

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend Senate Bill No. 825, Page 1, Section A, Line 1,

2 by inserting after all of said line the following:

3 "142.028. 1. As used in this section, the following terms  
4 mean:

5 (1) "Fuel ethanol", a fuel which meets ASTM International  
6 specification number D 4806 or subsequent specifications for  
7 blending with gasoline for use as automotive spark-ignition  
8 engine fuel and where the ethanol is made from cereal grains,  
9 cereal grain by-products, or qualified biomass;

10 (2) "Fuel ethanol blends", a mixture of ninety percent  
11 gasoline and ten percent fuel ethanol in which the gasoline  
12 portion of the blend or the finished blend meets the ASTM  
13 International specification number D 4814;

14 (3) "Missouri qualified fuel ethanol producer", any  
15 producer of fuel ethanol whose principal place of business and  
16 facility for the fermentation and distillation of fuel ethanol is  
17 located within the state of Missouri and is at least fifty-one  
18 percent owned by agricultural producers actively engaged in  
19 agricultural production for commercial purposes, and which has  
20 made formal application, posted a bond, and conformed to the  
21 requirements of this section;

1           (4) "Professional forester", any individual who holds a  
2 bachelor of science degree in forestry from a regionally  
3 accredited college or university with a minimum of two years of  
4 professional forest management experience;

5           (5) "Qualified biomass", any wood-derived organic material  
6 harvested in accordance with a site specific forest management  
7 plan focused for long-term forest sustainability developed by a  
8 professional forester and qualified, in consultation with the  
9 conservation commission, by the Missouri agricultural and small  
10 business development authority.

11           2. The "Missouri Qualified Fuel Ethanol Producer Incentive  
12 Fund" is hereby created and subject to appropriations shall be  
13 used to provide economic subsidies to Missouri qualified fuel  
14 ethanol producers pursuant to this section. The director of the  
15 department of agriculture shall administer the fund pursuant to  
16 this section.

17           3. A Missouri qualified fuel ethanol producer shall be  
18 eligible for a monthly grant from the fund, except that a  
19 Missouri qualified fuel ethanol producer shall only be eligible  
20 for the grant for a total of sixty months unless such producer  
21 during those sixty months failed, due to a lack of  
22 appropriations, to receive the full amount from the fund for  
23 which they were eligible, in which case such producers shall  
24 continue to be eligible for up to twenty-four additional months  
25 or until they have received the maximum amount of funding for  
26 which they were eligible during the original sixty-month time  
27 period. The amount of the grant is determined by calculating the  
28 estimated gallons of qualified fuel ethanol production to be  
29 produced from Missouri agricultural products or qualified biomass

1 for the succeeding calendar month, as certified by the department  
2 of agriculture, and applying such figure to the per-gallon  
3 incentive credit established in this subsection. Each Missouri  
4 qualified fuel ethanol producer shall be eligible for a total  
5 grant in any fiscal year equal to twenty cents per gallon for the  
6 first twelve and one-half million gallons of qualified fuel  
7 ethanol produced from Missouri agricultural products or qualified  
8 biomass in the fiscal year plus five cents per gallon for the  
9 next twelve and one-half million gallons of qualified fuel  
10 ethanol produced from Missouri agricultural products or qualified  
11 biomass in the fiscal year. All such qualified fuel ethanol  
12 produced by a Missouri qualified fuel ethanol producer in excess  
13 of twenty-five million gallons shall not be applied to the  
14 computation of a grant pursuant to this subsection. The  
15 department of agriculture shall pay all grants for a particular  
16 month by the fifteenth day after receipt and approval of the  
17 application described in subsection 4 of this section. If actual  
18 production of qualified fuel ethanol during a particular month  
19 either exceeds or is less than that estimated by a Missouri  
20 qualified fuel ethanol producer, the department of agriculture  
21 shall adjust the subsequent monthly grant by paying additional  
22 amount or subtracting the amount in deficiency by using the  
23 calculation described in this subsection.

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

29 (1) The location of the Missouri qualified fuel ethanol

1 producer;

2 (2) The average number of citizens of Missouri employed by  
3 the Missouri qualified fuel ethanol producer in the preceding  
4 quarter, if applicable;

5 (3) The number of bushels of Missouri agricultural  
6 commodities or green weight tons of qualified biomass used by the  
7 Missouri qualified fuel ethanol producer in the production of  
8 fuel ethanol in the preceding quarter;

9 (4) The number of gallons of qualified fuel ethanol the  
10 producer expects to manufacture during the month for which the  
11 grant is applied;

12 (5) A copy of the qualified fuel ethanol producer license  
13 required pursuant to subsection 5 of this section, name and  
14 address of surety company, and amount of bond to be posted  
15 pursuant to subsection 5 of this section; and

16 (6) Any other information deemed necessary by the  
17 department of agriculture to adequately ensure that such grants  
18 shall be made only to Missouri qualified fuel ethanol producers.

19 5. The director of the department of agriculture, in  
20 consultation with the department of revenue and the department of  
21 conservation, shall promulgate rules and regulations necessary  
22 for the administration of the provisions of this section. The  
23 director shall also establish procedures for bonding Missouri  
24 qualified fuel ethanol producers. Each Missouri qualified fuel  
25 ethanol producer who attempts to obtain moneys pursuant to this  
26 section shall be bonded in an amount not to exceed the estimated  
27 maximum monthly grant to be issued to such Missouri qualified  
28 fuel ethanol producer.

29 6. Any rule or portion of a rule, as that term is defined

1 in section 536.010, that is created under the authority delegated  
2 in this section shall become effective only if it complies with  
3 and is subject to all of the provisions of chapter 536 and, if  
4 applicable, section 536.028. This section and chapter 536 are  
5 nonseverable and if any of the powers vested with the general  
6 assembly pursuant to chapter 536 to review, to delay the  
7 effective date or to disapprove and annul a rule are subsequently  
8 held unconstitutional, then the grant of rulemaking authority and  
9 any rule proposed or adopted after August 28, 2002, shall be  
10 invalid and void.

11 7. Notwithstanding any other provision of this section to  
12 the contrary, beginning January 1, 2009, through December 31,  
13 ~~[2019]~~ 2020, the economic subsidies provided under this section  
14 to Missouri qualified fuel ethanol producers of fuel ethanol made  
15 from qualified biomass shall only be provided to two qualified  
16 fuel ethanol producers and shall not cumulatively exceed seven  
17 and one-half million dollars per qualified fuel ethanol producer.  
18 Prior to January 1, 2009, and after December 31, ~~[2019]~~ 2020,  
19 Missouri qualified fuel ethanol producers of fuel ethanol made  
20 from qualified biomass shall be ineligible for economic subsidies  
21 under this section."; and

22 Further amend said bill and page, section 142.029, line 1,  
23 by deleting the opening bracket "["; and further amend said line,  
24 by deleting "2015.]" and inserting in lieu thereof the following:  
25 "[~~2015]~~ 2020."; and

26 Further amend said bill and page, section B, line 3, by  
27 striking the following: "the repeal of section 142.029 of"; and  
28 further amend line 6, by striking the following: "the repeal of  
29 section 142.029 of"; and

1 Further amend the title and enacting clause accordingly.