

SECOND REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 942

94TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture Policy April 3, 2008 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 942 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3956L.06C

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, 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, 340.396, 340.399, 340.402, 340.405, 348.430, 348.432, 348.505, 414.012, 414.032, 414.042, 414.052, 414.082, 414.112, and 414.122, RSMo, and to enact in lieu thereof forty-three 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,
2 261.239, 263.232, 265.200, 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390,
3 340.393, 340.396, 340.399, 340.402, 340.405, 348.430, 348.432, 348.505, 414.012, 414.032,
4 414.042, 414.052, 414.082, 414.112, and 414.122, are repealed and forty-three new sections
5 enacted in lieu thereof, to be known as sections 135.633, 135.710, 135.800, 135.805, 142.028,
6 143.114, 144.053, 144.063, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200,
7 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, 340.396, 348.230,
8 348.235, 348.430, 348.432, 348.505, 348.515, 348.518, 348.521, 348.524, 348.527, 348.530,

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.

9 348.533, 414.012, 414.032, 414.042, 414.052, 414.082, 414.112, and 414.122, to read as follows:

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

2 (1) "Authority", the Missouri agricultural and small business development
3 authority;

4 (2) "Eligible expenses", the actual cost to a producer of implementing odor
5 abatement best management practices and systems necessary to achieve MELO
6 accreditation from the department of agriculture. Eligible expenses includes the actual
7 cost of implementing odor abatement best management practices and systems necessary
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
12 which exceed standard accepted procedures for odor abatement as established by the
13 department of natural resources and the department of agriculture;

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

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

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

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

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

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

33 (2) The lesser of seventy-five percent of the eligible expenses for implementing odor
34 abatement best management practices and systems necessary to meet preferred

35 environmental practices and/or basic infrastructure to increase the setback from the
36 property line, or seventy-five thousand dollars.

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

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

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

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

59 (1) The potential for significant odor reduction;

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

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

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

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

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

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

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

76 **11. The department of agriculture shall promulgate rules to create a MELO**
77 **accreditation program. The program shall establish criteria for meeting MELO**
78 **accreditation. The provisions of subsections 1 to 10 of this section shall only become**
79 **effective upon the joint committee on administrative rules fulfilling its responsibilities**
80 **under chapter 536, RSMo, and the rules becoming effective. The joint committee on**
81 **administrative rules shall notify the revisor of statutes once the rules have become effective.**
82 **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is**
83 **created under the authority delegated in this section shall become effective only if it**
84 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
85 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
86 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
87 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
88 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
89 **adopted after August 28, 2008, shall be invalid and void.**

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

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

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

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

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

2 **(1) "Alternative fuels", any motor fuel at least seventy percent of the volume of**
3 **which consists of one or more of the following:**

4 **(a) Ethanol;**

5 **(b) Natural gas;**

6 **(c) Compressed natural gas;**

7 **(d) Liquified natural gas;**

8 **(e) Liquified petroleum gas;**

9 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;

10 (g) Hydrogen;

11 (2) "Department", the department of natural resources;

12 (3) "Eligible applicant", a business entity that is the owner of a qualified
13 alternative fuel vehicle refueling property;

14 (4) "Qualified alternative fuel vehicle refueling property", property in this state
15 owned by an eligible applicant and used for storing alternative fuels and for dispensing
16 such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or
17 private citizens which, if constructed after August 28, 2008, was constructed with at least
18 fifty-one percent of the costs being paid to qualified Missouri contractors for the:

19 (a) Fabrication of premanufactured equipment or process piping used in the
20 construction of such facility;

21 (b) Construction of such facility; and

22 (c) General maintenance of such facility during the time period in which such
23 facility receives any tax credit under this section.

24

25 If no qualified Missouri contractor is located within seventy-five miles of the property, the
26 requirement that fifty-one percent of the costs shall be paid to qualified Missouri
27 contractors shall not apply;

28 (5) "Qualified Missouri contractor", a contractor whose principal place of business
29 is located in Missouri and has been located in Missouri for a period of not less than five
30 years.

31 2. For all tax years beginning on or after January 1, 2009, but before January 1,
32 2012, any eligible applicant who installs and operates a qualified alternative fuel vehicle
33 refueling property shall be allowed a credit against the tax otherwise due under chapter
34 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or
35 due under chapter 147, RSMo, or chapter 148, RSMo, for any tax year in which the
36 applicant is constructing the refueling property. The credit allowed in this section per
37 eligible applicant shall not exceed the lesser of twenty thousand dollars or twenty percent
38 of the total costs directly associated with the purchase and installation of any alternative
39 fuel storage and dispensing equipment on any qualified alternative fuel vehicle refueling
40 property, which shall not include the following:

41 (1) Costs associated with the purchase of land upon which to place a qualified
42 alternative fuel vehicle refueling property;

43 (2) Costs associated with the purchase of an existing qualified alternative fuel
44 vehicle refueling property; or

45 (3) Costs for the construction or purchase of any structure.

46 3. Tax credits allowed by this section shall be claimed by the eligible applicant at
47 the time such applicant files a return for the tax year in which the storage and dispensing
48 facilities were placed in service at a qualified alternative fuel vehicle refueling property,
49 and shall be applied against the income tax liability imposed by chapter 143, RSMo,
50 chapter 147, RSMo, or chapter 148, RSMo, after all other credits provided by law have
51 been applied. The cumulative amount of tax credits which may be claimed by eligible
52 applicants claiming all credits authorized in this section shall not exceed the following
53 amounts:

54 (1) In taxable year 2009, three million dollars;

55 (2) In taxable year 2010, two million dollars; and

56 (3) In taxable year 2011, one million dollars.

57 4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the
58 difference shall not be refundable. Any amount of credit that an eligible applicant is
59 prohibited by this section from claiming in a taxable year may be carried forward to any
60 of such applicant's two subsequent taxable years. Tax credits allowed under this section
61 may be assigned, transferred, sold, or otherwise conveyed.

62 5. An alternative fuel vehicle refueling property, for which an eligible applicant
63 receives tax credits under this section, which ceases to sell alternative fuel shall cause the
64 forfeiture of such eligible applicant's tax credits provided under this section for the taxable
65 year in which the alternative fuel vehicle refueling property ceased to sell alternative fuel
66 and for future taxable years with no recapture of tax credits obtained by an eligible
67 applicant with respect to such applicant's tax years which ended before the sale of
68 alternative fuel ceased.

69 6. The director of revenue shall establish the procedure by which the tax credits in
70 this section may be claimed, and shall establish a procedure by which the cumulative
71 amount of tax credits is apportioned equally among all eligible applicants claiming the
72 credit. To the maximum extent possible, the director of revenue shall establish the
73 procedure described in this subsection in such a manner as to ensure that eligible
74 applicants can claim all the tax credits possible up to the cumulative amount of tax credits
75 available for the taxable year. No eligible applicant claiming a tax credit under this section
76 shall be liable for any interest or penalty for filing a tax return after the date fixed for
77 filing such return as a result of the apportionment procedure under this subsection.

78 7. Any eligible applicant desiring to claim a tax credit under this section shall
79 submit the appropriate application for such credit with the department. The application
80 for a tax credit under this section shall include any information required by the

81 **department. The department shall review the applications and certify to the department**
82 **of revenue each eligible applicant that qualifies for the tax credit.**

83 **8. The department and the department of revenue may promulgate rules to**
84 **implement the provisions of this section. Any rule or portion of a rule, as that term is**
85 **defined in section 536.010, RSMo, that is created under the authority delegated in this**
86 **section shall become effective only if it complies with and is subject to all of the provisions**
87 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
88 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
89 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
90 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
91 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**
92 **void.**

93 **9. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

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

100 **(3) This section shall terminate on December thirty-first of the calendar year**
101 **immediately following the calendar year in which the program authorized under this**
102 **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 managed environment livestock operation**
10 **and odor abatement best management practices tax credit under section 135.633, the**
11 **family farm breeding livestock loan tax credit created under section 348.505, RSMo, the**
12 **qualified beef tax credit created under section 135.679, and the wine and grape production**
13 **tax credit created pursuant to section 135.700;**

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

18 (4) "Business recruitment tax credits", the business facility tax credit created pursuant
19 to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created
20 pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development
21 programs created pursuant to sections 100.700 to 100.850, RSMo, the development tax credits
22 created pursuant to sections 32.100 to 32.125, RSMo, the rebuilding communities tax credit
23 created pursuant to section 135.535, and the film production tax credit created pursuant to
24 section 135.750;

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

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

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

44 (8) "Environmental tax credits", the charcoal producer tax credit created pursuant to
45 section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and
46 the manufacturing and recycling flexible cellulose casing tax credit created pursuant to section
47 260.285, RSMo;

48 (9) "Housing tax credits", the neighborhood preservation tax credit created pursuant to
49 sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections

50 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to
51 32.125, RSMo;

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

55 (11) "Redevelopment tax credits", the historic preservation tax credit created pursuant
56 to sections 253.545 to 253.561, RSMo, the brownfield redevelopment program tax credit created
57 pursuant to sections 447.700 to 447.718, RSMo, the community development corporations tax
58 credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created
59 pursuant to subsection 6 of section 100.286, RSMo, the bond guarantee tax credit created
60 pursuant to section 100.297, RSMo, and the disabled access tax credit created pursuant to section
61 135.490;

62 (12) "Training and educational tax credits", the community college new jobs tax credit
63 created pursuant to sections 178.892 to 178.896, RSMo, the skills development account tax
64 credit created pursuant to sections 620.1400 to 620.1460, RSMo, the mature worker tax credit
65 created pursuant to section 620.1560, RSMo, and the sponsorship and mentoring tax credit
66 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", **wood-derived organic material harvested in accordance**
21 **with a site specific forest management plan focused for long-term forest sustainability**
22 **developed by a professional forester and qualified, in consultation with the conservation**
23 **commission, by the Missouri agricultural and small business development authority.**

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

28 3. A Missouri qualified fuel ethanol producer shall be eligible for a monthly grant from
29 the fund, except that a Missouri qualified fuel ethanol producer shall only be eligible for the
30 grant for a total of sixty months unless such producer during those sixty months failed, due to
31 a lack of appropriations, to receive the full amount from the fund for which they were eligible,
32 in which case such producers shall continue to be eligible for up to twenty-four additional

33 months or until they have received the maximum amount of funding for which they were eligible
34 during the original sixty-month time period. The amount of the grant is determined by
35 calculating the estimated gallons of qualified fuel ethanol production to be produced from
36 Missouri agricultural products **or qualified biomass** for the succeeding calendar month, as
37 certified by the department of agriculture, and applying such figure to the per-gallon incentive
38 credit established in this subsection. Each Missouri qualified fuel ethanol producer shall be
39 eligible for a total grant in any fiscal year equal to twenty cents per gallon for the first twelve and
40 one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products
41 **or qualified biomass** in the fiscal year plus five cents per gallon for the next twelve and one-half
42 million gallons of qualified fuel ethanol produced from Missouri agricultural products **or**
43 **qualified biomass** in the fiscal year. All such qualified fuel ethanol produced by a Missouri
44 qualified fuel ethanol producer in excess of twenty-five million gallons shall not be applied to
45 the computation of a grant pursuant to this subsection. The department of agriculture shall pay
46 all grants for a particular month by the fifteenth day after receipt and approval of the application
47 described in subsection 4 of this section. If actual production of qualified fuel ethanol during a
48 particular month either exceeds or is less than that estimated by a Missouri qualified fuel ethanol
49 producer, the department of agriculture shall adjust the subsequent monthly grant by paying
50 additional amount or subtracting the amount in deficiency by using the calculation described in
51 this subsection.

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

- 55 (1) The location of the Missouri qualified fuel ethanol producer;
- 56 (2) The average number of citizens of Missouri employed by the Missouri qualified fuel
57 ethanol producer in the preceding quarter, if applicable;
- 58 (3) The number of bushels of Missouri agricultural commodities **or green weight tons**
59 **of qualified biomass** used by the Missouri qualified fuel ethanol producer in the production of
60 fuel ethanol in the preceding quarter;
- 61 (4) The number of gallons of qualified fuel ethanol the producer expects to manufacture
62 during the month for which the grant is applied;
- 63 (5) A copy of the qualified fuel ethanol producer license required pursuant to subsection
64 5 of this section, name and address of surety company, and amount of bond to be posted pursuant
65 to subsection 5 of this section; and
- 66 (6) Any other information deemed necessary by the department of agriculture to
67 adequately ensure that such grants shall be made only to Missouri qualified fuel ethanol
68 producers.

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

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

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

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

2 (1) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
3 tracks, except farm tractors;

4 (2) "Qualified hybrid motor vehicle", any motor vehicle licensed under chapter
5 301, RSMo, and:

6 (a) Which meets the definition of new qualified hybrid motor vehicle in section
7 30B(d)(3)(A) of the Internal Revenue Code of 1986, as amended;

8 (b) The original use of which commences with the taxpayer; and

9 (c) Which is acquired for use by the taxpayer and not for resale.

10 **2. For the tax year beginning on January 1, 2009, any taxpayer who purchases a**
11 **qualified hybrid vehicle shall be allowed to subtract from the taxpayer's Missouri adjusted**
12 **gross income to determine Missouri taxable income, for the tax year in which the taxpayer**
13 **purchases the vehicle, an amount equal to one thousand five hundred dollars or ten percent**
14 **of the purchase price of the vehicle, whichever is less.**

15 **3. The director of revenue shall establish the procedure by which the deduction in**
16 **this section may be claimed, and shall promulgate rules to provide for the submission of**
17 **documents by the taxpayer proving the purchase price and date of the qualified hybrid**
18 **motor vehicle and to implement the provisions of this section.**

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

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.**

5 **2. Notwithstanding any other provision of law to the contrary, for purposes of**
6 **department of revenue administrative interpretation, all machinery and equipment used**
7 **solely for the planting, harvesting, processing, or transporting of a forestry product shall**
8 **be considered farm machinery, and shall be exempt from state and local sales and use tax,**
9 **as provided for other farm machinery in section 144.030. For purposes of the exemption**
10 **in section 144.063, the planting, harvesting, processing, or transporting of a forestry**
11 **product is deemed an agricultural purpose.**

144.063. In addition to all other exemptions granted under this chapter, there is
2 **also specifically exempted from the provisions of the local sales tax law as defined in section**
3 **32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.761 and from the**
4 **computation of the tax levied, assessed or payable under the local sales tax law as defined**
5 **in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.761, all sales**
6 **of fencing materials used for agricultural purposes, and the purchase of motor fuel, as**
7 **defined in section 142.800, RSMo, therefor which is used for agricultural purposes.**

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. Response and clean-up costs are eligible for**
23 **reimbursement if the initial response and assessment to a release of a hazardous substance**
24 **was based on best practices and in a manner that any prudent political subdivision or**
25 **volunteer fire protection association would respond to a release of a hazardous substance.**
26 **Such response and clean-up costs may also include the costs of contractual services which**
27 **are not routinely provided by the department or political subdivision or volunteer fire**
28 **protection association. Such costs shall not include the costs of normal services which**
29 **otherwise would have been provided.**

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

35 3. Upon receipt of such an appeal, the director shall notify the parties involved of the
36 appeal and collect such evidence from the parties involved as [he] **the director** deems necessary
37 to make a determination of reasonable cleanup costs. **The burden of proof shall be on the**
38 **political subdivision or volunteer fire protection district to document and justify such costs**
39 **allowed under subsection 1 of this section.** Within [thirty] **sixty** days of notification of the
40 appeal, the director shall notify the parties of his **or her** decision. The director shall direct the
41 person having control over a hazardous substance to pay those costs [he] **the director** finds to
42 be reasonable and appropriate. The determination of the director shall become final thirty days

43 after receipt of the notice by the parties involved unless prior to such date one of the involved
44 parties files a petition for judicial review pursuant to chapter 536, RSMo.

45 4. The political subdivision or volunteer fire protection association may apply to the
46 department for reimbursement from the hazardous waste fund created in section 260.391 for the
47 costs for which the person having control over a hazardous substance shall be liable if the
48 political subdivision or volunteer fire protection association is able to demonstrate a need for
49 immediate relief for such costs and believes it will not receive prompt payment from the person
50 having control over a hazardous substance. When the liability owed to the political subdivision
51 or volunteer fire protection association by the person having control over a hazardous substance
52 is paid, the political subdivision or volunteer fire protection association shall reimburse the
53 department for any payment it has received from the hazardous waste fund. Such reimbursement
54 to a political subdivision or volunteer fire protection association by the department shall be paid
55 back to the department by the political subdivision or volunteer fire protection association within
56 that time limit imposed by the department notwithstanding failure of the person having control
57 over a hazardous substance to reimburse the political subdivision or volunteer fire protection
58 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 **United States** Environmental Protection
9 Agency and in compliance with the manufacturer's label instructions **when chemical herbicides**
10 **are used for such purposes; [and]**

11 (2) To control the spread of kudzu vine (*Pueraria lobata*), which is hereby designated as
12 a noxious and dangerous weed to agriculture, by methods approved by the **United States**
13 Environmental Protection Agency and in compliance and conformity with the manufacturer's
14 label instructions **when chemical herbicides are used for such purposes; and**

15 (3) **To control the spread of spotted knapweed (*Centaurea stoebe* ssp. *micranthos*,
16 including all subspecies), which is hereby designated as a noxious and dangerous weed to
17 agriculture, by methods approved by the United States Environmental Protection Agency
18 and in compliance and conformity with the manufacturer's label instructions when
19 chemical herbicides are used for such purposes.**

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.

340.337. As used in sections 340.335 to 340.405, the following terms shall mean:

2 (1) "Areas of defined need", areas designated by the department pursuant to section
3 340.339, when services of a large animal veterinarian are needed to improve the
4 veterinarian-patient ratio in the area, or to contribute professional veterinary services to an area
5 of economic impact;

6 (2) "College", the college of veterinary medicine at the University of
7 Missouri-Columbia;

8 (3) "Department", the Missouri department of agriculture;

9 (4) "Director", director of the Missouri department of agriculture;

10 (5) "Eligible student", a resident who has been accepted as, **or is**, a full-time student at
11 the University of Missouri-Columbia enrolled in the doctor of veterinary medicine degree
12 program at the college of veterinary medicine;

13 (6) **"Large animal", an animal which is raised, bred, or maintained for its parts or**
14 **products having a commercial value including, but not limited to, its muscle tissue, organs,**
15 **fat, blood, manure, bones, milk, wool, hide, pelt, feathers, eggs, semen, or embryos;**

16 (7) "Large animal veterinarian", veterinarians licensed pursuant to this chapter, engaged
17 in general or large animal practice as their primary focus of practice, and who have a substantial
18 portion of their practice devoted to large animal veterinary medicine;

19 [(7)] (8) "Qualified applicant", an eligible student approved by the department for
20 participation in the large animal veterinary student loan program established by sections [340.375
21 to 340.405] **340.381 to 340.396;**

22 [(8)] (9) "Qualified employment", employment as a large animal veterinarian and where
23 a substantial portion of business involves the treatment of large animals on a full-time basis in
24 Missouri located in an area of need as determined by the department of agriculture. Qualified
25 employment shall not include employment with a large-scale agribusiness enterprise,
26 corporation, or entity. Any forgiveness of such principal and interest for any qualified applicant
27 engaged in qualified employment on a less than full-time basis may be prorated to reflect the
28 amounts provided in this section;

29 [(9)] (10) "Resident", any person who has lived in this state for one or more years for
30 any purpose other than the attending of an educational institution located within this state.

340.341. 1. The department shall adopt and promulgate rules establishing standards for
2 determining eligible [persons] **students** for loan repayment pursuant to sections 340.335 to
3 340.350. Such standards shall include, but are not limited to the following:

4 (1) Citizenship or **lawful** permanent residency in the United States;

5 (2) Residence in the state of Missouri;

6 (3) Enrollment as a full-time veterinary medical student in the final year of a course of
7 study offered by an approved educational institution in Missouri;

8 (4) Application for loan repayment.

9 2. The department shall not grant repayment for more than six veterinarians each year.

340.375. 1. The department of agriculture shall implement and administer the large
2 animal veterinary [student loan] **medicine loan repayment** program established under sections
3 [340.375 to 340.405] **340.335 to 340.350**, and the large animal veterinary [medicine loan
4 repayment] **student loan** program established under sections [340.335 to 340.350] **340.381 to**
5 **340.396**.

6 2. An advisory panel of not more than five members shall be appointed by the director.
7 The panel shall consist of three licensed large animal veterinarians, the dean of the college or his
8 or her designee, and one public member from the agricultural sector. The panel shall make
9 recommendations to the director on the content of any rules, regulations or guidelines under
10 sections 340.335 to [340.405] **340.396** prior to their promulgation. The panel may make
11 recommendations to the director regarding fund allocations for loans and loan repayment based
12 on current veterinarian shortage needs.

13 3. The department of agriculture shall promulgate reasonable rules and regulations for
14 the administration of sections [340.375 to 340.405] **340.381 to 340.396**, including but not
15 limited to rules for disbursements and repayment of loans. It shall prescribe the form, the time
16 and method of filing applications and supervise the proceedings thereof. Any rule or portion of
17 a rule, as that term is defined in section 536.010, RSMo, that is created under the authority
18 delegated in this section shall become effective only if it complies with and is subject to all of

19 the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section
20 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
21 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove
22 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
23 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

340.381. **1. Sections 340.381 to 340.396 establish a student loan forgiveness
2 program for approved veterinary students who practice in areas of defined need. Such
3 program shall be known as the "Large Animal Veterinary Student Loan Program".**

4 **2.** There is hereby created in the state treasury the "Veterinary Student Loan Payment
5 Fund", which shall consist of general revenue appropriated to the large animal veterinary student
6 loan program, voluntary contributions to support or match program activities, money collected
7 under section 340.396, and funds received from the federal government. The state treasurer shall
8 be custodian of the fund and shall approve disbursements from the fund in accordance with
9 sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely
10 for the administration of sections [340.375 to 340.405] **340.381 to 340.396**. Notwithstanding
11 the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at
12 the end of the biennium shall not revert to the credit of the general revenue fund. The state
13 treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
14 interest and moneys earned on such investments shall be credited to the fund.

340.384. [The department of agriculture shall enter into a contract with each qualified
2 applicant receiving financial assistance under the provisions of sections 340.375 to 340.405 for
3 repayment of the principal and interest] **1. Eligible students may apply to the department for
4 financial assistance under the provisions of sections 340.381 to 340.396. If, at the time of
5 application for a loan, a student has formally applied for acceptance at the college, receipt
6 of financial assistance is contingent upon acceptance and continued enrollment at the
7 college. A qualified applicant may receive financial assistance up to twenty thousand
8 dollars for each academic year he or she remains a student in good standing at the college,
9 provided that the cumulative total shall not exceed eighty thousand dollars per qualified
10 applicant. An eligible student may apply for financial assistance under this section at any
11 point in his or her educational career at the college, however any such financial assistance
12 shall only be awarded for current or future academic years, as applicable, and shall not be
13 awarded for any academic year completed prior to the time of application.**

14 **2. Up to six qualified applicants per academic year may be awarded loans under
15 the provisions of sections 340.381 to 340.396. Priority for loans shall be given to eligible
16 students who have established financial need. All financial assistance shall be made from
17 funds credited to the veterinary student loan payment fund.**

340.387. [Eligible students may apply to the department for financial assistance under the provisions of sections 340.375 to 340.405. If, at the time of application for a loan, a student has formally applied for acceptance at the college, receipt of financial assistance is contingent upon acceptance and continued enrollment at the college. A qualified applicant may receive financial assistance for each academic year he or she remains a student in good standing at the college]

1. The department of agriculture may enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 340.381 to 340.396. Such contract shall specify terms and conditions of loan forgiveness through qualified employment as well as terms and conditions for repayment of the principal and interest.

2. The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 340.381 to 340.396. Interest at a rate set by the department, with the advice of the advisory panel created in section 340.341, shall be charged from the time of the payment of financial assistance on all financial assistance made under the provisions of sections 340.381 to 340.396, but the interest and principal of the total financial assistance granted to a qualified applicant at the time of the successful completion of a doctor of veterinary medicine degree program shall be forgiven through qualified employment.

3. For each year of qualified employment that an individual contracts to serve in an area of defined need, the department shall forgive up to twenty thousand dollars and accrued interest thereon on behalf of the individual for financial assistance provided under sections 340.381 to 340.396.

340.390. [Up to six qualified applicants per academic year may be awarded loans of up to eighty thousand dollars per applicant under the provisions of sections 340.375 to 340.405. Priority for loans shall be given to eligible students who have established financial need. All financial assistance shall be made from funds credited to the veterinary student loan payment fund]

1. A recipient of financial assistance under sections 340.381 to 340.396 who does not meet the qualified employment obligations agreed upon by contract under section 340.387, shall begin repayment of the loan principal and interest in accordance with the contract within six months of the first day on which the recipient did not meet the qualified employment obligations. If a qualified applicant ceases his or her study prior to successful completion of a degree or graduation from the college, interest at the rate specified in section 340.387 shall be charged on the amount of financial assistance received from the state under the provisions of sections 340.381 to 340.396, and repayment, in accordance with the contract, shall begin within ninety days of the date the financial aid recipient ceased to be an eligible student. All funds repaid by recipients of financial assistance to the

15 department shall be deposited in the veterinary student loan payment fund for use
16 pursuant to sections 340.381 to 340.396.

17 **2. The department shall grant a deferral of interest and principal payments to a**
18 **recipient of financial assistance under sections 340.381 to 340.396 who is pursuing a post**
19 **degree training program, is on active duty in any branch of the armed forces of the United**
20 **States, or upon special conditions established by the department. The deferral shall not**
21 **exceed four years. The status of each deferral shall be reviewed annually by the**
22 **department to ensure compliance with the intent of this section.**

340.393. [The department shall establish schedules for repayment of the principal and
2 interest on any financial assistance made under the provisions of sections 340.375 to 340.405.
3 Interest at the rate of nine and one-half percent per annum shall be charged on all financial
4 assistance made under the provisions of sections 340.375 to 340.405, but the interest and
5 principal of the total financial assistance granted to a qualified applicant at the time of the
6 successful completion of a doctor of veterinary medicine degree program shall be forgiven
7 through qualified employment] **When necessary to protect the interest of the state in any**
8 **financial assistance transaction under sections 340.381 to 340.396, the department may**
9 **institute any action to recover any amount due.**

340.396. [The financial assistance recipient shall repay the financial assistance principal
2 and interest beginning not more than one year after completion of the degree for which the
3 financial assistance was made in accordance with the repayment contract. If an eligible student
4 ceases his or her study prior to successful completion of a degree or graduation from the college,
5 interest at the rate specified in section 340.393 shall be charged on the amount of financial
6 assistance received from the state under the provisions of sections 340.375 to 340.405, and
7 repayment, in accordance with the repayment contract, shall begin within ninety days of the date
8 the financial aid recipient ceased to be an eligible student. All funds repaid by recipients of
9 financial assistance to the department shall be deposited in the veterinary student loan payment
10 fund for use pursuant to sections 340.375 to 340.405] **1. Sections 340.381 to 340.396 shall not**
11 **be construed to require the department to enter into contracts with individuals who qualify**
12 **for education loans or loan repayment programs when federal, state, and local funds are**
13 **not available for such purposes.**

14 **2. Sections 340.381 to 340.396 shall not be subject to the provisions of sections**
15 **23.250 to 23.298, RSMo.**

16 **3. Sections 340.381 to 340.396 shall expire on June 30, 2013.**

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.

2 **348.515. In recognition of the role of animal agriculture in the economic well-being**
3 **of this state and in recognition that opportunities to succeed in agriculture should not be**
4 **limited by the economic means of persons engaged in agriculture, the general assembly of**
5 **the state of Missouri declares that state assistance in the guarantee of loans made to enable**
6 **independent livestock and poultry family farm operations to succeed in the operation will**
7 **benefit the state of Missouri economically and socially and is a public purpose of great**
8 **importance.**

2 **348.518. 1. In addition to the duties and powers established in sections 348.005 to**
3 **348.505, the Missouri agricultural and small business development authority shall develop**
4 **and implement a livestock feed and crop input loan guarantee program as provided in**
5 **sections 348.515 to 348.533. The authority may promulgate rules necessary to carry out**
6 **the purposes of sections 348.515 to 348.533. The rules promulgated under sections 348.515**

6 to 348.533 shall be designed to encourage maximum involvement and participation by
7 lenders and financial institutions in the loan guarantee program. The authority shall be
8 the administrative agency for the implementation of the loan guarantee program, and may
9 employ such persons as necessary, within the limits of appropriations made for that
10 purpose, to administer the loan guarantee program.

11 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
12 that is created under the authority delegated in this section shall become effective only if
13 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
14 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
15 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
16 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
17 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
18 adopted after August 28, 2008, shall be invalid and void.

348.521. 1. The authority may issue certificates of guaranty covering a first loss
2 guarantee up to but not more than fifty percent of the loan on a declining principal basis
3 for loans to individuals executing a note or other evidence of a loan made for livestock feed
4 and crop input, but not to exceed the amount of forty thousand dollars for any one
5 individual and to pay from the livestock feed and crop input loan guarantee fund to an
6 eligible lender up to fifty percent of the amount on a declining principal basis of any loss
7 on any guaranteed loan made under the provisions of sections 348.515 to 348.533, in the
8 event of default on the loan. Upon payment of the loan, the authority shall be subrogated
9 to all the rights of the eligible lender.

10 2. As used in sections 348.515 to 348.533, the term "eligible lender" means those
11 entities defined as "lenders" under subdivision (8) of section 348.015.

12 3. The authority shall charge for each guaranteed loan a one-time participation fee
13 of fifty dollars which shall be collected by the lender at the time of closing and paid to the
14 authority. In addition, the authority may charge a special loan guarantee fee of up to one
15 percent per annum of the outstanding principal which shall be collected from the borrower
16 by the lender and paid to the authority. Amounts so collected shall be deposited in the
17 livestock feed and crop input loan program fund and used, upon appropriation, to pay the
18 costs of administering the program.

19 4. All moneys paid to satisfy a defaulted guaranteed loan shall only be paid out of
20 the livestock feed and crop input loan guarantee fund established by sections 348.515 to
21 348.533.

22 **5. The total outstanding guaranteed loans shall at no time exceed an amount which,**
23 **according to sound actuarial judgment, would allow immediate redemption of twenty**
24 **percent of the outstanding loans guaranteed by the fund at any one time.**

348.524. 1. There is hereby established in the state treasury the "Livestock Feed
2 **and Crop Input Loan Guarantee Fund". The fund shall consist of money appropriated**
3 **to it by the general assembly, charges, gifts, grants and bequests from federal, private or**
4 **other sources. Notwithstanding the provisions of section 33.080, RSMo, no portion of the**
5 **fund shall be transferred to the general revenue fund.**

6 **2. All moneys received by the authority for payments made on previously defaulted**
7 **guaranteed loans shall be paid promptly into the state treasury and deposited in the fund.**

8 **3. The fund shall be administered by the Missouri agricultural and small business**
9 **development authority organized under sections 348.005 to 348.180.**

10 **4. Beginning with fiscal year 2008-2009, the general assembly may appropriate**
11 **moneys not to exceed four million dollars for the establishment and initial funding of the**
12 **livestock feed and crop input loan guarantee fund.**

348.527. Moneys in the fund, both unobligated and obligated as a reserve, which
2 **in the judgment of the authority are not currently needed for payments of defaults of**
3 **guaranteed loans, may be invested by the state treasurer, and any income therefrom shall**
4 **be deposited to the credit of the fund.**

348.530. 1. Persons eligible for guarantees for loans under the provisions of
2 **sections 348.515 to 348.533 are individuals engaged in farming operations as defined in**
3 **section 348.015, who intend to use the proceeds from the loan to finance the purchase of**
4 **livestock feed used to produce livestock and input used to produce crops for the feeding of**
5 **livestock, and who are seeking a loan or loans to finance not more than ninety percent of**
6 **the anticipated cost.**

7 **2. The authority shall adopt and promulgate rules establishing eligibility under the**
8 **provisions of sections 348.515 to 348.533, taking into consideration the individual's ability**
9 **to repay the loan, the general economic conditions of the area in which the individual will**
10 **be located, the prospect of success of the particular farm operation for which the loan is**
11 **sought and such other factors as the authority may establish. The eligibility of any person**
12 **for a loan guarantee under the provisions of sections 348.515 to 348.533 shall not be**
13 **determined or otherwise affected by any consideration of that person's race, religion, sex,**
14 **creed, color, or location of residence. The authority may also provide for:**

15 **(1) The requirement or nonrequirement of security or endorsement and the nature**
16 **thereof;**

17 **(2) The manner and time of repayment of the principal and interest;**

- 18 **(3) The maximum rate of interest;**
19 **(4) The right of the borrower to accelerate payments without penalty;**
20 **(5) The amount of the guaranty charge;**
21 **(6) The effective period of the guaranty;**
22 **(7) The percent of the loan, not to exceed fifty percent, covered by the guaranty;**
23 **(8) The assignability of loans by the lender;**
24 **(9) Procedures in event of default by the borrower;**
25 **(10) The due diligence effort on the part of lenders for collection of guaranteed**
26 **loans;**
27 **(11) Collection assistance to be provided to lenders; and**
28 **(12) The extension of the guaranty in consideration of duty in the armed forces,**
29 **unemployment, natural disasters, or other hardships.**

348.533. The authority, by rule, shall determine the policy of collections and
2 **recovery of loans, including the use of private collection agencies. The authority may**
3 **institute action to recover any amount due the state in any loan transaction, use private**
4 **collection agencies, or otherwise carry out the policy of the authority. The lender making**
5 **the original loan shall cooperate with the authority in the collection of the loan and shall**
6 **use its regular collection procedures prior to any action being undertaken by the authority.**

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

- 2 (1) "[American Society for Testing and Materials] **ASTM International** (ASTM)", a
3 scientific and technical organization formed for the development of standards on characteristics
4 and performance of materials, products, systems, and services, and the promotion of related
5 knowledge;
6 (2) "**Automotive lubricants**", **any material interposed between two surfaces that**
7 **reduces the friction or wear between them;**
8 (3) "Aviation turbine fuel (jet fuel)", a refined oil intended for use as a source of energy
9 for jet aircraft, the classification of which shall be defined by the [American Society for Testing
10 and Materials (ASTM)] **ASTM**;
11 [(3)] (4) "Barrel", for the purposes of sections 414.012 to 414.152, fifty gallons shall
12 constitute a barrel;
13 [(4)] (5) "Closed container", a container so sealed by means of a lid or other device that
14 neither liquid nor vapor will escape from it at ordinary temperatures;
15 [(5)] (6) "Combustible liquid", those liquids as defined by the most current issue of
16 Booklet 30 of the National Fire Protection Association entitled Flammable and Combustible
17 Liquid Code;

- 18 [(6)] (7) "Container", any vessel of sixty United States gallons or less capacity used for
19 transporting or storing flammable or combustible liquids;
- 20 [(7)] (8) "Department", the Missouri state department of agriculture;
- 21 [(8)] (9) "Diesel fuel", refined oils commonly used in internal combustion engines where
22 ignited by pressure and not by electric spark, the classification of which shall be defined by the
23 [American Society for Testing and Materials (ASTM)] **ASTM**;
- 24 [(9)] (10) "Director", the director of agriculture of the Missouri state department of
25 agriculture or his delegated representative;
- 26 [(10)] (11) "Flammable liquids", those liquids as defined by the most current issue of
27 Booklet 30 of the National Fire Protection Association entitled Flammable and Combustible
28 Liquid Code;
- 29 [(11)] (12) "Gasoline", a volatile mixture of liquid hydrocarbons generally containing
30 small amounts of additives suitable for use as a fuel in spark-ignition internal combustion
31 engines;
- 32 [(12)] (13) "Gasoline-alcohol blend", a blend consisting primarily of gasoline and a
33 substantial amount of one or more alcohols;
- 34 [(13)] (14) "Heating oil (fuel oil)", a refined oil intended for use as a furnace oil, range
35 oil or fuel oil for heating or cooking purposes;
- 36 [(14)] (15) "Kerosene", a refined oil intended for heating or illuminating use, the
37 classification of which shall be defined by the [American Society for Testing and Materials
38 (ASTM)] **ASTM**;
- 39 [(15)] (16) "Motor fuel", any liquid product used for the generation of power in an
40 internal combustion engine;
- 41 [(16)] (17) "Person", both plural and singular, as the case demands, and includes
42 individuals, partnerships, corporations, companies, firms, societies, and associations;
- 43 (18) "**Petroleum products**", **products obtained from distilling and processing of**
44 **petroleum (crude oil), unfinished oils, recycled oils, natural gas liquids, refinery blend**
45 **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 **labeling, standards for, and identity of [motor] fuels [and heating oils] , petroleum products,**
7 **and automotive lubricants.**

8 2. The director may inspect gasoline, gasoline-alcohol blends [or] , other motor fuels,
9 **petroleum products, and automotive lubricants** to insure that these fuels, **products, and**
10 **lubricants** conform to advertised grade [and octane. In no event shall the penalty for a first
11 violation of this section exceed a written reprimand] , **octane, ASTM standard, or other**
12 **standard established by rule.**

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.

414.082. 1. The fee for the inspection of gasoline, gasoline-alcohol blends, kerosene,
2 diesel fuel, heating oil, aviation turbine fuel, and other motor fuels under this chapter shall be
3 fixed by the director of revenue at a rate per barrel which will approximately yield revenue equal
4 to the expenses of administering this chapter; except that, until December 31, 1993, the rate shall
5 be one and one-half cents per barrel and beginning January 1, 1994, the fee shall not be less than
6 one and one-half cents per barrel nor exceed [two and one-half] **three** cents per barrel.

7 2. Annually the director of the department of agriculture shall ascertain the total
8 expenses for administering sections 414.012 to 414.152 during the preceding year, and shall
9 forward a copy of such expenses to the director of revenue. The director of revenue shall fix the
10 inspection fee for the ensuing calendar year at such rate per barrel, within the limits established
11 by subsection 1 of this section, as will approximately yield revenue equal to the expenses of
12 administering sections 414.012 to 414.152 during the preceding calendar year and shall collect
13 the fees and deposit them in the state treasury to the credit of the "Petroleum Inspection Fund"
14 which is hereby created. Beginning July 1, 1988, all expenses of administering sections 414.012
15 to 414.152 shall be paid from appropriations made out of the petroleum inspection fund.

16 3. The unexpended balance in the fund at the end of each fiscal year shall not be
17 transferred to the general revenue fund of the state, and the provisions of section 33.080, RSMo,
18 relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall
19 not apply to this fund.

20 4. The state treasurer shall invest all sums in the petroleum inspection fund not needed
21 for current operating expenses in interest-bearing banking accounts or United States government
22 obligations in the manner provided by law. All yield, increment, gain, interest or income derived
23 from the investment of these sums shall accrue to the benefit of, and be deposited within the state
24 treasury to the credit of, the petroleum inspection fund.

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.

[340.399. The department shall grant a deferral of interest and principal
2 payments to a financial assistance recipient who is pursuing a postdegree training
3 program, or upon special conditions established by the department. The deferral
4 shall not exceed four years. The status of each deferral shall be reviewed
5 annually by the department to ensure compliance with the intent of this section.]
6

[340.402. When necessary to protect the interest of the state in any
2 financial assistance transaction under sections 340.375 to 340.405, the
3 department may institute any action to recover any amount due.]
4

[340.405. 1. Sections 340.375 to 340.405 shall not be construed to
2 require the department to enter into contracts with individuals who qualify for
3 education loans or loan repayment programs when federal, state and local funds
4 are not available for such purposes.

5 2. Sections 340.375 to 340.405 shall not be subject to the provisions of
6 sections 23.250 to 23.298, RSMo.

7 3. Sections 340.375 to 340.405 shall expire on June 30, 2013.]

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