

SECOND REGULAR SESSION

# HOUSE BILL NO. 3386

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WELLENKAMP.

7312H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal sections 640.220 and 643.350, RSMo, and to enact in lieu thereof two new sections relating to the expenditure of moneys in certain funds by the department of natural resources.

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

Section A. Sections 640.220 and 643.350, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 640.220 and 643.350, to read as follows:

640.220. 1. For the purpose of protecting the air, water and land resources of the  
2 state, there is hereby created in the state treasury a fund to be known as the "Natural  
3 Resources Protection Fund". All funds received from air pollution permit fees, gifts,  
4 bequests, donations, or any other moneys so designated shall be paid to the director of the  
5 department of natural resources, transmitted to the director of revenue and deposited in the  
6 state treasury to the credit of an appropriate subaccount of the natural resources protection  
7 fund and shall be used for the purposes specified by law. The air pollution permit fee  
8 revenues shall be deposited in an appropriate subaccount of the natural resources protection  
9 fund and, subject to appropriation by the general assembly, shall be used by the department to  
10 carry out the general administration of section 643.075. The water pollution permit fee  
11 revenues generated through sections 644.052, 644.053, 644.054 and 644.061 shall be paid to  
12 the director of the department of natural resources, transmitted to the director of the  
13 department of revenue and deposited to the credit of the water pollution permit fee  
14 subaccount of the natural resources protection fund and, subject to appropriation by the  
15 general assembly, shall be used by the department to carry out the administration of sections  
16 644.006 to 644.141.

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.

17           2. Effective July 1, 1991, **and before June 30, 2027**, the provisions of section 33.080  
18 to the contrary notwithstanding, any unexpended balance in the subaccounts of the natural  
19 resources protection fund that exceeds the preceding biennium's collections shall revert to the  
20 general revenue fund of the state at the end of each biennium. **Beginning July 1, 2027, any**  
21 **unexpended balance in the subaccounts of the natural resources protection fund that**  
22 **exceeds the preceding biennium's collections shall not revert to the general revenue fund**  
23 **of the state at the end of each biennium.** All interest earned on the natural resources  
24 protection funds shall accrue to appropriate subaccounts.

25           **3. Beginning July 1, 2027, and annually on July first of each succeeding year, the**  
26 **commissioner of administration shall use taxable sales reports to estimate the amount of**  
27 **state general revenue sales and use tax derived from electric power distribution (NAICS**  
28 **code 221122, or its successor) in the immediately preceding calendar year and shall**  
29 **report such amount to the state treasurer. The state treasurer shall transfer five percent**  
30 **of such general revenue sales and use taxes to the air pollution permit fees subaccount of**  
31 **the natural resources protection fund and such funds, subject to appropriation by the**  
32 **general assembly, shall be used by the department solely for the purpose of funding the**  
33 **air pollution control program. Any provision of law to the contrary notwithstanding,**  
34 **amounts transferred in accordance with this subsection shall not revert to the general**  
35 **revenue fund of the state at the end of each biennium and shall be used solely for the**  
36 **purpose of funding the air pollution control program.**

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an  
2 emissions inspection conducted under the emissions inspection program established pursuant  
3 to sections 643.300 to 643.355.

4           2. The fee shall be conspicuously posted on the premises of each emissions inspection  
5 station.

6           3. The commission shall establish, by rule, the portion of the fee amount to be  
7 remitted by the emission inspection station to the director of revenue and the number of days  
8 allowed for remitting fees.

9           4. The official emission inspection station shall remit the portion of fees collected, as  
10 established by the commission pursuant to this section, to the state treasurer within the time  
11 period established by the commission. The state treasurer shall deposit the fees received in  
12 the state treasury to the credit of the "Missouri Air Emission Reduction Fund", which is  
13 hereby created. Moneys in the fund shall, subject to appropriation, be expended for the  
14 administration and enforcement of sections 643.300 to 643.355 by the department of natural  
15 resources, the Missouri highway patrol, and other appropriate agencies. Any balance in the  
16 fund at the end of the biennium shall remain in the fund and shall not be subject to the  
17 provisions of section 33.080. All interest earned by moneys in the fund shall accrue to the

18 fund. ~~[If in the immediate previous fiscal year, the state's net general revenue did not increase~~  
19 ~~by two percent or more, the state treasurer may deposit moneys, except for gifts, donations, or~~  
20 ~~bequests, received under this section beginning January first of the current fiscal year into the~~  
21 ~~state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in~~  
22 ~~accordance with the provisions of this section.]~~

23         5. In addition to funds from the Missouri air emission reduction fund, costs of capital  
24 or operations may be supplemented, upon appropriation, from the general revenue fund, the  
25 state highway department fund, federal funds or other funds available for that purpose.

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