenty-
24 four hours and is remediated as soon as practicable.

25 4. Before issuing a permit to build or enlarge a water
26 contaminant or point source or reissuing any permit, the director
27 shall issue such notices, conduct such hearings, and consider
28 such factors, comments and recommendations as required by

1 sections 644.006 to 644.141 or any federal water pollution
2 control act. The director shall determine if any state or any
3 provisions of any federal water pollution control act the state
4 is required to enforce, any state or federal effluent limitations
5 or regulations, water quality-related effluent limitations,
6 national standards of performance, toxic and pretreatment
7 standards, or water quality standards which apply to the source,
8 or any such standards in the vicinity of the source, are being
9 exceeded, and shall determine the impact on such water quality
10 standards from the source. The director, in order to effectuate
11 the purposes of sections 644.006 to 644.141, shall deny a permit
12 if the source will violate any such acts, regulations,
13 limitations or standards or will appreciably affect the water
14 quality standards or the water quality standards are being
15 substantially exceeded, unless the permit is issued with such
16 conditions as to make the source comply with such requirements
17 within an acceptable time schedule. Prior to the development or
18 renewal of a general permit or permit by rule, for aquaculture,
19 the director shall convene a meeting or meetings of permit
20 holders and applicants to evaluate the impacts of permits and to
21 discuss any terms and conditions that may be necessary to protect
22 waters of the state. Following the discussions, the director
23 shall finalize a draft permit that considers the comments of the
24 meeting participants and post the draft permit on notice for
25 public comment. The director shall concurrently post with the
26 draft permit an explanation of the draft permit and shall
27 identify types of facilities which are subject to the permit
28 conditions. Affected public or applicants for new general

1 permits, renewed general permits or permits by rule may request a
2 hearing with respect to the new requirements in accordance with
3 this section. If a request for a hearing is received, the
4 commission shall hold a hearing to receive comments on issues of
5 significant technical merit and concerns related to the
6 responsibilities of the Missouri clean water law. The commission
7 shall conduct such hearings in accordance with this section.
8 After consideration of such comments, a final action on the
9 permit shall be rendered. The time between the date of the
10 hearing request and the hearing itself shall not be counted as
11 time elapsed pursuant to subdivision (1) of subsection 13 of this
12 section.

13 5. The director shall grant or deny the permit within sixty
14 days after all requirements of the Federal Water Pollution
15 Control Act concerning issuance of permits have been satisfied
16 unless the application does not require any permit pursuant to
17 any federal water pollution control act. The director or the
18 commission may require the applicant to provide and maintain such
19 facilities or to conduct such tests and monitor effluents as
20 necessary to determine the nature, extent, quantity or degree of
21 water contaminant discharged or released from the source,
22 establish and maintain records and make reports regarding such
23 determination.

24 6. The director shall promptly notify the applicant in
25 writing of his or her action and if the permit is denied state
26 the reasons therefor. The applicant may appeal to the commission
27 from the denial of a permit or from any condition in any permit
28 by filing notice of appeal with the commission within thirty days

1 of the notice of denial or issuance of the permit. The
2 commission shall set the matter for hearing not less than thirty
3 days after the notice of appeal is filed. In no event shall a
4 permit constitute permission to violate the law or any standard,
5 rule or regulation promulgated pursuant thereto.

6 7. In any hearing held pursuant to this section the burden
7 of proof is on the applicant for a permit. Any decision of the
8 commission made pursuant to a hearing held pursuant to this
9 section is subject to judicial review as provided in section
10 644.071.

11 8. In any event, no permit issued pursuant to this section
12 shall be issued if properly objected to by the federal government
13 or any agency authorized to object pursuant to any federal water
14 pollution control act unless the application does not require any
15 permit pursuant to any federal water pollution control act.

16 9. Unless a site-specific permit is requested by the
17 applicant, aquaculture facilities shall be governed by a general
18 permit issued pursuant to this section with a fee not to exceed
19 two hundred fifty dollars pursuant to subdivision (5) of
20 subsection 6 of section 644.052. However, any aquaculture
21 facility which materially violates the conditions and
22 requirements of such permit may be required to obtain a
23 site-specific permit.

24 10. No manufacturing or processing plant or operating
25 location shall be required to pay more than one operating fee.
26 Operating permits shall be issued for a period not to exceed five
27 years after date of issuance, except that general permits shall
28 be issued for a five-year period, and also except that neither a

1 construction nor an annual permit shall be required for a single
2 residence's waste treatment facilities. Applications for renewal
3 of an operating permit shall be filed at least one hundred eighty
4 days prior to the expiration of the existing permit.

5 11. Every permit issued to municipal or any publicly owned
6 treatment works or facility shall require the permittee to
7 provide the clean water commission with adequate notice of any
8 substantial new introductions of water contaminants or pollutants
9 into such works or facility from any source for which such notice
10 is required by sections 644.006 to 644.141 or any federal water
11 pollution control act. Such permit shall also require the
12 permittee to notify the clean water commission of any substantial
13 change in volume or character of water contaminants or pollutants
14 being introduced into its treatment works or facility by a source
15 which was introducing water contaminants or pollutants into its
16 works at the time of issuance of the permit. Notice must
17 describe the quality and quantity of effluent being introduced or
18 to be introduced into such works or facility by a source which
19 was introducing water contaminants or pollutants into its works
20 at the time of issuance of the permit. Notice must describe the
21 quality and quantity of effluent being introduced or to be
22 introduced into such works or facility and the anticipated impact
23 of such introduction on the quality or quantity of effluent to be
24 released from such works or facility into waters of the state.

25 12. The director or the commission may require the filing
26 or posting of a bond as a condition for the issuance of permits
27 for construction of temporary or future water treatment
28 facilities in an amount determined by the commission to be

1 sufficient to ensure compliance with all provisions of sections
2 644.006 to 644.141, and any rules or regulations of the
3 commission and any condition as to such construction in the
4 permit. The bond shall be signed by the applicant as principal,
5 and by a corporate surety licensed to do business in the state of
6 Missouri and approved by the commission. The bond shall remain
7 in effect until the terms and conditions of the permit are met
8 and the provisions of sections 644.006 to 644.141 and rules and
9 regulations promulgated pursuant thereto are complied with.

10 13. (1) The department shall issue or deny applications
11 for construction and site-specific operating permits received
12 after January 1, 2001, within one hundred eighty days of the
13 department's receipt of an application. For general construction
14 and operating permit applications received after January 1, 2001,
15 that do not require a public participation process, the
16 department shall issue or deny the requested permits within sixty
17 days of the department's receipt of an application.

18 (2) If the department fails to issue or deny with good
19 cause a construction or operating permit application within the
20 time frames established in subdivision (1) of this subsection,
21 the department shall refund the full amount of the initial
22 application fee within forty-five days of failure to meet the
23 established time frame. If the department fails to refund the
24 application fee within forty-five days, the refund amount shall
25 accrue interest at a rate established pursuant to section 32.065,
26 RSMo.

27 (3) Permit fee disputes may be appealed to the commission
28 within thirty days of the date established in subdivision (2) of

1 this subsection. If the applicant prevails in a permit fee
2 dispute appealed to the commission, the commission may order the
3 director to refund the applicant's permit fee plus interest and
4 reasonable attorney's fees as provided in sections 536.085 and
5 536.087, RSMo. A refund of the initial application or annual fee
6 does not waive the applicant's responsibility to pay any annual
7 fees due each year following issuance of a permit.

8 (4) No later than December 31, 2001, the commission shall
9 promulgate regulations defining shorter review time periods than
10 the time frames established in subdivision (1) of this
11 subsection, when appropriate, for different classes of
12 construction and operating permits. In no case shall commission
13 regulations adopt permit review times that exceed the time frames
14 established in subdivision (1) of this subsection. The
15 department's failure to comply with the commission's permit
16 review time periods shall result in a refund of said permit fees
17 as set forth in subdivision (2) of this subsection. On a
18 semiannual basis, the department shall submit to the commission a
19 report which describes the different classes of permits and
20 reports on the number of days it took the department to issue
21 each permit from the date of receipt of the application and show
22 averages for each different class of permits.

23 (5) During the department's technical review of the
24 application, the department may request the applicant submit
25 supplemental or additional information necessary for adequate
26 permit review. The department's technical review letter shall
27 contain a sufficient description of the type of additional
28 information needed to comply with the application requirements.

1 (6) Nothing in this subsection shall be interpreted to mean
2 that inaction on a permit application shall be grounds to violate
3 any provisions of sections 644.006 to 644.141 or any rules
4 promulgated pursuant to sections 644.006 to 644.141.

5 14. The department shall respond to all requests for
6 individual certification under Section 401 of the Federal Clean
7 Water Act within the lesser of sixty days or the allowed response
8 period established pursuant to applicable federal regulations
9 without request for an extension period unless such extension is
10 determined by the commission to be necessary to evaluate
11 significant impacts on water quality standards and the commission
12 establishes a timetable for completion of such evaluation in a
13 period of no more than one hundred eighty days.

14 15. All permit fees generated pursuant to this chapter
15 shall not be used for the development or expansion of total
16 maximum daily loads studies on either the Missouri or Mississippi
17 rivers.

18 644.581. In addition to those sums authorized prior to
19 August 28, 2004, the board of fund commissioners of the state of
20 Missouri, as authorized by section 37(e) of article III of the
21 Constitution of the state of Missouri, may borrow on the credit
22 of this state the sum of ten million dollars in the manner
23 described, and for the purposes set out, in chapter 640, RSMo,
24 and this chapter.

25 644.582. In addition to those sums authorized prior to
26 August 28, 2004, the board of fund commissioners of the state of
27 Missouri, as authorized by section 37(g) of article III of the
28 Constitution of the state of Missouri, may borrow on the credit

1 of this state the sum of ten million dollars in the manner
2 described, and for the purposes set out, in chapter 640, RSMo,
3 and in this chapter.

4 644.583. In addition to those sums authorized prior to
5 August 28, 2004, the board of fund commissioners of the state of
6 Missouri, as authorized by section 37(h) of article III of the
7 Constitution of the state of Missouri, may borrow on the credit
8 of this state the sum of twenty million dollars in the manner
9 described, and for the purposes set out, in chapter 640, RSMo,
10 and in this chapter.

11 Section 1. Any veterinarian licensed and accredited in the
12 state of Missouri is authorized by the Missouri department of
13 agriculture or the federal Animal and Plant Health Inspection
14 Service veterinarian in charge to impose any such restrictions on
15 animals, persons, and vehicles as he or she sees fit to prevent
16 the spread of contagious reportable diseases, a toxic agent, or
17 radioactive contaminated animals of poultry. Any person who
18 obstructs any action by a veterinarian imposing such restrictions
19 shall be guilty of a class A misdemeanor.