

## SENATE COMMITTEE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1720

## AN ACT

To repeal sections 60.301, 60.315, 60.345, 135.305, 135.686, 266.355, 348.436, 348.500, 643.050, 643.079, and 643.245, RSMo, and to enact in lieu thereof twenty-three new sections relating to agricultural economic opportunities, with an emergency clause for certain sections.

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

Section A. Sections 60.301, 60.315, 60.345, 135.305, 135.686, 266.355, 348.436, 348.500, 643.050, 643.079, and 643.245, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 21.915, 60.301, 60.315, 60.345, 135.305, 135.686, 135.755, 135.775, 135.778, 135.1610, 275.357, 348.436, 348.500, 620.3500, 620.3505, 620.3510, 620.3515, 620.3520, 620.3525, 620.3530, 643.050, 643.079, and 643.245, to read as follows:

21.915. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Rural Economic Development" which shall be composed of five members of the senate, appointed by the president pro tempore of the senate, and five members of the house of representatives, appointed by the speaker of the house of representatives. A majority of the members of the committee shall constitute a quorum. The members shall annually select one of the members to be the chair and one of the members to be the vice chair. The speaker of the house of representatives and the president pro tempore of

the senate shall appoint the respective majority members.  
The minority leader of the house of representatives and the  
minority leader of the senate shall appoint the respective  
minority members. The members shall receive no additional  
compensation, but shall be reimbursed for actual and  
necessary expenses incurred by them in the performance of  
their duties. No major party shall be represented on the  
committee by more than three members from the senate nor by  
more than three members from the house of representatives.  
The committee is authorized to meet and act year round and  
to employ the necessary personnel within the limits of  
appropriations. The staff of the committee on legislative  
research, house research, and senate research shall provide  
necessary clerical, research, fiscal, and legal services to  
the committee, as the committee may request.

2. It shall be the duty of the committee to:

(1) Examine any trending population declines  
throughout rural counties in Missouri utilizing data from  
the last previous decennial census of the United States,  
including identifying any anomalous rural areas that saw  
population increases;

(2) Identify economic opportunities for third class  
counties, including identifying viable industries for rural  
areas of the state and businesses that are relocating from  
other states;

(3) Monitor the deployment and adoption of broadband  
internet in rural areas of the state;

(4) Examine the issue of restricted access to quality  
healthcare and insurance in rural areas of the state;

(5) Identify the need for and development of expanded  
learning opportunities in rural areas, including workforce  
development, skilled labor training, and online training;

(6) Examine infrastructure issues in rural areas in the state, including opportunities to mitigate geographical isolation and a review of transportation development plans to embolden economic vitality in rural areas of the state;

(7) Identify key contributors and solutions to poverty and unemployment trends in rural areas of the state;

(8) Develop policies to maximize existing state programs, including existing economic development tax credit programs and tourism programs; and

(9) Identify and examine any other issues that the committee determines to be affecting rural areas of the state.

3. The committee may compile a full report of its activities for submission to the general assembly, which shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state departments and agencies included in the report.

4. All state departments, commissions, and offices shall cooperate with and assist the committee in the performance of its duties and shall make available all books, records, and information requested.

60.301. Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) "Corners of the United States public land survey", those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section

corner, grant corner [and], meander corner, and center of section;

(2) "Existent corner", a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) "Lost corner", a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) "Monument", the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) "Obliterated, decayed or destroyed corner", [an existent corner] a position at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported,

generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) "Original government survey", that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of agriculture;

(7) "Proportionate measurement", a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance:

(a) "Single proportionate measurement", a measurement of a line applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) "Double proportionate measurement", a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. [The procedure is described as follows: first, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost

corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner.] When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) "Record distance", the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

60.315. The following rules for the reestablishment of lost corners shall be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners shall not be disturbed. Consequently, discrepancies between the new and record measurements shall not in any manner affect the measurements beyond the existent corners; but the differences shall be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels shall be given precedence over other township exteriors, and, ordinarily, the latter shall be given precedence over subdivisional lines; section corners shall be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost township corners common to four townships shall be reestablished by double proportionate measurement between the nearest existent corners on opposite sides of the lost township corner;

(4) Lost township corners located on standard parallels and common only to two townships shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost township corner on the standard parallel;

(5) [Lost standard corners shall be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(6) All lost section and quarter-section corners on the township boundary lines shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner according to the conditions represented upon the original government plat;

(7) Lost corners on township exteriors, excluding corners referenced in subdivision (3) of this section, whether they are standard or closing corners, shall be reestablished by single proportionate measurement on the line connecting the next nearest existent standard or closing corner on opposite sides of the lost corner;

(6) A lost interior corner of four sections shall be reestablished by double proportionate measurement;

[(8)] A lost closing corner shall be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(9)] (7) All lost quarter-section corners on the section boundaries within the township shall be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished; and

[(10)] (8) Where a line has been terminated with a measurement in one direction only, a lost corner shall be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

60.345. The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using single proportionate measurement between the [adjoining] section corners belonging to the same section as the quarter-section corner being established, the section corners having first been identified or reestablished. The proportional position shall be offset, if necessary, in a cardinal direction to the true line defined by the nearest adjacent corners on opposite sides of the quarter-section corner to be established.

135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer



shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, ~~2020~~ 2028. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed six million dollars in any given fiscal year. There shall be no tax credits authorized under sections 135.300 to 135.311 unless an appropriation is made for such tax credits.

135.686. 1. This section shall be known and may be cited as the "Meat Processing Facility Investment Tax Credit Act".

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

(1) "Authority", the agricultural and small business development authority established in chapter 348;

(2) "Meat processing facility", any commercial plant, as defined under section 265.300, at which livestock are slaughtered or at which meat or meat products are processed for sale commercially and for human consumption;

(3) "Meat processing modernization or expansion", constructing, improving, or acquiring buildings or facilities, or acquiring equipment for meat processing including the following, if used exclusively for meat processing and if acquired and placed in service in this state during tax years beginning on or after January 1, 2017, but ending on or before December 31, ~~2021~~ 2028:

(a) Building construction including livestock handling, product intake, storage, and warehouse facilities;

(b) Building additions;

(c) Upgrades to utilities including water, electric, heat, refrigeration, freezing, and waste facilities;

(d) Livestock intake and storage equipment;

(e) Processing and manufacturing equipment including cutting equipment, mixers, grinders, sausage stuffers, meat smokers, curing equipment, cooking equipment, pipes, motors, pumps, and valves;

(f) Packaging and handling equipment including sealing, bagging, boxing, labeling, conveying, and product movement equipment;

(g) Warehouse equipment including storage and curing racks;

(h) Waste treatment and waste management equipment including tanks, blowers, separators, dryers, digesters, and equipment that uses waste to produce energy, fuel, or industrial products;

(i) Computer software and hardware used for managing the claimant's meat processing operation including software and hardware related to logistics, inventory management, production plant controls, and temperature monitoring controls; and

(j) Construction or expansion of retail facilities or the purchase or upgrade of retail equipment for the commercial sale of meat products if the retail facility is located at the same location as the meat processing facility;

(4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 147;

(5) "Taxpayer", any individual or entity who:

(a) Is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or the tax imposed under chapter 147;

(b) In the case of an individual, is a resident of this state as verified by a 911 address or, in the absence of a 911 system, a physical address; and

(c) Owns a meat processing facility located in this state and employs a combined total of fewer than five hundred individuals in all meat processing facilities owned by the individual or entity in this country;

(6) "Used exclusively", used to the exclusion of all other uses except for use not exceeding five percent of total use.

3. For all tax years beginning on or after January 1, 2017, but ending on or before December 31, [2021] 2028, a taxpayer shall be allowed a tax credit for meat processing modernization or expansion related to the taxpayer's meat processing facility. The tax credit amount shall be equal to twenty-five percent of the amount the taxpayer paid in the tax year for meat processing modernization or expansion.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the tax year in which the meat processing modernization or expansion expenses were paid, but any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year may be carried forward to any of the taxpayer's four subsequent tax years. The total amount of tax credits that any taxpayer may claim shall not exceed seventy-five thousand dollars per year. If two or more persons own and operate the meat processing facility, each person may claim a credit under this section in proportion to [his or her] such person's ownership interest; except that, the aggregate amount of the credits claimed by all persons who own and operate the meat processing facility shall not exceed seventy-five thousand dollars per year. The amount of tax credits authorized in this section [and section 135.679] in a calendar year shall

not exceed two million dollars. Tax credits shall be issued on an as-received application basis until the calendar year limit is reached. Any credits not issued in any calendar year shall expire and shall not be issued in any subsequent year.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority and any application fee imposed by the authority. The application shall be filed with the authority at the end of each calendar year in which a meat processing modernization or expansion project was completed and for which a tax credit is claimed under this section. The application shall include any certified documentation, proof of meat processing modernization or expansion, and any other information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the meat processing modernization or expansion meet all criteria required by this section and approval is granted by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. If a tax credit certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate and the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, except as provided in subsection 5 of this section.

7. The authority shall promulgate rules establishing a process for verifying that a facility's modernization or expansion for which tax credits were allowed under this section has in fact expanded the facility's production within three years of the issuance of the tax credit and if not, the authority shall promulgate through rulemaking a process by which the taxpayer shall repay the authority an amount equal to that of the tax credit allowed.

8. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

9. The authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

10. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.

135.755. 1. For the purposes of this section, the following terms shall mean:

(1) "Department", the Missouri department of revenue;

(2) "Higher ethanol blend", a fuel capable of being dispensed directly into motor vehicle fuel tanks for consumption that is comprised of at least fifteen percent but not more than eighty-five percent ethanol;

(3) "Retail dealer", a person that owns or operates a retail service station in this state;

(4) "Retail service station", a location from which higher ethanol blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2023, a retail dealer that sells higher ethanol blend at such retail dealer's retail service station shall be allowed a tax credit to be taken against the retail dealer's state income tax liability. The amount of the credit shall equal five cents per gallon of higher ethanol blend sold by the retail dealer and dispensed through metered pumps at the retail dealer's retail service station during the tax year in which the tax credit is claimed. Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall not be refundable but may be carried forward to any of the five subsequent tax years. The total amount of tax credits authorized pursuant to this section for any given fiscal year shall not exceed five million dollars.

3. In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned among all eligible retail dealers claiming a tax credit by April fifteenth, or as directed by section 143.851, of the fiscal year in which the tax credit is claimed.

4. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

5. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset on December 31, 2028, unless reauthorized by an act of the general assembly; and

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

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

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

(1) "Biodiesel blend", a blend of diesel fuel and biodiesel fuel of at least five percent and not more than twenty percent for on-road and off-road diesel-fueled vehicle use;

(2) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock. A fuel shall be deemed to be biodiesel fuel if the fuel consists of a pure B100 or B99 ratio. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this section unless the palm oil is contained within waste oil and grease collected within the United States;

(3) "B99", a blend of ninety-nine percent biodiesel fuel that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock with a minimum of one-tenth of one percent and maximum of one percent diesel fuel that meets the most recent version of the ASTM International D975 Standard Specification for Diesel Fuel;

(4) "Department", the Missouri department of revenue;

(5) "Distributor", a person, firm, or corporation doing business in this state that:

(a) Produces, refines, blends, compounds, or manufactures motor fuel;

(b) Imports motor fuel into the state; or

(c) Is engaged in distribution of motor fuel;



(6) "Retail dealer", a person, firm, or corporation doing business in this state that owns or operates a retail service station in this state;

(7) "Retail service station", a location in this state from which biodiesel blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption at retail.

2. For all tax years beginning on or after January 1, 2023, a retail dealer that sells a biodiesel blend at a retail service station or a distributor that sells a biodiesel blend directly to the final user located in this state shall be allowed a tax credit to be taken against the retail dealer or distributor's state income tax liability. The amount of the credit shall be equal to:

(1) Two cents per gallon of biodiesel blend of at least five percent but not more than ten percent sold by the retail dealer at a retail service station or by a distributor directly to the final user located in this state during the tax year in which the tax credit is claimed; and

(2) Five cents per gallon of biodiesel blend in excess of ten percent sold by the retail dealer at a retail service station or by a distributor directly to the final user located in this state during the tax year in which the tax credit is claimed.

3. Tax credits authorized under this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall be refundable. The total amount of tax credits authorized under this section for any given fiscal year shall not exceed sixteen million dollars.

4. In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned among all

eligible retail dealers and distributors claiming a tax credit by April fifteenth, or as directed by section 143.851, of the fiscal year in which the tax credit is claimed.

5. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to administer the provisions of this section.

6. Notwithstanding any other provision of law to contrary, if the tax credit cap in this section is not met, the remaining amount of tax credits available to claim shall be applied to the tax credit in section 135.778 if the tax credit cap in section 135.778 has been met.

7. Notwithstanding the provisions of section 32.057 to the contrary, the department may work with the division of weights and measures within the department of agriculture to validate that the biodiesel blend a retail dealer or distributor claims for the tax credit authorized under this section contains a sufficient percentage of biodiesel fuel.

8. The department shall promulgate rules to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and

annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

9. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2028, unless reauthorized by an act of the general assembly;

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the program as described in this subsection shall not be construed to preclude any qualified taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset or to eliminate any responsibility of the department to verify the continued eligibility of qualified individuals receiving tax credits and to enforce other requirements of law that applied before the program was sunset.

135.778. 1. For the purposes of this section, the following terms shall mean:

(1) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock. A fuel shall be deemed to be biodiesel fuel if the fuel consists of a pure B100 or B99 ratio. Biodiesel

produced from palm oil is not biodiesel fuel for the purposes of this section unless the palm oil is contained within waste oil and grease collected within the United States;

(2) "B99", a blend of ninety-nine percent biodiesel fuel that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock with a minimum of one-tenth of one percent and maximum of one percent diesel fuel that meets the most recent version of the ASTM International D975 Standard Specification for Diesel Fuel;

(3) "Department", the Missouri department of revenue;

(4) "Missouri biodiesel producer", a person, firm, or corporation doing business in this state that produces biodiesel fuel in this state, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR Part 79, and has begun construction on such facility or has been selling biodiesel fuel produced at such facility on or before August 28, 2022.

2. For all tax years beginning on or after January 1, 2023, a Missouri biodiesel producer shall be allowed a tax credit to be taken against the producer's state income tax liability. The amount of the tax credit shall be two cents per gallon of biodiesel fuel produced by the Missouri biodiesel producer.

3. Tax credits authorized under this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall be refundable. The total amount of tax credits authorized under this section for any given fiscal year shall not exceed four million dollars.

4. In the event the total amount of tax credits claimed under this section exceeds the amount of available

tax credits, the tax credits shall be apportioned among all eligible Missouri biodiesel producers claiming the credit by April fifteenth, or as directed by section 143.851, of the fiscal year in which the tax credit is claimed.

5. The tax credit authorized under this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to administer the provisions of this section.

6. Notwithstanding any other provision of law to contrary, if the tax credit cap in this section is not met, the remaining amount of tax credits available to claim shall be applied to the tax credit in section 135.775 if the tax credit cap in section 135.775 has been met.

7. The department shall promulgate rules to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

8. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2028, unless reauthorized by an act of the general assembly;

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the program as described in this subsection shall not be construed to preclude any qualified taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset, or to eliminate any responsibility of the department to verify the continued eligibility of qualified individuals receiving tax credits and to enforce other requirements of law that applied before the program was sunset.

135.1610. 1. As used in this section, the following terms mean:

(1) "Eligible expenses", expenses incurred in the construction or development of establishing or improving an urban farm in an urban area. The term "eligible expenses" shall not include any expense for labor or any expense incurred to grow medical marijuana or industrial hemp;

(2) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(3) "Taxpayer", any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business

taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(4) "Urban area", an urbanized area as defined by the United States Census Bureau;

(5) "Urban farm", an agricultural plot or facility in an urban area that produces agricultural food products used solely for distribution to the public by sale or donation. "Urban farm" shall include community-run gardens. "Urban farm" shall not include personal farms or residential lots for personal use.

2. For all tax years beginning on or after January 1, 2023, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the taxpayer's eligible expenses for establishing or improving an urban farm that focuses on food production.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability in the tax year for which the credit is claimed, and the taxpayer shall not be allowed to claim a tax credit under this section in excess of five thousand dollars for each urban farm. The total amount of tax credits that may be authorized for all taxpayers for eligible expenses incurred on any given urban farm shall not exceed twenty-five thousand dollars. Any tax credit that cannot be claimed in the tax year the contribution was made may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed two hundred thousand dollars in any calendar year.

5. Tax credits issued under the provisions of this section shall not be transferred, sold, or assigned.

6. The Missouri agriculture and small business authority shall recapture the amount of tax credits issued to any taxpayer who, after receiving such tax credit, uses the urban farm for the personal benefit of the taxpayer instead of for producing agricultural food products used solely for distribution to the public by sale or donation.

7. The Missouri agriculture and small business development authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

8. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall automatically sunset on December thirty-first, six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first, twelve years after the effective date of the reauthorization of this section;

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



(4) Nothing in this subsection shall prevent a taxpayer from claiming a tax credit properly issued before the program was sunset in a tax year after the program is sunset.

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

(1) "Commodity merchandising council" or "council", the same definition as in section 275.300 and for soybeans shall be, as provided under the federal act, the qualified state soybean board known as the Missouri Soybean Merchandising Council;

(2) "Federal act", the Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. Section 6301 et seq.), as amended;

(3) "Handler", the same definition as in section 275.300 and for soybeans includes, but is not limited to, a commodity credit corporation for situations in which soybeans are pledged as collateral for a loan issued under any Commodity Credit Corporation price support loan program and the soybeans are forfeited by the producer in lieu of loan repayment;

(4) "Net market price":

(a) Except as provided in paragraph (b) of this subdivision, the sales price or other value received by a producer for any soybeans after adjustments for any premium or discount based on grading or quality factors, as determined by the Secretary of Agriculture of the United States, the director, or both; or

(b) For soybeans pledged as collateral for a loan issued under any Commodity Credit Corporation price support loan program and, when the soybeans are forfeited by the producer in lieu of loan repayment, the principal amount of the loan;

(5) "Processor", the same definition as in section 275.300 and for soybeans includes, but is not limited to, a producer marketing processed soybeans or soybean products of such producer's own production.

2. As long as an assessment made under the federal act is equal to one-half of one percent of the net market price of soybeans grown within this state, the assessment imposed and levied under section 275.350 shall be one-half of such national assessment. The state assessment shall not be in addition to the national assessment but shall correspond to the state credit or portion of the total assessment paid to the council.

3. If the assessment under the federal act is reduced to less than one-half of one percent or ceases to be effective, the state assessment imposed and levied under this section shall, for as long as such assessment is reduced or no such assessment is made, be equal to one-half of one percent of the net market price of soybeans grown within this state less any assessment paid to the United Soybean Board under the federal act.

4. The total of such state assessment and federal assessment shall be:

(1) Collected from a producer by the handler or processor first acquiring such producer's soybeans and be remitted to the council; or

(2) Remitted by a producer marketing processed soybeans or soybean products of that producer-processor's own soybeans to the council.

5. State fees collected under this section shall be subject to the refund provision provided under section 275.360.

6. No provision of this section shall be construed as a change to the amount of any fee collected under section 275.350 or a major change for purposes of section 275.330.

348.436. The provisions of sections 348.430 to 348.436 shall expire December 31, ~~2021~~ 2028.

348.500. 1. This section shall be known and may be cited as the "Family Farms Act".

2. As used in this section, "small farmer" means a farmer who is a Missouri resident and who has less than ~~two hundred fifty~~ five hundred thousand dollars in gross sales per year.

3. The agricultural and small business development authority shall establish a family farm breeding livestock loan program for small farmers for the purchase of beef cattle, dairy cattle, sheep and goats, and swine only.

4. To participate in the loan program, a small farmer shall first obtain approval for a family farm livestock loan from a lender as defined in section 348.015. ~~Each small farmer shall be eligible for only one family farm livestock loan per family and for only one type of livestock.~~

5. The maximum amount of the family farm livestock loan for each type of livestock shall be as follows:

(1) ~~Seventy-five~~ One hundred fifty thousand dollars for beef cattle;

(2) ~~Seventy-five~~ One hundred fifty thousand dollars for dairy cattle;

(3) ~~Thirty-five~~ Seventy thousand dollars for swine; and

(4) ~~Thirty~~ Sixty thousand dollars for sheep and goats.

6. Eligible borrowers under the program:

(1) Shall use the proceeds of the family farm loan to acquire breeding livestock;

(2) Shall not finance more than ninety percent of the anticipated cost of the purchase of such livestock through the family farm livestock loan; and

(3) Shall not be charged interest by the lender, as defined in section 348.015, for the first year of the qualified family farm livestock loan.

7. Upon approval of the family farm livestock loan by a lender under subsection 4 of this section, the loan shall be submitted for approval by the agricultural and small business development authority. The authority shall promulgate rules establishing eligibility under this section, taking into consideration:

(1) The eligible borrower's ability to repay the family farm livestock loan;

(2) The general economic conditions of the area in which the farm is located;

(3) The prospect of a financial return for the small farmer for the type of livestock for which the family farm livestock loan is sought; and

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

8. For eligible borrowers participating in the program, the authority shall be responsible for reviewing the purchase price of any livestock to be purchased by an eligible borrower under the program to determine whether the price to be paid is appropriate for the type of livestock purchased. The authority may impose a one-time loan review fee of one percent which shall be collected by the lender at the time of the loan and paid to the authority.

9. Nothing in this section shall preclude a small farmer from participating in any other agricultural program.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective

only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

620.3500. Sections 620.3500 to 620.3530 shall be known and may be cited as the "Missouri Rural Workforce Development Act".

620.3505. As used in sections 620.3500 to 620.3530, the following terms shall mean:

(1) "Affiliate", an entity that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another entity. An entity is controlled by another entity if the controlling entity holds, directly or indirectly, the majority voting or ownership interest in the controlled entity or has control over day-to-day operations of the controlled entity by contract or by law;

(2) "Agribusiness", a business that produces or provides any goods or services produced in this state normally used by farmers, ranchers, or producers and harvesters of aquatic products in their business operations, or to improve the welfare or livelihood of such persons, or is involved in the processing and marketing of agricultural products, farm supplies, and input suppliers, or is engaged in agribusiness as defined by the United States Department of Agriculture, or if not engaged in such industries, the department determines that such investment will be

beneficial to the rural area and the economic growth of the state;

(3) "Applicable percentage", zero percent for the initial and the second credit allowance date, and fifteen percent for the next four credit allowance dates;

(4) "Capital investment", any equity investment in a rural fund by a rural investor which:

(a) Is acquired after the effective date of sections 620.3500 to 620.3530 at its original issuance solely in exchange for cash;

(b) Has one hundred percent of its cash purchase price used by the rural fund to make qualified investments in eligible businesses located in this state by the third credit allowance date; and

(c) Is designated by the rural fund as a capital investment under sections 620.3500 to 620.3530 and is certified by the department under the provisions of section 620.3510. This shall include any capital investment that does not meet the provisions of subdivision (1) of subsection 1 of section 620.3510 if such investment was a capital investment in the hands of a prior holder;

(5) "Credit allowance date", the anniversary of the initial credit allowance date;

(6) "Department", the Missouri department of economic development;

(7) "Eligible business", a business that, at the time of the initial qualified investment in the business:

(a) Has fewer than two hundred fifty employees; and

(b) Has its principal business operations in this state.

Any business which is classified as an eligible business at the time of the initial investment in such business by a rural fund shall remain classified as an eligible business

and may receive follow-on investments from any rural fund, and such follow-on investments shall be qualified investments even though such business may not meet paragraph (a) of this subdivision at the time of such investments;

(8) "Full-time employee", an employee of an eligible business in a rural area who:

(a) Is scheduled to work an average of at least thirty-five hours per week for a twelve-month period;

(b) Is paid at or above ninety percent of the county average wage as determined by the department for the most recently completed full calendar year; and

(c) a. For an employee of an eligible business with ten or fewer employees scheduled to work an average of at least thirty-five hours per week for a twelve-month period, is offered health insurance; or

b. For an employee of an eligible business more than ten employees scheduled to work an average of at least thirty-five hours per week for a twelve-month period, is offered health insurance and such eligible business pays at least fifty percent of such health insurance premiums.

An employee who spends less than fifty percent of the employee's work time at the eligible business in a rural area shall be considered to be working in the rural area if the employee receives directions and control from that rural area, is on the payroll of the eligible business in the rural area, and one hundred percent of the employee's income from such employment is Missouri income;

(9) "Initial credit allowance date", the date on which the department certifies a rural fund's capital investment;

(10) "Job", a position held by a full-time employee, but shall not include a position for which an entity has received or has been authorized to receive a tax credit, tax exemption, retained withholding tax, or other incentive

under section 68.075, section 99.845, sections 135.100 to 135.155, or sections 620.2000 to 620.2020;

(11) "Job created", a job that did not exist in the twelve months prior to a qualified investment but existed following that investment;

(12) "Job retained", a job that existed in the twelve months prior to a qualified investment and continued to exist following that investment;

(13) "Principal business operations", the location where at least sixty percent of a business's employees work or where employees who are paid at least sixty percent of such business's payroll work. A business that has agreed to relocate employees using the proceeds of a qualified investment to establish its principal business operations in a new location shall be deemed to have its principal business operations in such new location if it satisfied the requirements of this subdivision no later than one hundred eighty days after receiving a qualified investment;

(14) "Purchase price", the amount paid to the rural fund that issues a capital investment which shall not exceed the amount of capital investment authority certified under the provisions of section 620.3510;

(15) "Qualified investment", any investment in an eligible business or any loan to an eligible business with a stated maturity date of at least one year after the date of issuance, excluding revolving lines of credit and senior secured debt unless the chief executive or similar officer of the eligible business certifies that the eligible business sought and was denied similar financing from a depository institution, by a rural fund; provided that, with respect to any one eligible business, the maximum amount of investments made in such business by one or more rural funds, on a collective basis with all of the businesses'



affiliates, with the proceeds of capital investments shall be the greater of twenty percent of the rural fund's capital investment authority or six million five hundred thousand dollars, exclusive of investments made with repaid or redeemed investments or interest or profits realized thereon;

(16) "Rural area", any county of this state that has a population of less than eighty thousand according to the 2020 decennial census of the United States;

(17) "Rural area average wage", seventy-five percent of the state average wage as determined by the department for the most recently completed full calendar year;

(18) "Rural fund", an entity certified by the department under the provisions of section 620.3510;

(19) "Rural investor", an entity that makes a capital investment in a rural fund;

(20) "Senior secured debt", any loan that is secured by a first mortgage on real estate with a loan-to-value ratio of less than eighty percent;

(21) "State tax liability", any liability incurred by any entity subject to the state income tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or an insurance company paying an annual tax on its gross premium receipts, including retaliatory tax, or other financial institution paying taxes to the state or any political subdivision of the state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state.

620.3510. 1. A rural fund that seeks to have an equity investment certified as a capital investment eligible for credits authorized under the provisions of sections 620.3500 to 620.3530 shall apply to the department. The department shall begin accepting applications within one

hundred eighty days of the effective date of sections 620.3500 to 620.3530. The application shall include:

(1) The amount of capital investment requested;

(2) A copy of the applicant's or an affiliate of the applicant's license as a rural business investment company under 7 U.S.C. Section 2009cc or as a small business investment company under 15 U.S.C. Section 681, and a certificate executed by an executive officer of the applicant attesting that such license remains in effect and has not been revoked;

(3) Evidence that, as of the date the application is submitted, the applicant or affiliates of the applicant have invested:

(a) At least one hundred million dollars in nonpublic companies located in counties within the United States with a population of less than fifty thousand according to the 2010 decennial census of United States; and

(b) At least thirty million dollars in nonpublic companies located in Missouri;

(4) A business plan that includes a revenue impact assessment projecting state and local tax revenue to be generated by the applicant's proposed qualified investments, prepared by a nationally recognized, third-party, independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan in yearly increments over the ten years following the date the application is submitted to the department. Such plan shall include an estimate of the number of jobs created and jobs retained in this state as a result of the applicant's qualified investments; and

(5) A nonrefundable application fee of five thousand dollars payable to the department.

2. Within sixty days after the receipt of a completed application, the department shall grant or deny the application in full or in part. The department shall deny the application if:

(1) The applicant does not satisfy all of the criteria provided under subsection 1 of this section;

(2) The revenue impact assessment submitted with the application does not demonstrate that the applicant's business plan will result in a positive fiscal impact on this state over a ten-year period that exceeds the cumulative amount of tax credits that would be issued to the applicant if the application were approved; or

(3) The department has already approved the maximum amount of capital investment authority under section 620.3515.

3. If the department denies any part of the application, it shall inform the applicant of the grounds for such denial. If the applicant provides any additional information required by the department or otherwise completes its application within fifteen days of the notice of denial, the application shall be considered complete as of the original date of resubmission. If the applicant fails to provide the information or fails to complete its application within the fifteen-day period, the application shall remain denied and shall be resubmitted in full with a new submission date and a new application fee.

4. Upon approval of an application, the department shall certify the proposed equity investment as a capital investment eligible for credits under sections 620.3500 to 620.3530, subject to the limitations contained in section 620.3515, and the department shall enter into a written agreement with the rural fund and rural investor covering the qualified investment and tax credits under the act and

such other provisions as the department may require. The department shall provide written notice of the certification to the applicant, which shall include the amount of the applicant's capital investment authority. The department shall certify capital investments in the order that the applications are received by the department. Applications received on the same day shall be deemed to have been received simultaneously. For applications that are complete and received on the same day, the department shall certify applications in proportionate percentages based upon the ratio of the amount of capital investment authority requested in an application to the total amount of capital investment authority requested in all applications.

620.3515. 1. The department shall certify capital investment authority under the provisions of sections 620.3500 to 620.3530 in amounts that would authorize not more than sixteen million dollars in state tax credits to be claimed against state tax liability in any calendar year, excluding any credit amounts carried forward as provided under subsection 1 of section 620.3520. Within ninety days of the applicant receiving notice of certification, the rural fund shall issue the capital investment to, and receive cash in the amount of the certified amount from, a rural investor. At least ten percent of the rural investor's capital investment shall be composed of capital raised by the rural investor directly or indirectly from sources, including directors, members, employees, officers, and affiliates of the rural investor, other than the amount invested by the allocatee claiming the tax credits in exchange for such allocation of tax credits. The rural fund shall provide the department with evidence of the receipt of the cash investment within ninety-five days of the applicant receiving notice of certification.

2. If the rural fund does not receive the cash investment and issue the capital investment within such time period following receipt of the certification notice, the certification shall lapse and the rural fund shall not issue the capital investment without reapplying to the department for certification. Lapsed certifications shall revert to the department and shall be reissued pro rata to applicants whose capital investment allocations were reduced during the immediately preceding application cycle in accordance with the application process provided under subsection 4 of section 620.3510. Any lapsed certification not reissued within the same calendar year as the lapsed certification was issued shall not be reissued.

3. A rural fund, before making a qualified investment, may request from the department a written opinion as to whether the business in which it proposes to invest is an eligible business. Such request shall be on a form developed by the department to be completed by the eligible business and the rural fund, which shall provide information as requested by the department to make its opinion. If the department fails to notify the rural fund of its determination by the twentieth business day following its receipt of the completed form and all information necessary to form its opinion, the business in which the rural fund proposes to invest shall be deemed an eligible business.

620.3520. 1. Upon making a capital investment in a rural fund, a rural investor shall have a vested right to earn a tax credit that will be issued by the department that may be used against such entity's state tax liability that may be utilized on each credit allowance date of such capital investment in an amount equal to the applicable percentage for such credit allowance date multiplied by the purchase price paid to the rural fund for the capital

investment. The amount of the credit claimed by a rural investor shall not exceed the amount of such entity's state tax liability for the tax year for which the credit is claimed. Any amount of credit that a rural investor is prohibited from claiming in a taxable year as a result of this section may be carried forward for use in any of the five subsequent taxable years, and shall not be carried back to prior taxable years. A rural investor claiming a credit under the provisions of sections 620.3500 to 620.3530 shall not incur any additional tax that may arise as a result of claiming such credit.

2. No credit claimed under the provisions of sections 620.3500 to 620.3530 shall be refundable or sellable on the open market. Credits earned by or allocated to a partnership, limited liability company, or S-corporation may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders, and a rural fund shall notify the department of the names of the entities that are eligible to utilize credits pursuant to an allocation of credits or a change in allocation of credits, or due to a transfer of a capital investment upon such allocation, change, or transfer. Such allocation shall not be considered a sale for the purposes of this section.

3. The department may recapture credits from a taxpayer that claimed a credit authorized under this section if:

(1) The rural fund does not invest sixty percent of its capital investment authority in qualified investments in this state within two years of the credit allowance date, and one hundred percent of its capital investment authority in qualified investments in this state within three years of

the credit allowance date, provided that at least seventy percent of such initial qualified investments shall be made in eligible businesses located in rural areas or eligible businesses that are also agribusinesses. In no event shall more than thirty percent of such initial qualified investments be made in eligible businesses located outside of a rural area;

(2) The rural fund fails to maintain qualified investments equal to ninety percent of its capital investment authority from the third until the sixth credit allowance date, with seventy percent of such investments maintained in eligible businesses located in rural areas or eligible businesses that are also agribusinesses, provided that in no event shall more than thirty percent of such qualified investments be made in eligible businesses located outside of a rural area. For each year the rural fund fails to maintain such investments, the department may recapture an amount of such year's allowed credits equal to the percentage difference between ninety percent of a rural fund's capital investment authority and the actual amount of qualified investments maintained for such year. For the purposes of this subdivision, a qualified investment is considered maintained even if the qualified investment was sold or repaid so long as the rural fund reinvests an amount equal to the capital returned or recovered by the rural fund from the original investment, exclusive of any profits realized, in other qualified investments in this state within twelve months of the receipt of such capital. Amounts received periodically by a rural fund shall be treated as continually invested in qualified investments if the amounts are reinvested in one or more qualified investments by the end of the following calendar year. A rural fund shall not be required to reinvest capital

returned from qualified investments after the fifth credit allowance date, and such qualified investments shall be considered held continuously by the rural fund through the sixth credit allowance date;

(3) The rural fund, before exiting the program in accordance with sections 620.3500 to 620.3530 or prior to thirty days after the sixth credit allowance date, whichever is earlier, makes a distribution or payment that results in the rural fund having less than one hundred percent of its capital investment authority invested in qualified investments in this state or held in cash or other marketable securities; or

(4) The rural fund violates the provisions of section 620.3525, in which case the department may recapture an amount equal to the amount of a rural fund's capital investment authority found to be in violation of such provisions.

For the purposes of meeting and maintaining the objectives established for investment in subdivisions (1) and (2) of this subsection, a rural fund's qualified investments shall be multiplied by a factor of one and a quarter in counties with less than thirty thousand in population and more than thirteen thousand in population and shall be multiplied by a factor of one and a half in counties with a population of thirteen thousand or less according to the most recent decennial census.

4. No recapture shall occur until the rural fund has been given notice of noncompliance and afforded six months from the date of such notice to cure the noncompliance occurring within the first two years following the initial credit allowance date and ninety days to cure noncompliance thereafter.



620.3525. No eligible business that receives a qualified investment under the provisions of sections 620.3500 to 620.3530, or any affiliates of such eligible businesses, shall directly or indirectly:

(1) Own or have the right to acquire an ownership interest in a rural fund or member or affiliate of a rural fund, including, but not limited to, a holder of a capital investment issued by the rural fund; or

(2) Loan to or invest in a rural fund or member or affiliate of a rural fund, including, but not limited to, a holder of a capital investment issued by a rural fund, where the proceeds of such loan or investment are directly or indirectly used to fund or refinance the purchase of a capital investment under sections 620.3500 to 620.3530.

620.3530. 1. Rural funds shall submit a report to the department within the first fifteen business days after the second and third credit allowance date. The report following the second credit allowance date shall provide documentation as to the investment of sixty percent of the purchase price of such capital investment in qualified investments. The report following the third credit allowance date shall provide documentation as to the investment of one hundred percent of the purchase price of such capital investment in qualified investments. Unless previously reported pursuant to this subsection, such reports shall also include:

(1) The name and location of each eligible business receiving a qualified investment;

(2) Bank statements of such rural fund evidencing each qualified investment;

(3) A copy of the written opinion of the department, as provided in subsection 3 of section 620.3515, or evidence

that such business was an eligible business at the time of such qualified investment, as applicable;

(4) The number of jobs created and jobs retained resulting from each qualified investment;

(5) The average annual salary of positions described in subdivision (4) of this subsection; and

(6) Such other information as required by the department.

2. For all subsequent years, rural funds shall submit an annual report to the department within ninety days of the beginning of the calendar year during the compliance period. The report shall include, but is not limited to, the following:

(1) The number of jobs created and jobs retained as a result of qualified investments;

(2) The average annual salary of positions described in subdivision (1) of this subsection and new payroll; and

(3) Such other information as required by the department.

3. The program authorized pursuant to sections 620.3500 to 620.3530 shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any rural fund approved under this program shall be subject to the provisions of sections 135.800 to 135.830.

4. On or after the sixth anniversary of the credit allowance date, a rural fund may apply to the department to exit the program and no longer be subject to regulation under the provisions of sections 620.3500 to 620.3530 except for de-certification and the state reimbursement amount as provided in this section. Such request shall be on a form developed by the department to be completed by the rural fund, which shall provide information as requested by the

department to make its determination. The department shall respond to the exit application within thirty days of receipt of the completed form and all information to make its determination. In evaluating the exit application, the fact that no credits have been recaptured and that the rural fund has not received a notice of recapture that has not been cured pursuant to subsection 4 of section 620.3520 shall be sufficient evidence to prove that the rural fund is eligible for exit. The department shall not unreasonably deny, delay, or withhold its determination of an exit application submitted under this subsection. If the exit application is denied, the notice shall include the reasons for such determination.

5. (1) For each calendar year in which a rural fund makes or maintains a qualified investment in an eligible business in this state, the fund shall determine the number of new full-time employees produced at the eligible business as a result of the investment. New jobs created shall be computed by subtracting the number of full-time employees at the eligible business on the date of the fund's initial qualified investment in the eligible business from the number of full-time employees at the eligible business on the last day of the calendar year. If the computation results in a number less than zero, the number of new jobs created by the fund's qualified investment for that calendar year period shall be zero.

(2) After a fund's application for exit is approved under subsection 4 of this section, the department shall calculate the state reimbursement amount. The state reimbursement amount shall equal the amount by which the total amount of tax credits issued to the fund exceeds the product obtained by multiplying fifty percent of the rural area average wage by the aggregate number of jobs created

resulting from such fund's qualified investments. If that product is greater than the total amount of tax credits issued to the fund for the qualified investments under the provisions of sections 620.3500 to 620.3530, the state reimbursement amount shall equal zero. The number of jobs created equals the sum of jobs created as reported by the fund annually pursuant to section 620.3530.

(3) On or after the ninth anniversary of the credit allowance date, if a rural fund declines to submit an exit application in accordance with subsection 4 of this section, the department may determine the state reimbursement amount in accordance with subdivision (1) of this subsection.

(4) After the state reimbursement amount is computed, the fund shall not be permitted to make further distributions to equity holders of the fund, including investors that are equity holders of the funds, without first remitting the state reimbursement amount to the department.

6. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under sections 620.3500 to 620.3530 shall expire on August 28, 2028, unless reauthorized by the general assembly; and

(2) Sections 620.3500 to 620.3530 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.3500 to 620.3530 is sunset; and

(3) If such program is reauthorized, the program authorized under sections 620.3500 to 620.3530 shall automatically sunset six years after the effective date of the reauthorization of sections 620.3500 to 620.3530; and

(4) Nothing in this subsection shall preclude a rural fund that has received certified capital investment

authority from the department prior to the expiration of sections 620.3500 to 620.3530 from issuing the capital investment pursuant to that authority in accordance with sections 620.3500 to 620.3530.

7. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.3500 to 620.3530. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

643.050. 1. In addition to any other powers vested in it by law the commission shall have the following powers:

(1) Adopt, promulgate, amend and repeal rules and regulations consistent with the general intent and purposes of sections 643.010 to 643.355, chapter 536, **[and]** Titles V and VI of the federal Clean Air Act, as amended, 42 U.S.C. 7661**[,]** et seq., and 42 U.S.C. Section 7412(r), as amended, for covered processes of agricultural stationary sources that use, store, or sell anhydrous ammonia, including, but not limited to:

(a) Regulation of use of equipment known to be a source of air contamination;

(b) Establishment of maximum quantities of air contaminants that may be emitted from any air contaminant source; [and]

(c) Regulations necessary to enforce the provisions of Title VI of the Clean Air Act, as amended, 42 U.S.C. 7671[, ] et seq., regarding any Class I or Class II substances as defined therein; and

(d) Regulations necessary to implement and enforce the risk management plans under 42 U.S.C. Section 7412(r), as amended, for agricultural facilities that use, store, or sell anhydrous ammonia;

(2) After holding public hearings in accordance with section 643.070, establish areas of the state and prescribe air quality standards for such areas giving due recognition to variations, if any, in the characteristics of different areas of the state which may be deemed by the commission to be relevant;

(3) (a) To require persons engaged in operations which result in air pollution to monitor or test emissions and to file reports containing information relating to rate, period of emission and composition of effluent;

(b) Require submission to the director for approval of plans and specifications for any article, machine, equipment, device, or other contrivance specified by regulation the use of which may cause or control the issuance of air contaminants; but any person responsible for complying with the standards established under sections 643.010 to 643.355 shall determine, unless found by the director to be inadequate, the means, methods, processes, equipment and operation to meet the established standards;

(4) Hold hearings upon appeals from orders of the director or from any other actions or determinations of the director hereunder for which provision is made for appeal,

and in connection therewith, issue subpoenas requiring the attendance of witnesses and the production of evidence reasonably relating to the hearing;

(5) Enter such order or determination as may be necessary to effectuate the purposes of sections 643.010 to 643.355. In making its orders and determinations hereunder, the commission shall exercise a sound discretion in weighing the equities involved and the advantages and disadvantages to the person involved and to those affected by air contaminants emitted by such person as set out in section 643.030. If any small business, as defined by section 643.020, requests information on what would constitute compliance with the requirements of sections 643.010 to 643.355 or any order or determination of the department or commission, the department shall respond with written criteria to inform the small business of the actions necessary for compliance. No enforcement action shall be undertaken by the department or commission until the small business has had a period of time, negotiated with the department, to achieve compliance;

(6) Cause to be instituted in a court of competent jurisdiction legal proceedings to compel compliance with any final order or determination entered by the commission or the director;

(7) Settle or compromise in its discretion, as it may deem advantageous to the state, any suit for recovery of any penalty or for compelling compliance with the provisions of any rule;

(8) Develop such facts and make such investigations as are consistent with the purposes of sections 643.010 to 643.355, and, in connection therewith, to enter or authorize any representative of the department to enter at all reasonable times and upon reasonable notice in or upon any

private or public property for the purpose of inspecting or investigating any condition which the commission or director shall have probable cause to believe to be an air contaminant source or upon any private or public property having material information relevant to said air contaminant source. The results of any such investigation shall be reduced to writing, and a copy thereof shall be furnished to the owner or operator of the property. No person shall refuse entry or access, requested for purposes of inspection under this provision, to an authorized representative of the department who presents appropriate credentials, nor obstruct or hamper the representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge having jurisdiction to any such representative for the purpose of enabling him to make such inspection;

(9) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise, with any educational institution, experiment station, or any board, department, or other agency of any political subdivision or state or the federal government;

(10) Classify and identify air contaminants; and

(11) Hold public hearings as required by sections 643.010 to 643.355.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The commission shall have the following duties with respect to the prevention, abatement and control of air pollution:



(1) Prepare and develop a general comprehensive plan for the prevention, abatement and control of air pollution;

(2) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of sections 643.010 to 643.355;

(3) Encourage political subdivisions to handle air pollution problems within their respective jurisdictions to the extent possible and practicable and provide assistance to political subdivisions;

(4) Encourage and conduct studies, investigations and research;

(5) Collect and disseminate information and conduct education and training programs;

(6) Advise, consult and cooperate with other agencies of the state, political subdivisions, industries, other states and the federal government, and with interested persons or groups;

(7) Represent the state of Missouri in all matters pertaining to interstate air pollution including the negotiations of interstate compacts or agreements.

4. Nothing contained in sections 643.010 to 643.355 shall be deemed to grant to the commission or department any jurisdiction or authority with respect to air pollution existing solely within commercial and industrial plants, works, or shops or to affect any aspect of employer-employee relationships as to health and safety hazards.

5. Any information relating to secret processes or methods of manufacture or production discovered through any communication required under this section shall be kept confidential.

643.079. 1. Any air contaminant source required to obtain a permit issued under sections 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as

provided herein. For the first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted. Thereafter, the fee shall be set every three years by the commission by rule and shall be at least twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the commission may make annual adjustments to the fee by rule. The fee shall be set at an amount consistent with the need to fund the reasonable cost of administering sections 643.010 to 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355. For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility shall be considered one source [under the definition of] as described in subsection 2 of section 643.078, except that a facility with multiple operating permits shall pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit.

2. A source which produces charcoal from wood shall pay an annual emission fee under this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated air contaminant emitted for the first four thousand tons of each contaminant emitted in the amount established by the commission pursuant to subsection 1 of this section, reduced according to the following schedule:

(1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be reduced by one hundred percent;

(2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall be reduced by eighty percent;

(3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall be reduced by sixty percent.

3. The fees imposed in subsection 2 of this section shall not be imposed or collected after the year 2000 unless the general assembly reimposes the fee.

4. Each air contaminant source with a permit issued under sections 643.010 to 643.355 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each year but no air contaminant source shall pay fees on total emissions of regulated air contaminants in excess of twelve thousand tons in any calendar year. A permitted air contaminant source which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per ton set by the commission. An air contaminant source which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140 may deduct such fees from any amount due under this section. The fees imposed in this section shall not be applied to carbon oxide emissions. The fees imposed in subsection 1 of this section and this subsection shall not be applied to sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. Section 7651[**1**] et seq., any sooner than January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent with and shall not exceed the provisions of the federal Clean Air Act, as amended, and the regulations promulgated thereunder. Any such fee on emissions from any Phase I affected unit shall be reduced by the amount of the service

fee paid by that Phase I affected unit pursuant to subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources shall follow the procedures set forth in subsection 1 of this section and this subsection and shall not be applied retroactively.

5. Moneys collected under this section shall be transmitted to the director of revenue for deposit in appropriate subaccounts of the natural resources protection fund created in section 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C. Section 7661[**1**,] et seq., and used, upon appropriation, to fund activities by the department to implement the operating permits program authorized by Title V of the federal Clean Air Act, as amended. Another subaccount shall be maintained for fees paid by air contaminant sources which are not required to be permitted under Title V of the federal Clean Air Act as amended, and used, upon appropriation, to fund other air pollution control program activities. Another subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase I affected units which are subject to the requirements of Title IV, Section 404, of the federal Clean Air Act Amendments of 1990 (42 U.S.C. Section 7651c), as amended, [**42 U.S.C. Section 7651,**] and used, upon appropriation, to fund air pollution control program activities. The provisions of section 33.080 to the contrary notwithstanding, moneys in the fund shall not revert to general revenue at the end of each biennium. Interest earned by moneys in the subaccounts shall be retained in the subaccounts. The per-ton fees established under subsection 1 of this section may be adjusted annually, consistent with the need to fund the reasonable costs of the

program, but shall not be less than twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per ton of regulated air contaminant. The first adjustment shall apply to moneys payable on April 1, 1994, and shall be based upon the general price level for the twelve-month period ending on August thirty-first of the previous calendar year.

6. The department may initiate a civil action in circuit court against any air contaminant source which has not remitted the appropriate fees within thirty days. In any judgment against the source, the department shall be awarded interest at a rate determined pursuant to section 408.030 and reasonable attorney's fees. In any judgment against the department, the source shall be awarded reasonable attorney's fees.

7. The department shall not suspend or revoke a permit for an air contaminant source solely because the source has not submitted the fees pursuant to this section.

8. Any Phase I affected unit which is subject to the requirements of Title IV, Section 404, of the federal Clean Air Act Amendments of 1990 (42 U.S.C. Section 7651c), as amended, [42 U.S.C. Section 7651,] shall pay annually beginning April 1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for each Phase I affected generating unit to help fund the administration of sections 643.010 to 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following public hearing, based on an annual allocation prepared by the department showing the details of all costs and expenses upon which such fees are based consistent with the department's reasonable needs to administer and implement sections 643.010 to 643.355 and

to fulfill its responsibilities with respect to Phase I affected units, but such service fee shall not exceed twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located on one or more contiguous tracts of land with any Phase II generating unit that pays fees under subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public roads, highways and railroads, which is under the control of or owned by the permit holder and operated as a single enterprise.

9. The department of natural resources shall determine the fees due pursuant to this section by the state of Missouri and its departments, agencies and institutions, including two- and four-year institutions of higher education. The director of the department of natural resources shall forward the various totals due to the joint committee on capital improvements and the directors of the individual departments, agencies and institutions. The departments, as part of the budget process, shall annually request by specific line item appropriation funds to pay said fees and capital funding for projects determined to significantly improve air quality. If the general assembly fails to appropriate funds for emissions fees as specifically requested, the departments, agencies and institutions shall pay said fees from other sources of revenue or funds available. The state of Missouri and its departments, agencies and institutions may receive assistance from the small business technical assistance program established pursuant to section 643.173.

10. Each retail agricultural facility that uses, stores, or sells anhydrous ammonia that is an air contaminant source subject to the risk management plan under

42 U.S.C. Section 7412(r), as amended, shall pay an annual registration fee of two hundred dollars. In addition, each retail agricultural facility that uses, stores, or sells anhydrous ammonia shall pay an annual tonnage fee calculated on the number of tons of anhydrous ammonia sold. The initial retail tonnage fee shall be set at one dollar and twenty-five cents per ton of anhydrous ammonia used or sold. Each distributor or terminal agricultural facility that uses, stores, or sells anhydrous ammonia that is an air contaminant source subject to the risk management plan program 3 under 40 CFR Part 68 shall pay an annual registration fee of five thousand dollars and shall not pay a tonnage fee. The annual registration fees and tonnage fee may be periodically revised under subsection 11 of this section. However, the fees collected shall be used exclusively for the purposes of administering the provisions of 42 U.S.C. Section 7412(r), as amended, for such agricultural facilities. Fees paid by agricultural air contaminant sources that use, store, or sell anhydrous ammonia for the purposes of implementing the requirements of 42 U.S.C. Section 7412(r), as amended, shall be deposited into the anhydrous ammonia risk management plan subaccount within the natural resources protection fund created in section 643.245. If the funding exceeds the reasonable costs to administer the programs as set forth in this section, the department of natural resources shall reduce fees for all registrants if the fees derived exceed the reasonable cost of administering the risk management plan under 42 U.S.C. Section 7412(r), as amended.

11. Notwithstanding any statutory fee amounts or maximums to the contrary, the department of natural resources may conduct a comprehensive review and propose changes to the fee structure authorized by sections 643.073,

643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and 643.242 after holding stakeholder meetings in order to solicit stakeholder input from each of the following groups: the asbestos industry, electric utilities, mineral and metallic mining and processing facilities, cement kiln representatives, and any other interested industrial or business entities or interested parties. The department shall submit a proposed fee structure with stakeholder agreement to the air conservation commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the previous fee structure shall expire upon the effective date of the commission-adopted fee structure. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation, by concurrent resolution disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under



this subsection, the commission shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, 2024.

643.245. 1. All moneys received pursuant to sections 643.225 to 643.245 and any other moneys so designated shall be placed in the state treasury and credited to the "Natural Resources Protection Fund – Air Pollution Asbestos Fee Subaccount", which is hereby created. Such moneys received pursuant to sections 643.225 to 643.245 shall, subject to appropriation, be used solely for the purpose of administering this chapter. Any unexpended balance in such fund at the end of any appropriation period shall not be transferred to the general revenue fund of the state treasury and shall be exempt from the provisions of section 33.080.

2. All moneys received under subsection 10 of section 643.079 and any other moneys so designated shall be placed in the "Natural Resources Protection Fund - Anhydrous Ammonia Risk Management Plan Subaccount", which is hereby created. Such moneys received under subsection 10 of section 643.079 shall, subject to appropriation, be used solely for the purpose of administering the provisions of section 643.079. Any unexpended balance in such fund at the end of any appropriation period shall not be transferred to the general revenue fund of the state treasury and shall be exempt from the provisions of section 33.080.

3. The state treasurer, with the approval of the board of fund commissioners, is authorized to deposit all of the moneys in any of the qualified state depositories. All such deposits shall be secured in such manner and shall be made upon such terms and conditions as are now and may hereafter be approved by law relative to state deposits. Any interest

received on such deposits shall be credited to the natural resources protection fund – air pollution asbestos fee subaccount.

[266.355. Unless provided for by federal law, rule or regulation, the director of the department of agriculture shall promulgate, pursuant to chapter 536, and enforce regulations setting forth minimum general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck, tank trailer, tank car and utilizing anhydrous ammonia. The provisions of this section shall not apply to equipment which is in use for storing anhydrous ammonia as of August 28, 2010, and which is found by the department to be in substantial compliance with generally accepted standards of safety regarding life and property. The department shall adopt the minimum general safety standards for the storage and handling of anhydrous ammonia set forth in ANSI Standard K61.1-1999, Safety Requirements for the Storage and Handling of Anhydrous Ammonia; except that, ANSI Standard K61.1-1999 shall not be adopted by the department prior to December 1, 2012. For purposes of this section, "ANSI" means the American National Standards Institute.]

Section B. Because immediate action is necessary to promote agricultural economic opportunities in this state, the repeal of section 266.355, the repeal and reenactment of sections 60.301, 60.315, 60.345, 135.305, 135.686, 348.436, 348.500, 643.050, 643.079, and 643.245, and the enactment of sections 21.915, 135.755, 135.775, 135.778, 135.1610, 275.357 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal of section 266.355, the repeal and reenactment of sections 60.301, 60.315, 60.345, 135.305, 135.686, 348.436, 348.500, 643.050, 643.079, and 643.245, and the enactment of sections 21.915, 135.755, 135.775, 135.778, 135.1610, 275.357 of this act shall be in full force and effect upon its passage and approval.