

SECOND REGULAR SESSION

# HOUSE BILL NO. 1173

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE SHOEMYER.

Pre-filed December 21, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4008L.01I

---

### AN ACT

To amend chapter 266, RSMo, by adding thereto one new section relating to anhydrous ammonia.

---

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

Section A. Chapter 266, RSMo, is amended by adding thereto one new section, to be  
2 known as section 266.359, to read as follows:

266.359. 1. To defray the costs associated with adding an additive to anhydrous  
2 ammonia as a deterrent to methamphetamine production in this state, the department of  
3 agriculture shall authorize the disbursement of moneys from the anhydrous ammonia  
4 additive fund created in this section to anhydrous ammonia distributors in an amount not  
5 to exceed the actual cost to the distributor for adding an additive to anhydrous ammonia,  
6 including but not limited to equipment, materials, and labor costs. The department, in  
7 collaboration with the department of revenue shall verify that the moneys distributed from  
8 the fund are used by distributors only for the purpose of adding an additive to anhydrous  
9 ammonia and that the reimbursement is sufficient to result in a savings to distributors  
10 equal to the actual cost of adding an additive to anhydrous ammonia.

11 2. There is hereby created in the state treasury the "Anhydrous Ammonia Additive  
12 Fund", which shall consist of money received from any state, federal, or any other source  
13 for the purposes provided in this section. The department of agriculture shall administer  
14 the fund. The state treasurer shall be custodian of the fund and shall disburse moneys  
15 from the fund in accordance with sections 30.170 and 30.180, RSMo. The moneys in the

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.

16 fund shall be used solely to reimburse distributors for the cost of adding an additive to  
17 anhydrous ammonia.

18       3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any  
19 moneys remaining in the fund at the end of the biennium shall not revert to the credit of  
20 the general revenue fund.

21       4. The state treasurer shall invest moneys in the fund in the same manner as other  
22 funds are invested. Any interest and moneys earned on such investments shall be credited  
23 to the fund.

24       5. Any moneys remaining in the anhydrous ammonia additive fund on the date this  
25 terminates under subsection 6 of this section shall revert to the credit of the general  
26 revenue fund.

27       6. The department may promulgate rules to implement the provisions of this  
28 section. 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, 2006, shall be invalid and void.

36       7. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

37       (1) The provisions of the new program authorized under this section shall  
38 automatically sunset six years after the effective date of this section unless reauthorized by  
39 an act of the general assembly; and

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

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

✓