

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 138

102ND GENERAL ASSEMBLY

2023

0556H.04T

AN ACT

To repeal sections 60.401, 60.410, 60.421, 60.431, 60.441, 60.451, 60.471, 60.480, 60.491, 60.510, 135.772, 135.775, 135.778, 143.022, 143.121, 195.203, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, 196.311, 196.316, 261.265, 281.102, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, RSMo, and to enact in lieu thereof twenty-seven new sections relating to agriculture.

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

Section A. Sections 60.401, 60.410, 60.421, 60.431,
2 60.441, 60.451, 60.471, 60.480, 60.491, 60.510, 135.772,
3 135.775, 135.778, 143.022, 143.121, 195.203, 195.740, 195.743,
4 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767,
5 195.773, 196.311, 196.316, 261.265, 281.102, 304.180, 323.100,
6 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, RSMo,
7 are repealed and twenty-seven new sections enacted in lieu
8 thereof, to be known as sections 60.401, 60.411, 60.431, 60.441,
9 60.471, 60.480, 60.496, 60.510, 68.080, 135.772, 135.775,
10 135.778, 143.022, 143.121, 196.311, 196.316, 256.800, 262.911,
11 281.102, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384,
12 340.387, and 413.225, to read as follows:

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

60.401. The **[systems of] most recent system of state**
2 plane coordinates **[which have been]** established by the
3 **[National Ocean Survey/]National Geodetic Survey, or its**
4 **[successors] successor, based on the National Spatial**
5 **Reference System, or its successor, and known as the State**
6 **Plane Coordinate System,** for defining and stating the
7 **[geographic]** positions or locations of points on the surface
8 of the earth within the state of Missouri **[are hereafter to]**
9 **shall** be known **[and designated]** as the **["Missouri Coordinate**
10 **System of 1927" and the]** "Missouri **State Plane** Coordinate
11 System **[of 1983]"**.

60.411. The Missouri state plane coordinate system may
2 have one or more projection zone layers. Each layer of
3 zones shall be covered by geodetically referenced mapping
4 projections adopted and supported by the National Geodetic
5 Survey as a component of the National Spatial Reference
6 System. Each layer of zones shall be identified by the
7 geodetic datum upon which they are defined and each zone
8 shall remain uniquely and consistently defined throughout
9 its implementation within a particular layer.

60.431. The plane coordinate **[values for]** of a point
2 on the earth's surface, **to be** used **[to express the**
3 **geographic]** **in expressing the** position or location of **[such]**
4 **the** point in the appropriate zone of **[this system]** **the**
5 **Missouri state plane coordinate system,** shall consist of two
6 distances expressed in **[U.S. Survey Feet]** **feet** and decimals
7 of a foot **[when using the Missouri coordinate system of 1927**
8 **and expressed in]** **or in** meters and decimals of a meter **[when**
9 **using the Missouri coordinate system of 1983]**. **If values**
10 **are expressed in feet, the International foot, which is**
11 **equal to three thousand forty-eight ten-thousandths meter**
12 **(0.3048 meter), shall be used as the standard foot for the**

13 **Missouri state plane coordinate system.** One of these
14 distances, to be known as the "**east** x-coordinate", shall
15 give the [position in an east-and-west direction] **distance**
16 **east of the y-axis**; the other, to be known as the "**north** y-
17 coordinate", shall give the [position in a north-and-south
18 direction] **distance north of the x-axis.** **The y-axis of any**
19 **zone shall be parallel with the central meridian of that**
20 **zone. The x-axis of any zone shall be at right angles to**
21 **the central meridian of that zone.** These coordinates shall
22 [be made to] depend upon and conform to plane rectangular
23 coordinate values [for the monumented points of the North
24 American Horizontal Geodetic Control Network, as published
25 by the National Ocean Survey/] **as established, published, or**
26 **broadcast by the** National Geodetic Survey, or its
27 successors, and whose plane coordinates have been computed
28 on the systems defined in sections 60.401 to [60.481]
29 **60.496.** Any such station **or method** may be used for
30 establishing a survey connection to [either] **the** Missouri
31 **state plane** coordinate system.

60.441. When any tract of land to be defined by a
2 single description extends from one into another of the
3 coordinate zones [set out in section 60.410], the positions
4 of all points on its boundaries may be referred to as either
5 of the zones and the zone which is used shall be
6 specifically named in the description.

60.471. The use of the term "**Missouri State Plane**
2 **Coordinate System** [of 1927" or "**Missouri Coordinate System**
3 **of 1983**]" on any map, report of survey, or other document
4 shall be limited to coordinates based on the Missouri **state**
5 **plane** coordinate system as defined in sections 60.401 to
6 [60.491] **60.496.**

60.480. Descriptions of tracts of land by reference to subdivisions, lines, or corners of the United States public land survey, or other original pertinent surveys, are hereby recognized as the basic and prevailing method for describing such tracts. Whenever coordinates of the Missouri **state plane** coordinate system are used in such descriptions they shall be construed as being supplementary to descriptions of such subdivisions, lines, or corners contained in official plats and field notes of record; and, in the event of any conflict, the descriptions by reference to the subdivisions, lines, or corners of the United States public land surveys, or other original pertinent surveys shall prevail over the description by coordinates.

60.496. The provisions of this chapter shall not be construed to prohibit the appropriate use of other geodetic reference networks.

60.510. The functions, duties and responsibilities of the department of agriculture shall be as follows:

(1) To restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States public land survey within Missouri, together with all pertinent field notes, plats and documents; and also to restore, establish, maintain, and preserve Missouri state and county boundary markers and other boundary markers considered by the department of agriculture to be of importance, or otherwise established by law;

(2) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating, with words and figures, the exact location involved, but if such monuments cannot be placed at the exact corner point, then witness

17 corners of similar design shall be placed as **[near by]**
18 **nearby** as possible, with words and figures indicating the
19 bearing and distance to the true corner;

20 (3) To establish, maintain, and provide safe storage
21 facilities for a comprehensive system of recordation of
22 information respecting all monuments established by the
23 United States public land survey within this state, and such
24 records as may be pertinent to the department of
25 agriculture's establishment or maintenance of other land
26 corners, Missouri state **plane** coordinate system stations and
27 accessories, and survey monuments in general;

28 (4) To provide the framework for all geodetic
29 positioning activities in the state. The foundational
30 elements include latitude, longitude, and elevation which
31 contribute to informed decision making and impact on a wide
32 range of important activities including mapping and
33 geographic information systems, flood risk determination,
34 transportation, land use and ecosystem management and use of
35 the Missouri state **plane** coordinate system, as established
36 by sections 60.401 to **[60.491] 60.496;**

37 (5) To collect and preserve information obtained from
38 surveys made by those authorized to establish land monuments
39 or land boundaries, and to assist in the proper recording of
40 the same by the duly constituted county officials, or
41 otherwise;

42 (6) To furnish, upon reasonable request and tender of
43 the required fees therefor, certified copies of records
44 created or maintained by the department of agriculture
45 which, when certified by the state land surveyor or a
46 designated assistant, shall be admissible in evidence in any
47 court in this state, as the original record; and

48 (7) To prescribe, and disseminate to those engaged in
49 the business of land surveying, regulations designed to
50 assist in uniform and professional surveying methods and
51 standards in this state.

 68.080. 1. There is hereby established in the state
2 treasury the "Waterways and Ports Trust Fund". The fund
3 shall consist of revenues appropriated to it by the general
4 assembly.

5 2. The fund may also receive any gifts, contributions,
6 grants, or bequests received from federal, private, or other
7 sources.

8 3. The fund shall be a revolving trust fund exempt
9 from the provisions of section 33.080 relating to the
10 transfer of unexpended balances by the state treasurer to
11 the general revenue fund of the state. All interest earned
12 upon the balance in the fund shall be deposited to the
13 credit of the fund.

14 4. Moneys in the fund shall be withdrawn only upon
15 appropriation by the general assembly, to be administered by
16 the state highways and transportation commission and the
17 department of transportation, in consultation with Missouri
18 public ports, for the purposes in subsection 2 of section
19 68.035 and for no other purpose. To be eligible to receive
20 an appropriation from the fund, a project shall be:

21 (1) A capital improvement project implementing
22 physical improvements designed to improve commerce or
23 terminal and transportation facilities on or adjacent to the
24 navigable rivers of this state;

25 (2) Located on land owned or held in long term lease
26 by a Missouri port authority, or within a navigable river
27 adjacent to such land, and within the boundaries of a port
28 authority;

29 (3) Funded by alternate sources so that moneys from
30 the fund comprise no more than eighty percent of the cost of
31 the project;

32 (4) Selected and approved by the highways and
33 transportation commission, in consultation with Missouri
34 public ports, to support a statewide plan for waterborne
35 commerce, in accordance with subdivision (1) of section
36 68.065; and

37 (5) Capable of completion within two years of approval
38 by the highways and transportation commission.

39 5. Appropriations made from the fund established in
40 this section may be used as a local share in applying for
41 other grant programs.

42 6. The provisions of this section shall terminate on
43 August 28, 2033, pending the discharge of all warrants. On
44 December 31, 2033, the fund shall be dissolved and the
45 unencumbered balance shall be transferred to the general
46 revenue fund.

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

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

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

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

8 (b) Imports motor fuel into the state; or

9 (c) Is engaged in distribution of motor fuel;

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

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

17 (5) "Retail service station", a location in this state
18 from which higher ethanol blend is sold to the general
19 public and is dispensed directly into motor vehicle fuel
20 tanks for consumption.

21 2. For all tax years beginning on or after January 1,
22 2023, a retail dealer that sells higher ethanol blend at
23 such retail dealer's retail service station or a distributor
24 that sells higher ethanol blend directly to the final user
25 located in this state shall be allowed a tax credit to be
26 taken against the retail dealer's or distributor's state
27 income tax liability. The amount of the credit shall equal
28 five cents per gallon of higher ethanol blend sold by the
29 retail dealer and dispensed through metered pumps at the
30 retail dealer's retail service station or by a distributor
31 directly to the final user located in this state during the
32 tax year for which the tax credit is claimed. **For any**
33 **retail dealer or distributor with a tax year beginning prior**
34 **to January 1, 2023, but ending during the 2023 calendar**
35 **year, such retail dealer or distributor shall be allowed a**
36 **tax credit for the amount of higher ethanol blend sold**
37 **during the portion of such tax year that occurs during the**
38 **2023 calendar year.** Tax credits authorized pursuant to this
39 section shall not be transferred, sold, or assigned. If the
40 amount of the tax credit exceeds the taxpayer's state tax
41 liability, the difference shall not be refundable but may be
42 carried forward to any of the five subsequent tax years.
43 The total amount of tax credits issued pursuant to this
44 section for any given fiscal year shall not exceed five
45 million dollars.

46 3. In the event the total amount of tax credits
47 claimed under this section exceeds the amount of available
48 tax credits, the tax credits shall be apportioned among all
49 eligible retail dealers and distributors claiming a tax
50 credit by April fifteenth, or as directed by section
51 143.851, of the fiscal year in which the tax credit is
52 claimed.

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

61 5. The department shall promulgate rules to implement
62 the provisions of this section. Any rule or portion of a
63 rule, as that term is defined in section 536.010, that is
64 created under the authority delegated in this section shall
65 become effective only if it complies with and is subject to
66 all of the provisions of chapter 536 and, if applicable,
67 section 536.028. This section and chapter 536 are
68 nonseverable and if any of the powers vested with the
69 general assembly pursuant to chapter 536 to review, to delay
70 the effective date, or to disapprove and annul a rule are
71 subsequently held unconstitutional, then the grant of
72 rulemaking authority and any rule proposed or adopted after
73 [the effective date of this section] **January 2, 2023**, shall
74 be invalid and void.

75 6. Under section 23.253 of the Missouri sunset act:

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

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

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

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

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

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

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

23 recent version of the ASTM International D975 Standard
24 Specification for Diesel Fuel;

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

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

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

30 (b) Imports motor fuel into the state; or

31 (c) Is engaged in distribution of motor fuel;

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

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

39 2. For all tax years beginning on or after January 1,
40 2023, a retail dealer that sells a biodiesel blend at a
41 retail service station or a distributor that sells a
42 biodiesel blend directly to the final user located in this
43 state shall be allowed a tax credit to be taken against the
44 retail dealer or distributor's state income tax liability.

45 **For any retail dealer or distributor with a tax year**
46 **beginning prior to January 1, 2023, but ending during the**
47 **2023 calendar year, such retail dealer or distributor shall**
48 **be allowed a tax credit for the amount of biodiesel blend**
49 **sold during the portion of such tax year that occurs during**
50 **the 2023 calendar year.** The amount of the credit shall be
51 equal to:

52 (1) Two cents per gallon of biodiesel blend of at
53 least five percent but not more than ten percent sold by the
54 retail dealer at a retail service station or by a

55 distributor directly to the final user located in this state
56 during the tax year for which the tax credit is claimed; and

57 (2) Five cents per gallon of biodiesel blend in excess
58 of ten percent but not more than twenty percent sold by the
59 retail dealer at a retail service station or by a
60 distributor directly to the final user located in this state
61 during the tax year for which the tax credit is claimed.

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

68 4. In the event the total amount of tax credits
69 claimed under this section exceeds the amount of available
70 tax credits, the tax credits shall be apportioned among all
71 eligible retail dealers and distributors claiming a tax
72 credit by April fifteenth, or as directed by section
73 143.851, of the fiscal year in which the tax credit is
74 claimed.

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

83 6. [Notwithstanding any other provision of law to the
84 contrary, if the maximum amount of tax credits authorized by
85 this section are not claimed, the remaining amount of tax
86 credits available to claim shall be applied to the tax

87 credit in section 135.778 if the maximum amount of tax
88 credits authorized by section 135.778 have been claimed.

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

95 [8.] 7. The department shall promulgate rules to
96 implement and administer the provisions of this section.
97 Any rule or portion of a rule, as that term is defined in
98 section 536.010, that is created pursuant to the authority
99 delegated in this section shall become effective only if it
100 complies with and is subject to all of the provisions of
101 chapter 536 and, if applicable, section 536.028. This
102 section and chapter 536 are nonseverable and if any of the
103 powers vested with the general assembly pursuant to chapter
104 536 to review, to delay the effective date, or to disapprove
105 and annul a rule are subsequently held unconstitutional,
106 then the grant of rulemaking authority and any rule proposed
107 or adopted after January 2, 2023, shall be invalid and void.

108 [9.] 8. Under section 23.253 of the Missouri sunset
109 act:

110 (1) The provisions of the new program authorized under
111 this section shall automatically sunset on December 31,
112 2028, unless reauthorized by an act of the general assembly;

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

117 (3) This section shall terminate on September first of
118 the calendar year immediately following the calendar year in

119 which the program authorized under this section is sunset.
120 The termination of the program as described in this
121 subsection shall not be construed to preclude any qualified
122 taxpayer who claims any benefit under any program that is
123 sunset under this subsection from claiming such benefit for
124 all allowable activities related to such claim that were
125 completed before the program was sunset or to eliminate any
126 responsibility of the department to verify the continued
127 eligibility of qualified individuals receiving tax credits
128 and to enforce other requirements of law that applied before
129 the program was sunset.

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

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

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

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

22 (4) "Missouri biodiesel producer", a person, firm, or
23 corporation doing business in this state that produces
24 biodiesel fuel in this state, is registered with the United
25 States Environmental Protection Agency according to the
26 requirements of 40 CFR Part 79, and has begun construction
27 on such facility or has been selling biodiesel fuel produced
28 at such facility on or before January 2, 2023.

29 2. For all tax years beginning on or after January 1,
30 2023, a Missouri biodiesel producer shall be allowed a tax
31 credit to be taken against the producer's state income tax
32 liability. **For any Missouri biodiesel producer with a tax**
33 **year beginning prior to January 1, 2023, but ending during**
34 **the 2023 calendar year, such Missouri biodiesel producer**
35 **shall be allowed a tax credit for the amount of biodiesel**
36 **fuel produced during the portion of such tax year that**
37 **occurs during the 2023 calendar year.** The amount of the tax
38 credit shall be two cents per gallon of biodiesel fuel
39 produced by the Missouri biodiesel producer during the tax
40 year for which the tax credit is claimed.

41 3. Tax credits authorized under this section shall not
42 be transferred, sold, or assigned. If the amount of the tax
43 credit exceeds the taxpayer's state tax liability, the
44 difference shall be refundable. The total amount of tax
45 credits issued under this section for any given fiscal year
46 shall not exceed **[four] five million five hundred thousand**
47 **dollars, which shall be authorized on a first-come, first-**
48 **served basis.**

49 4. **[In the event the total amount of tax credits**
50 **claimed under this section exceeds the amount of available**
51 **tax credits, the tax credits shall be apportioned among all**
52 **eligible Missouri biodiesel producers claiming the credit by**

53 April fifteenth, or as directed by section 143.851, of the
54 fiscal year in which the tax credit is claimed.

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

63 [6. Notwithstanding any other provision of law to the
64 contrary, if the maximum amount of tax credits authorized by
65 this section are not claimed, the remaining amount of tax
66 credits available to claim shall be applied to the tax
67 credit in section 135.775 if the maximum amount of tax
68 credits authorized by section 135.775 have been claimed.

69 7.] 5. The department shall promulgate rules to
70 implement and administer the provisions of this section.
71 Any rule or portion of a rule, as that term is defined in
72 section 536.010, that is created pursuant to the authority
73 delegated in this section shall become effective only if it
74 complies with and is subject to all of the provisions of
75 chapter 536 and, if applicable, section 536.028. This
76 section and chapter 536 are nonseverable and if any of the
77 powers vested with the general assembly pursuant to chapter
78 536 to review, to delay the effective date, or to disapprove
79 and annul a rule are subsequently held unconstitutional,
80 then the grant of rulemaking authority and any rule proposed
81 or adopted after January 2, 2023, shall be invalid and void.

82 [8.] 6. Under section 23.253 of the Missouri sunset
83 act:

84 (1) The provisions of the new program authorized under
85 this section shall automatically sunset on December 31,
86 2028, unless reauthorized by an act of the general assembly;

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

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

143.022. 1. As used in this section, "business
2 income" means the income greater than zero arising from
3 transactions in the regular course of all of a taxpayer's
4 trade or business and shall be limited to the Missouri
5 source net profit from the combination of the following:

6 (1) The total combined profit as properly reported to
7 the Internal Revenue Service on each Schedule C, or its
8 successor form, filed; **[and]**

9 (2) The total partnership and S corporation income or
10 loss properly reported to the Internal Revenue Service on
11 Part II of Schedule E, or its successor form;

12 (3) The total combined profit as properly reported to
13 the Internal Revenue Service on each Schedule F, or its
14 successor form, filed; and

15 (4) The total combined profit as properly reported to
16 the Internal Revenue Service on each Form 4835, or its
17 successor form, filed.

18 2. In addition to all other modifications allowed by
19 law, there shall be subtracted from the federal adjusted
20 gross income of an individual taxpayer a percentage of such
21 individual's business income, to the extent that such
22 amounts are included in federal adjusted gross income when
23 determining such individual's Missouri adjusted gross income
24 **and are not otherwise subtracted or deducted in determining**
25 **such individual's Missouri taxable income.**

26 3. In the case of an S corporation described in
27 section 143.471 or a partnership computing the deduction
28 allowed under subsection 2 of this section, taxpayers
29 described in subdivision (1) or (2) of this subsection shall
30 be allowed such deduction apportioned in proportion to their
31 share of ownership of the business as reported on the
32 taxpayer's Schedule K-1, or its successor form, for the tax
33 period for which such deduction is being claimed when
34 determining the Missouri adjusted gross income of:

35 (1) The shareholders of an S corporation as described
36 in section 143.471;

37 (2) The partners in a partnership.

38 4. The percentage to be subtracted under subsection 2
39 of this section shall be increased over a period of years.
40 Each increase in the percentage shall be by five percent and
41 no more than one increase shall occur in a calendar year.
42 The maximum percentage that may be subtracted is twenty
43 percent of business income. Any increase in the percentage

44 that may be subtracted shall take effect on January first of
45 a calendar year and such percentage shall continue in effect
46 until the next percentage increase occurs. An increase
47 shall only apply to tax years that begin on or after the
48 increase takes effect.

49 5. An increase in the percentage that may be
50 subtracted under subsection 2 of this section shall only
51 occur if the amount of net general revenue collected in the
52 previous fiscal year exceeds the highest amount of net
53 general revenue collected in any of the three fiscal years
54 prior to such fiscal year by at least one hundred fifty
55 million dollars.

56 6. The first year that a taxpayer may make the
57 subtraction under subsection 2 of this section is 2017,
58 provided that the provisions of subsection 5 of this section
59 are met. If the provisions of subsection 5 of this section
60 are met, the percentage that may be subtracted in 2017 is
61 five percent.

143.121. 1. The Missouri adjusted gross income of a
2 resident individual shall be the taxpayer's federal adjusted
3 gross income subject to the modifications in this section.

4 2. There shall be added to the taxpayer's federal
5 adjusted gross income:

6 (1) The amount of any federal income tax refund
7 received for a prior year which resulted in a Missouri
8 income tax benefit. The amount added pursuant to this
9 subdivision shall not include any amount of a federal income
10 tax refund attributable to a tax credit reducing a
11 taxpayer's federal tax liability pursuant to Public Law 116-
12 136 or 116-260, enacted by the 116th United States Congress,
13 for the tax year beginning on or after January 1, 2020, and
14 ending on or before December 31, 2020, and deducted from

15 Missouri adjusted gross income pursuant to section 143.171.
16 The amount added under this subdivision shall also not
17 include any amount of a federal income tax refund
18 attributable to a tax credit reducing a taxpayer's federal
19 tax liability under any other federal law that provides
20 direct economic impact payments to taxpayers to mitigate
21 financial challenges related to the COVID-19 pandemic, and
22 deducted from Missouri adjusted gross income under section
23 143.171;

24 (2) Interest on certain governmental obligations
25 excluded from federal gross income by 26 U.S.C. Section 103
26 of the Internal Revenue Code, as amended. The previous
27 sentence shall not apply to interest on obligations of the
28 state of Missouri or any of its political subdivisions or
29 authorities and shall not apply to the interest described in
30 subdivision (1) of subsection 3 of this section. The amount
31 added pursuant to this subdivision shall be reduced by the
32 amounts applicable to such interest that would have been
33 deductible in computing the taxable income of the taxpayer
34 except only for the application of 26 U.S.C. Section 265 of
35 the Internal Revenue Code, as amended. The reduction shall
36 only be made if it is at least five hundred dollars;

37 (3) The amount of any deduction that is included in
38 the computation of federal taxable income pursuant to 26
39 U.S.C. Section 168 of the Internal Revenue Code as amended
40 by the Job Creation and Worker Assistance Act of 2002 to the
41 extent the amount deducted relates to property purchased on
42 or after July 1, 2002, but before July 1, 2003, and to the
43 extent the amount deducted exceeds the amount that would
44 have been deductible pursuant to 26 U.S.C. Section 168 of
45 the Internal Revenue Code of 1986 as in effect on January 1,
46 2002;

47 (4) The amount of any deduction that is included in
48 the computation of federal taxable income for net operating
49 loss allowed by 26 U.S.C. Section 172 of the Internal
50 Revenue Code of 1986, as amended, other than the deduction
51 allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C.
52 Section 172(i) of the Internal Revenue Code of 1986, as
53 amended, for a net operating loss the taxpayer claims in the
54 tax year in which the net operating loss occurred or carries
55 forward for a period of more than twenty years and carries
56 backward for more than two years. Any amount of net
57 operating loss taken against federal taxable income but
58 disallowed for Missouri income tax purposes pursuant to this
59 subdivision after June 18, 2002, may be carried forward and
60 taken against any income on the Missouri income tax return
61 for a period of not more than twenty years from the year of
62 the initial loss; and

63 (5) For nonresident individuals in all taxable years
64 ending on or after December 31, 2006, the amount of any
65 property taxes paid to another state or a political
66 subdivision of another state for which a deduction was
67 allowed on such nonresident's federal return in the taxable
68 year unless such state, political subdivision of a state, or
69 the District of Columbia allows a subtraction from income
70 for property taxes paid to this state for purposes of
71 calculating income for the income tax for such state,
72 political subdivision of a state, or the District of
73 Columbia;

74 (6) For all tax years beginning on or after January 1,
75 2018, any interest expense paid or accrued in a previous
76 taxable year, but allowed as a deduction under 26 U.S.C.
77 Section 163, as amended, in the current taxable year by
78 reason of the carryforward of disallowed business interest

79 provisions of 26 U.S.C. Section 163(j), as amended. For the
80 purposes of this subdivision, an interest expense is
81 considered paid or accrued only in the first taxable year
82 the deduction would have been allowable under 26 U.S.C.
83 Section 163, as amended, if the limitation under 26 U.S.C.
84 Section 163(j), as amended, did not exist.

85 3. There shall be subtracted from the taxpayer's
86 federal adjusted gross income the following amounts to the
87 extent included in federal adjusted gross income:

88 (1) Interest received on deposits held at a federal
89 reserve bank or interest or dividends on obligations of the
90 United States and its territories and possessions or of any
91 authority, commission or instrumentality of the United
92 States to the extent exempt from Missouri income taxes
93 pursuant to the laws of the United States. The amount
94 subtracted pursuant to this subdivision shall be reduced by
95 any interest on indebtedness incurred to carry the described
96 obligations or securities and by any expenses incurred in
97 the production of interest or dividend income described in
98 this subdivision. The reduction in the previous sentence
99 shall only apply to the extent that such expenses including
100 amortizable bond premiums are deducted in determining the
101 taxpayer's federal adjusted gross income or included in the
102 taxpayer's Missouri itemized deduction. The reduction shall
103 only be made if the expenses total at least five hundred
104 dollars;

105 (2) The portion of any gain, from the sale or other
106 disposition of property having a higher adjusted basis to
107 the taxpayer for Missouri income tax purposes than for
108 federal income tax purposes on December 31, 1972, that does
109 not exceed such difference in basis. If a gain is
110 considered a long-term capital gain for federal income tax

111 purposes, the modification shall be limited to one-half of
112 such portion of the gain;

113 (3) The amount necessary to prevent the taxation
114 pursuant to this chapter of any annuity or other amount of
115 income or gain which was properly included in income or gain
116 and was taxed pursuant to the laws of Missouri for a taxable
117 year prior to January 1, 1973, to the taxpayer, or to a
118 decedent by reason of whose death the taxpayer acquired the
119 right to receive the income or gain, or to a trust or estate
120 from which the taxpayer received the income or gain;

121 (4) Accumulation distributions received by a taxpayer
122 as a beneficiary of a trust to the extent that the same are
123 included in federal adjusted gross income;

124 (5) The amount of any state income tax refund for a
125 prior year which was included in the federal adjusted gross
126 income;

127 (6) The portion of capital gain specified in section
128 135.357 that would otherwise be included in federal adjusted
129 gross income;

130 (7) The amount that would have been deducted in the
131 computation of federal taxable income pursuant to 26 U.S.C.
132 Section 168 of the Internal Revenue Code as in effect on
133 January 1, 2002, to the extent that amount relates to
134 property purchased on or after July 1, 2002, but before July
135 1, 2003, and to the extent that amount exceeds the amount
136 actually deducted pursuant to 26 U.S.C. Section 168 of the
137 Internal Revenue Code as amended by the Job Creation and
138 Worker Assistance Act of 2002;

139 (8) For all tax years beginning on or after January 1,
140 2005, the amount of any income received for military service
141 while the taxpayer serves in a combat zone which is included
142 in federal adjusted gross income and not otherwise excluded

143 therefrom. As used in this section, "combat zone" means any
144 area which the President of the United States by Executive
145 Order designates as an area in which Armed Forces of the
146 United States are or have engaged in combat. Service is
147 performed in a combat zone only if performed on or after the
148 date designated by the President by Executive Order as the
149 date of the commencing of combat activities in such zone,
150 and on or before the date designated by the President by
151 Executive Order as the date of the termination of combatant
152 activities in such zone;

153 (9) For all tax years ending on or after July 1, 2002,
154 with respect to qualified property that is sold or otherwise
155 disposed of during a taxable year by a taxpayer and for
156 which an additional modification was made under subdivision
157 (3) of subsection 2 of this section, the amount by which
158 additional modification made under subdivision (3) of
159 subsection 2 of this section on qualified property has not
160 been recovered through the additional subtractions provided
161 in subdivision (7) of this subsection;

162 (10) For all tax years beginning on or after January
163 1, 2014, the amount of any income received as payment from
164 any program which provides compensation to agricultural
165 producers who have suffered a loss as the result of a
166 disaster or emergency, including the:

- 167 (a) Livestock Forage Disaster Program;
- 168 (b) Livestock Indemnity Program;
- 169 (c) Emergency Assistance for Livestock, Honeybees, and
170 Farm-Raised Fish;
- 171 (d) Emergency Conservation Program;
- 172 (e) Noninsured Crop Disaster Assistance Program;
- 173 (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- 174 (g) Annual Forage Pilot Program;

175 (h) Livestock Risk Protection Insurance Plan;
176 (i) Livestock Gross Margin Insurance Plan;
177 (11) For all tax years beginning on or after January
178 1, 2018, any interest expense paid or accrued in the current
179 taxable year, but not deducted as a result of the limitation
180 imposed under 26 U.S.C. Section 163(j), as amended. For the
181 purposes of this subdivision, an interest expense is
182 considered paid or accrued only in the first taxable year
183 the deduction would have been allowable under 26 U.S.C.
184 Section 163, as amended, if the limitation under 26 U.S.C.
185 Section 163(j), as amended, did not exist; and
186 (12) One hundred percent of any retirement benefits
187 received by any taxpayer as a result of the taxpayer's
188 service in the Armed Forces of the United States, including
189 reserve components and the National Guard of this state, as
190 defined in 32 U.S.C. Sections 101(3) and 109, and any other
191 military force organized under the laws of this state.
192 4. There shall be added to or subtracted from the
193 taxpayer's federal adjusted gross income the taxpayer's
194 share of the Missouri fiduciary adjustment provided in
195 section 143.351.
196 5. There shall be added to or subtracted from the
197 taxpayer's federal adjusted gross income the modifications
198 provided in section 143.411.
199 6. In addition to the modifications to a taxpayer's
200 federal adjusted gross income in this section, to calculate
201 Missouri adjusted gross income there shall be subtracted
202 from the taxpayer's federal adjusted gross income any gain
203 recognized pursuant to 26 U.S.C. Section 1033 of the
204 Internal Revenue Code of 1986, as amended, arising from
205 compulsory or involuntary conversion of property as a result
206 of condemnation or the imminence thereof.

207 7. (1) As used in this subsection, "qualified health
208 insurance premium" means the amount paid during the tax year
209 by such taxpayer for any insurance policy primarily
210 providing health care coverage for the taxpayer, the
211 taxpayer's spouse, or the taxpayer's dependents.

212 (2) In addition to the subtractions in subsection 3 of
213 this section, one hundred percent of the amount of qualified
214 health insurance premiums shall be subtracted from the
215 taxpayer's federal adjusted gross income to the extent the
216 amount paid for such premiums is included in federal taxable
217 income. The taxpayer shall provide the department of
218 revenue with proof of the amount of qualified health
219 insurance premiums paid.

220 8. (1) Beginning January 1, 2014, in addition to the
221 subtractions provided in this section, one hundred percent
222 of the cost incurred by a taxpayer for a home energy audit
223 conducted by an entity certified by the department of
224 natural resources under section 640.153 or the
225 implementation of any energy efficiency recommendations made
226 in such an audit shall be subtracted from the taxpayer's
227 federal adjusted gross income to the extent the amount paid
228 for any such activity is included in federal taxable
229 income. The taxpayer shall provide the department of
230 revenue with a summary of any recommendations made in a
231 qualified home energy audit, the name and certification
232 number of the qualified home energy auditor who conducted
233 the audit, and proof of the amount paid for any activities
234 under this subsection for which a deduction is claimed. The
235 taxpayer shall also provide a copy of the summary of any
236 recommendations made in a qualified home energy audit to the
237 department of natural resources.

238 (2) At no time shall a deduction claimed under this
239 subsection by an individual taxpayer or taxpayers filing
240 combined returns exceed one thousand dollars per year for
241 individual taxpayers or cumulatively exceed two thousand
242 dollars per year for taxpayers filing combined returns.

243 (3) Any deduction claimed under this subsection shall
244 be claimed for the tax year in which the qualified home
245 energy audit was conducted or in which the implementation of
246 the energy efficiency recommendations occurred. If
247 implementation of the energy efficiency recommendations
248 occurred during more than one year, the deduction may be
249 claimed in more than one year, subject to the limitations
250 provided under subdivision (2) of this subsection.

251 (4) A deduction shall not be claimed for any otherwise
252 eligible activity under this subsection if such activity
253 qualified for and received any rebate or other incentive
254 through a state-sponsored energy program or through an
255 electric corporation, gas corporation, electric cooperative,
256 or municipally owned utility.

257 9. The provisions of subsection 8 of this section
258 shall expire on December 31, 2020.

259 **10. (1) As used in this subsection, the following**
260 **terms mean:**

261 **(a) "Beginning farmer", a taxpayer who:**

262 **a. Has filed at least one but not more than ten**
263 **Internal Revenue Service Schedule F (Form 1040) Profit or**
264 **Loss From Farming forms since turning eighteen years of age;**

265 **b. Is approved for a beginning farmer loan through the**
266 **USDA Farm Service Agency Beginning Farmer direct or**
267 **guaranteed loan program;**

268 **c. Has a farming operation that is determined by the**
269 **department of agriculture to be new production agriculture**

270 but is the principal operator of a farm and has substantial
271 farming knowledge; or

272 d. Has been determined by the department of
273 agriculture to be a qualified family member;

274 (b) "Farm owner", an individual who owns farmland and
275 disposes of or relinquishes use of all or some portion of
276 such farmland as follows:

277 a. A sale to a beginning farmer;

278 b. A lease or rental agreement not exceeding ten years
279 with a beginning farmer; or

280 c. A crop-share arrangement not exceeding ten years
281 with a beginning farmer;

282 (c) "Qualified family member", an individual who is
283 related to a farm owner within the fourth degree by blood,
284 marriage, or adoption and who is purchasing or leasing or is
285 in a crop-share arrangement for land from all or a portion
286 of such farm owner's farming operation.

287 (2) (a) In addition to all other subtractions
288 authorized in this section, a taxpayer who is a farm owner
289 who sells all or a portion of such farmland to a beginning
290 farmer may subtract from such taxpayer's Missouri adjusted
291 gross income an amount to the extent included in federal
292 adjusted gross income as provided in this subdivision.

293 (b) Subject to the limitations in paragraph (c) of
294 this subdivision, the amount that may be subtracted shall be
295 equal to the portion of capital gains received from the sale
296 of such farmland that such taxpayer receives in the tax year
297 for which such taxpayer subtracts such capital gain.

298 (c) A taxpayer may subtract the following amounts and
299 percentages per tax year in total capital gains received
300 from the sale of such farmland under this subdivision:

301 a. For the first two million dollars received, one
302 hundred percent;

303 b. For the next one million dollars received, eighty
304 percent;

305 c. For the next one million dollars received, sixty
306 percent;

307 d. For the next one million dollars received, forty
308 percent; and

309 e. For the next one million dollars received, twenty
310 percent.

311 (d) The department of revenue shall prepare an annual
312 report reviewing the costs and benefits and containing
313 statistical information regarding the subtraction of capital
314 gains authorized under this subdivision for the previous tax
315 year including, but not limited to, the total amount of all
316 capital gains subtracted and the number of taxpayers
317 subtracting such capital gains. Such report shall be
318 submitted before February first of each year to the
319 committee on agriculture policy of the Missouri house of
320 representatives and the committee on agriculture, food
321 production and outdoor resources of the Missouri senate, or
322 the successor committees.

323 (3) (a) In addition to all other subtractions
324 authorized in this section, a taxpayer who is a farm owner
325 who enters a lease or rental agreement for all or a portion
326 of such farmland with a beginning farmer may subtract from
327 such taxpayer's Missouri adjusted gross income an amount to
328 the extent included in federal adjusted gross income as
329 provided in this subdivision.

330 (b) Subject to the limitation in paragraph (c) of this
331 subdivision, the amount that may be subtracted shall be
332 equal to the portion of cash rent income received from the

333 lease or rental of such farmland that such taxpayer receives
334 in the tax year for which such taxpayer subtracts such
335 income.

336 (c) No taxpayer shall subtract more than twenty-five
337 thousand dollars per tax year in total cash rent income
338 received from the lease or rental of such farmland under
339 this subdivision.

340 (4) (a) In addition to all other subtractions
341 authorized in this section, a taxpayer who is a farm owner
342 who enters a crop-share arrangement on all or a portion of
343 such farmland with a beginning farmer may subtract from such
344 taxpayer's Missouri adjusted gross income an amount to the
345 extent included in federal adjusted gross income as provided
346 in this subdivision.

347 (b) Subject to the limitation in paragraph (c) of this
348 subdivision, the amount that may be subtracted shall be
349 equal to the portion of income received from the crop-share
350 arrangement on such farmland that such taxpayer receives in
351 the tax year for which such taxpayer subtracts such income.

352 (c) No taxpayer shall subtract more than twenty-five
353 thousand dollars per tax year in total income received from
354 the lease or rental of such farmland under this subdivision.

355 (5) The department of agriculture shall, by rule,
356 establish a process to verify that a taxpayer is a beginning
357 farmer for purposes of this section and shall provide
358 verification to the beginning farmer and farm seller of such
359 farmer's and seller's certification and qualification for
360 the exemption provided in this subsection.

196.311. Unless otherwise indicated by the context,
2 when used in sections 196.311 to 196.361:

3 (1) "Consumer" means any person who purchases eggs for
4 [his or her] such person's own family use or consumption; or

5 any restaurant, hotel, boardinghouse, bakery, or other
6 institution or concern which purchases eggs for serving to
7 guests or patrons thereof, or for its own use in cooking,
8 baking, or manufacturing their products;

9 (2) "Container" means any box, case, basket, carton,
10 sack, bag, or other receptacle. "Subcontainer" means any
11 container when being used within another container;

12 (3) "Dealer" means any person who purchases eggs from
13 the producers thereof, or another dealer, for the purpose of
14 selling such eggs to another dealer, a processor, or
15 retailer;

16 (4) "Denatured" means eggs (a) made unfit for human
17 food by treatment or the addition of a foreign substance, or
18 (b) with one-half or more of the shell's surface covered by
19 a permanent black, dark purple or dark blue dye;

20 (5) "Director" means the director of the department of
21 agriculture;

22 (6) "Eggs" means the shell eggs of a domesticated
23 chicken, turkey, duck, **quail**, goose, or guinea that are
24 intended for human consumption;

25 (7) "Inedible eggs" means eggs which are defined as
26 such in the rules and regulations of the director adopted
27 under sections 196.311 to 196.361, which definition shall
28 conform to the specifications adopted therefor by the United
29 States Department of Agriculture;

30 (8) "Person" means and includes any individual, firm,
31 partnership, exchange, association, trustee, receiver,
32 corporation or any other business organization, and any
33 member, officer or employee thereof;

34 (9) "Processor" means any person engaged in breaking
35 eggs or manufacturing or processing egg liquids, whole egg
36 meats, yolks, whites, or any mixture of yolks and whites,

37 with or without the addition of other ingredients, whether
38 chilled, frozen, condensed, concentrated, dried, powdered or
39 desiccated;

40 (10) "Retailer" means any person who sells eggs to a
41 consumer;

42 (11) "Sell" means offer for sale, expose for sale,
43 have in possession for sale, exchange, barter, or trade.

196.316. 1. All persons engaged in buying, selling,
2 trading or trafficking in, or processing eggs, except those
3 listed in section 196.313, shall be required to be licensed
4 under sections 196.311 to 196.361. Such persons shall file
5 an annual application for such license on forms to be
6 prescribed by the director, and shall obtain an annual
7 license for each separate place of business from the
8 director. The following types of licenses shall be issued:

9 (1) A "retailer's license" shall be required of any
10 person defined as a retailer in section 196.311. A holder
11 of a retailer's license shall not, by virtue of such
12 license, be permitted or authorized to buy eggs from any
13 person other than a licensed dealer, and any retailer
14 desiring to buy eggs from persons other than licensed
15 dealers shall obtain a dealer's license in addition to a
16 retailer's license. **Fees for such license shall not exceed**
17 **one hundred dollars annually per license;**

18 (2) A "dealer's license" shall be required of any
19 person defined as a dealer in section 196.311. A holder of
20 a dealer's license shall not, by virtue of such license, be
21 authorized or permitted to sell eggs to consumers, and any
22 dealer desiring to sell eggs to consumers shall obtain a
23 retailer's license in addition to a dealer's license. **Fees**
24 **for such license shall not exceed one hundred seventy-five**
25 **dollars annually per license;**

26 (3) A "processor's license" shall be required of any
 27 person defined as a processor in section 196.311. A holder
 28 of a processor's license shall not, by virtue of such
 29 license, be authorized or permitted to sell eggs in the
 30 shell to other persons, and any person desiring to sell eggs
 31 in the shell to other persons shall obtain a dealer's
 32 license in addition to a processor's license. **Fees for such**
 33 **license shall not exceed two hundred fifty dollars annually**
 34 **per license.**

35 [2. The annual license fee shall be:

36	(1) Retailers	\$ 5.00
37	(2) Dealers—License fees for dealers shall be	
38	determined on the basis of cases (30 dozen	
39	per case) of eggs sold in the shell in any	
40	one week, as follows:	
41	(a) 1 to 25 cases	\$ 5.00
42	(b) 26 to 50 cases	12.50
43	(c) 51 to 100 cases	25.00
44	(d) more than 100 cases	50.00
45	(3) Processors—License fees for processors shall	
46	be determined on the basis of cases (30 dozen	
47	per case) of eggs, or the equivalent in	
48	liquid or frozen eggs, processed in any one	
49	day, as follows:	
50	(a) Less than 50 cases	\$ 25.00
51	(b) More than 50 and less than 250 cases	50.00
52	(c) More than 250 and less than 1000 cases	75.00
53	(d) More than 1000 cases	100.00]

54 2. The director of agriculture shall have the
55 authority to assess egg licensing fees to assist in
56 defraying operating expenses. A schedule of licensing fees
57 shall be fixed by rule or regulation promulgated under
58 chapter 536 by the director of the department of agriculture.

59 3. All licenses shall be conspicuously posted in the
60 place of business to which it applies. The license year
61 shall be twelve months, or any fraction thereof, beginning
62 July first and ending June thirtieth.

63 4. No license shall be transferable, but it may be
64 moved from one place to another by the consent of the
65 director.

66 5. All moneys received from license fees collected
67 hereunder shall be deposited in the state treasury to the
68 credit of the agriculture protection fund created in section
69 261.200.

 256.800. 1. This section shall be known and may be
2 cited as the "Flood Resiliency Act".

3 2. As used in this section, unless the context
4 otherwise requires, the following terms shall mean:

5 (1) "Director", the director of the department of
6 natural resources;

7 (2) "Flood resiliency measures", structural
8 improvements, studies, and activities employed to improve
9 flood resiliency in local to regional or multi-
10 jurisdictional areas;

11 (3) "Flood resiliency project", a project containing
12 planning, design, construction, or renovation of flood
13 resiliency measures or the conduct of studies or activities
14 in support of flood resiliency measures;

15 (4) "Partner", a political subdivision, entity, or
16 person working in conjunction with a promoter to facilitate
17 the completion of a flood resiliency project;

18 (5) "Plan", a preliminary report describing the need
19 for, and implementation of, flood resiliency measures;

20 (6) "Promoter", any political subdivision of the
21 state, or any levee district or drainage district organized
22 or incorporated in the state.

23 3. (1) There is hereby established in the state
24 treasury a fund to be known as the "Flood Resiliency
25 Improvement Fund", which shall consist of all moneys
26 deposited in such fund from any source, whether public or
27 private. The state treasurer shall be custodian of the
28 fund. In accordance with sections 30.170 and 30.180, the
29 state treasurer may approve disbursements. The fund shall
30 be a dedicated fund and moneys in the fund shall be used
31 solely for the purposes of this section. Notwithstanding
32 the provisions of section 33.080 to the contrary, any moneys
33 remaining in the fund at the end of the biennium shall not
34 revert to the credit of the general revenue fund. The state
35 treasurer shall invest moneys in the fund in the same manner
36 as other funds are invested. Any interest and moneys earned
37 on such investments shall be credited to the fund.

38 (2) Upon appropriation, the department of natural
39 resources shall use moneys in the fund created by this
40 subsection for the purposes of carrying out the provisions
41 of this section including, but not limited to, the provision
42 of grants or other financial assistance and, if limitations
43 or conditions are imposed, only upon such other limitations
44 or conditions specified in the instrument that appropriates,
45 grants, bequeaths, or otherwise authorizes the transmission
46 of moneys to the fund.

47 4. In order to increase flood resiliency along the
48 Missouri and Mississippi Rivers and their tributaries and
49 improve statewide flood forecasting and monitoring ability,
50 there is hereby established a "Flood Resiliency Program".
51 The program shall be administered by the department of
52 natural resources. The state may participate with a
53 promoter in the development, construction, or renovation of
54 a flood resiliency project if the promoter has a plan which
55 has been submitted to and approved by the director, or the
56 state may promote a flood resiliency project and initiate a
57 plan on its own accord.

58 5. The plan shall include a description of the flood
59 resiliency project, the need for the project, the flood
60 resiliency measures to be implemented, the partners to be
61 involved in the project, and other such information as the
62 director may require to adequately evaluate the merit of the
63 project.

64 6. The director shall only approve a plan upon a
65 determination that long-term flood mitigation is needed in
66 that area of the state and that such a plan proposes flood
67 resiliency measures that will provide long-term flood
68 resiliency.

69 7. Promoters with approved flood resiliency plans and
70 their partners shall be eligible to receive any gifts,
71 contributions, grants, or bequests from federal, state,
72 private, or other sources for costs associated with flood
73 resiliency projects that are part of such plans.

74 8. Promoters with approved flood resiliency plans and
75 their partners may be granted moneys from the flood
76 resiliency improvement fund under subsection 3 of this
77 section for eligible costs associated with flood resiliency
78 projects that are part of such plans.

79 9. The department of natural resources is hereby
80 granted authority to promulgate rules to implement this
81 section. Any rule or portion of a rule, as that term is
82 defined in section 536.010, that is created under the
83 authority delegated in this section shall become effective
84 only if it complies with and is subject to all of the
85 provisions of chapter 536 and, if applicable, section
86 536.028. This section and chapter 536 are nonseverable, and
87 if any of the powers vested with the general assembly
88 pursuant to chapter 536 to review, to delay the effective
89 date, or to disapprove and annul a rule are subsequently
90 held unconstitutional, then the grant of rulemaking
91 authority and any rule proposed or adopted after August 28,
92 2023, shall be invalid and void.

 262.911. 1. The department of economic development
2 shall promote Missouri hardwood forest products and educate
3 the public on the value and benefits of such hardwood
4 products. The department may contract with any statewide
5 association dedicated to the promotion of Missouri hardwood
6 forest products to satisfy the requirements of this section.

7 2. (1) There is hereby created in the state treasury
8 the "Missouri Hardwood Forest Product Promotion Fund", which
9 shall consist of any grants, gifts, devises, bequests, and
10 moneys appropriated by the general assembly to the fund.
11 The state treasurer shall be custodian of the fund. In
12 accordance with sections 30.170 and 30.180, the state
13 treasurer may approve disbursements. The fund shall be a
14 dedicated fund and, upon appropriation, moneys in this fund
15 shall be used solely to promote and educate about Missouri
16 hardwood forest products as provided in this section.

17 (2) Notwithstanding the provisions of section 33.080
18 to the contrary, any moneys remaining in the fund at the end

19 of the biennium shall not revert to the credit of the
20 general revenue fund.

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

25 3. Under section 23.253 of the Missouri sunset act:

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

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

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

281.102. The enactment of section 281.048 and the
2 repeal and reenactment of sections 281.015, 281.020,
3 281.025, 281.030, 281.035, 281.037, 281.038, 281.040,
4 281.045, 281.050, 281.055, 281.060, 281.063, 281.065,
5 281.070, 281.075, 281.085, and 281.101 of this act shall
6 become effective on January 1, [2024] 2025.

304.180. 1. No vehicle or combination of vehicles
2 shall be moved or operated on any highway in this state
3 having a greater weight than twenty thousand pounds on one
4 axle, no combination of vehicles operated by transporters of
5 general freight over regular routes as defined in section
6 390.020 shall be moved or operated on any highway of this
7 state having a greater weight than the vehicle
8 manufacturer's rating on a steering axle with the maximum

9 weight not to exceed twelve thousand pounds on a steering
 10 axle, and no vehicle shall be moved or operated on any state
 11 highway of this state having a greater weight than thirty-
 12 four thousand pounds on any tandem axle; the term "tandem
 13 axle" shall mean a group of two or more axles, arranged one
 14 behind another, the distance between the extremes of which
 15 is more than forty inches and not more than ninety-six
 16 inches apart.

17 2. An "axle load" is defined as the total load
 18 transmitted to the road by all wheels whose centers are
 19 included between two parallel transverse vertical planes
 20 forty inches apart, extending across the full width of the
 21 vehicle.

22 3. Subject to the limit upon the weight imposed upon a
 23 highway of this state through any one axle or on any tandem
 24 axle, the total gross weight with load imposed by any group
 25 of two or more consecutive axles of any vehicle or
 26 combination of vehicles shall not exceed the maximum load in
 27 pounds as set forth in the following table:

28	Distance in feet					
29	between the					
30	extremes of any					
31	group of two or					
32	more consecutive					
33	axles, measured to					
34	the nearest foot,					
35	except where					
36	indicated otherwise					
37		Maximum load in pounds				
38	feet	2 axles	3 axles	4 axles	5 axles	6 axles
39	4	34,000				

40	5	34,000				
41	6	34,000				
42	7	34,000				
43	8	34,000	34,000			
44	More than 8	38,000	42,000			
45	9	39,000	42,500			
46	10	40,000	43,500			
47	11	40,000	44,000			
48	12	40,000	45,000	50,000		
49	13	40,000	45,500	50,500		
50	14	40,000	46,500	51,500		
51	15	40,000	47,000	52,000		
52	16	40,000	48,000	52,500	58,000	
53	17	40,000	48,500	53,500	58,500	
54	18	40,000	49,500	54,000	59,000	
55	19	40,000	50,000	54,500	60,000	
56	20	40,000	51,000	55,500	60,500	66,000
57	21	40,000	51,500	56,000	61,000	66,500
58	22	40,000	52,500	56,500	61,500	67,000
59	23	40,000	53,000	57,500	62,500	68,000
60	24	40,000	54,000	58,000	63,000	68,500
61	25	40,000	54,500	58,500	63,500	69,000
62	26	40,000	55,500	59,500	64,000	69,500

63	27	40,000	56,000	60,000	65,000	70,000
64	28	40,000	57,000	60,500	65,500	71,000
65	29	40,000	57,500	61,500	66,000	71,500
66	30	40,000	58,500	62,000	66,500	72,000
67	31	40,000	59,000	62,500	67,500	72,500
68	32	40,000	60,000	63,500	68,000	73,000
69	33	40,000	60,000	64,000	68,500	74,000
70	34	40,000	60,000	64,500	69,000	74,500
71	35	40,000	60,000	65,500	70,000	75,000
72	36		60,000	66,000	70,500	75,500
73	37		60,000	66,500	71,000	76,000
74	38		60,000	67,500	72,000	77,000
75	39		60,000	68,000	72,500	77,500
76	40		60,000	68,500	73,000	78,000
77	41		60,000	69,500	73,500	78,500
78	42		60,000	70,000	74,000	79,000
79	43		60,000	70,500	75,000	80,000
80	44		60,000	71,500	75,500	80,000
81	45		60,000	72,000	76,000	80,000
82	46		60,000	72,500	76,500	80,000
83	47		60,000	73,500	77,500	80,000
84	48		60,000	74,000	78,000	80,000
85	49		60,000	74,500	78,500	80,000

86	50		60,000	75,500	79,000	80,000
87	51		60,000	76,000	80,000	80,000
88	52		60,000	76,500	80,000	80,000
89	53		60,000	77,500	80,000	80,000
90	54		60,000	78,000	80,000	80,000
91	55		60,000	78,500	80,000	80,000
92	56		60,000	79,500	80,000	80,000
93	57		60,000	80,000	80,000	80,000

94 Notwithstanding the above table, two consecutive sets of
 95 tandem axles may carry a gross load of thirty-four thousand
 96 pounds each if the overall distance between the first and
 97 last axles of such consecutive sets of tandem axles is
 98 thirty-six feet or more.

99 4. Whenever the state highways and transportation
 100 commission finds that any state highway bridge in the state
 101 is in such a condition that use of such bridge by vehicles
 102 of the weights specified in subsection 3 of this section
 103 will endanger the bridge, or the users of the bridge, the
 104 commission may establish maximum weight limits and speed
 105 limits for vehicles using such bridge. The governing body
 106 of any city or county may grant authority by act or
 107 ordinance to the commission to enact the limitations
 108 established in this section on those roadways within the
 109 purview of such city or county. Notice of the weight limits
 110 and speed limits established by the commission shall be
 111 given by posting signs at a conspicuous place at each end of
 112 any such bridge.

113 5. Nothing in this section shall be construed as
114 permitting lawful axle loads, tandem axle loads or gross
115 loads in excess of those permitted under the provisions of
116 P.L. 97-424 codified in Title 23 of the United States Code
117 (23 U.S.C. Section 101, et al.), as amended.

118 6. Notwithstanding the weight limitations contained in
119 this section, any vehicle or combination of vehicles
120 operating on highways other than the interstate highway
121 system may exceed single axle, tandem axle and gross weight
122 limitations in an amount not to exceed two thousand pounds.
123 However, total gross weight shall not exceed eighty thousand
124 pounds, except as provided in subsections 9, 10, 12, 13, and
125 14 of this section.

126 7. Notwithstanding any provision of this section to
127 the contrary, the commission shall issue a single-use
128 special permit, or upon request of the owner of the truck or
129 equipment shall issue an annual permit, for the transporting
130 of any crane or concrete pump truck or well-drillers'
131 equipment. The commission shall set fees for the issuance
132 of permits and parameters for the transport of cranes
133 pursuant to this subsection. Notwithstanding the provisions
134 of section 301.133, cranes, concrete pump trucks, or well-
135 drillers' equipment may be operated on state-maintained
136 roads and highways at any time on any day.

137 8. Notwithstanding the provision of this section to
138 the contrary, the maximum gross vehicle limit and axle
139 weight limit for any vehicle or combination of vehicles
140 equipped with an idle reduction technology may be increased
141 by a quantity necessary to compensate for the additional
142 weight of the idle reduction system as provided for in 23
143 U.S.C. Section 127, as amended. In no case shall the
144 additional weight increase allowed by this subsection be

145 greater than five hundred fifty pounds. Upon request by an
146 appropriate law enforcement officer, the vehicle operator
147 shall provide proof that the idle reduction technology is
148 fully functional at all times and that the gross weight
149 increase is not used for any purpose other than for the use
150 of idle reduction technology.

151 9. Notwithstanding any provision of this section or
152 any other law to the contrary, the total gross weight of any
153 vehicle or combination of vehicles hauling milk from a farm
154 to a processing facility or livestock may be as much as, but
155 shall not exceed, eighty-five thousand five hundred pounds
156 while operating on highways other than the interstate
157 highway system. The provisions of this subsection shall not
158 apply to vehicles operated and operating on the Dwight D.
159 Eisenhower System of Interstate and Defense Highways.

160 10. Notwithstanding any provision of this section or
161 any other law to the contrary, any vehicle or combination of
162 vehicles hauling grain or grain coproducts during times of
163 harvest may be as much as, but not exceeding, ten percent
164 over the maximum weight limitation allowable under
165 subsection 3 of this section while operating on highways
166 other than the interstate highway system. The provisions of
167 this subsection shall not apply to vehicles operated and
168 operating on the Dwight D. Eisenhower System of Interstate
169 and Defense Highways.

170 11. Notwithstanding any provision of this section or
171 any other law to the contrary, the commission shall issue
172 emergency utility response permits for the transporting of
173 utility wires or cables, poles, and equipment needed for
174 repair work immediately following a disaster where utility
175 service has been disrupted. Under exigent circumstances,
176 verbal approval of such operation may be made either by the

177 department of transportation motor carrier compliance
178 supervisor or other designated motor carrier services
179 representative. Utility vehicles and equipment used to
180 assist utility companies granted special permits under this
181 subsection may be operated and transported on state-
182 maintained roads and highways at any time on any day. The
183 commission shall promulgate all necessary rules and
184 regulations for the administration of this section. Any
185 rule or portion of a rule, as that term is defined in
186 section 536.010, that is created under the authority
187 delegated in this section shall become effective only if it
188 complies with and is subject to all of the provisions of
189 chapter 536 and, if applicable, section 536.028. This
190 section and chapter 536 are nonseverable and if any of the
191 powers vested with the general assembly pursuant to chapter
192 536 to review, to delay the effective date, or to disapprove
193 and annul a rule are subsequently held unconstitutional,
194 then the grant of rulemaking authority and any rule proposed
195 or adopted after August 28, 2014, shall be invalid and void.

196 12. Notwithstanding any provision of this section to
197 the contrary, emergency vehicles designed to be used under
198 emergency conditions to transport personnel and equipment
199 and to support the suppression of fires and mitigate
200 hazardous situations may have a maximum gross vehicle weight
201 of eighty-six thousand pounds inclusive of twenty-four
202 thousand pounds on a single steering axle; thirty-three
203 thousand five hundred pounds on a single drive axle; sixty-
204 two thousand pounds on a tandem axle; or fifty-two thousand
205 pounds on a tandem rear-drive steer axle; except that, such
206 emergency vehicles shall only operate on the Dwight D.
207 Eisenhower National System of Interstate and Defense
208 Highways.

209 13. Notwithstanding any provision of this section to
210 the contrary, a vehicle operated by an engine fueled
211 primarily by natural gas may operate upon the public
212 highways of this state in excess of the vehicle weight
213 limits set forth in this section by an amount that is equal
214 to the difference between the weight of the vehicle
215 attributable to the natural gas tank and fueling system
216 carried by that vehicle and the weight of a comparable
217 diesel tank and fueling system. In no event shall the
218 maximum gross vehicle weight of the vehicle operating with a
219 natural gas engine exceed eighty-two thousand pounds.

220 14. Notwithstanding any provision of law to the
221 contrary, local log trucks and local log truck tractors, as
222 defined in section 301.010, may be operated with a weight
223 not exceeding twenty-two thousand four hundred pounds on one
224 axle or a weight not exceeding forty-four thousand eight
225 hundred pounds on any tandem axle, except the front steering
226 axle shall not exceed fifteen thousand pounds or the gross
227 vehicle weight rating set by the manufacturer, and may have
228 a total weight of up to one hundred **[five] nine thousand six**
229 **hundred** pounds. Provided however, when operating on the
230 national system of interstate and defense highways described
231 in 23 U.S.C. Section 103, as amended, or outside the radius
232 from the forested site specified in section 301.010 with an
233 extended distance local log truck permit, the vehicle shall
234 not exceed the weight limits otherwise specified in this
235 section.

323.100. 1. The director of the department of
2 agriculture shall annually inspect and test all liquid
3 meters used for the measurement and retail sale of liquefied
4 petroleum gas and shall condemn all meters which are found
5 to be inaccurate. All meters shall meet the tolerances and

6 specifications of the National Institute of Standards and
7 Technology Handbook 44, 1994 edition and supplements
8 thereto. It is unlawful to use a meter for retail
9 measurement and sale which has been condemned. All
10 condemned meters shall be conspicuously marked "inaccurate",
11 and the mark shall not be removed or defaced except upon
12 authorization of the director of the department of
13 agriculture or **[his] the director's** authorized
14 representative. It is the duty of each person owning or in
15 possession of a meter to pay to the director of the
16 department of agriculture at the time of each test a testing
17 fee **[of ten dollars. On January 1, 2014, the testing fee**
18 **shall be twenty-five dollars. On January 1, 2015, the**
19 **testing fee shall be set at fifty dollars. On January 1,**
20 **2016, and annually thereafter,]**. The director shall
21 ascertain the total expenses for administering this section
22 and shall set the testing fee at a rate to cover the
23 expenses for the ensuing year but not to exceed **[seventy-**
24 **five] four hundred** dollars.

25 2. On the first day of October, 2014, and each year
26 thereafter, the director of the department of agriculture
27 shall submit a report to the general assembly that states
28 the current testing fee, the expenses for administering this
29 section for the previous calendar year, any proposed change
30 to the testing fee, and estimated expenses for administering
31 this section during the ensuing year. The proposed change
32 to the testing fee shall not yield revenue greater than the
33 total cost of administering this section during the ensuing
34 year.

35 3. Beginning August 28, 2013, and each year
36 thereafter, the director of the department of agriculture
37 shall publish the testing fee schedule on the departmental

38 website. The website shall be updated within thirty days of
39 a change in the testing fee schedule set forth in this
40 section.

340.341. 1. The department shall adopt and promulgate
2 rules establishing standards for determining eligible
3 students for loan repayment pursuant to sections 340.335 to
4 340.350. Such standards shall include, but are not limited
5 to the following:

6 (1) Citizenship or lawful permanent residency in the
7 United States;

8 (2) Residence in the state of Missouri;

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

12 (4) Application for loan repayment.

13 2. The department shall not grant repayment for more
14 than ~~[six]~~ **twelve** veterinarians each year.

340.345. 1. A loan payment provided for an individual
2 pursuant to a written contract under the large animal
3 veterinary medicine loan repayment program shall consist of
4 payment on behalf of the individual of the principal,
5 interest and related expenses on government and commercial
6 loans received by the individual for tuition, fees, books,
7 laboratory and living expenses incurred by the individual.

8 2. For each year of obligated services that an
9 individual contracts to serve in an area of defined need,
10 the department may pay up to ~~[twenty]~~ **thirty** thousand
11 dollars on behalf of the individual for loans described in
12 subsection 1 of this section.

13 3. The department may enter into an agreement with the
14 holder of the loans for which repayments are made under the
15 large animal veterinary medicine loan repayment program to

16 establish a schedule for the making of such payments if the
17 establishment of such a schedule would result in reducing
18 the costs to the state.

19 4. Any qualifying communities providing a portion of a
20 loan repayment shall be considered first for placement.

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

6 2. There is hereby created in the state treasury the
7 "Veterinary Student Loan Payment Fund", which shall consist
8 of general revenue appropriated to the large animal
9 veterinary student loan program, voluntary contributions to
10 support or match program activities, money collected under
11 section 340.396, **any private grant, gift, donation, devise,**
12 **or bequest of moneys, funds, real or personal property, or**
13 **other assets**, and funds received from the federal
14 government. The state treasurer shall be custodian of the
15 fund and shall approve disbursements from the fund in
16 accordance with sections 30.170 and 30.180. Upon
17 appropriation, money in the fund shall be used solely for
18 the administration of sections 340.381 to 340.396.
19 Notwithstanding the provisions of section 33.080 to the
20 contrary, any moneys remaining in the fund at the end of the
21 biennium shall not revert to the credit of the general
22 revenue fund. The state treasurer shall invest moneys in
23 the fund in the same manner as other funds are invested.
24 Any interest and moneys earned on such investments shall be
25 credited to the fund.

340.384. 1. Eligible students may apply to the
2 department for financial assistance under the provisions of

3 sections 340.381 to 340.396. If, at the time of application
4 for a loan, a student has formally applied for acceptance at
5 the college, receipt of financial assistance is contingent
6 upon acceptance and continued enrollment at the college. A
7 qualified applicant may receive financial assistance up to
8 **[twenty] thirty** thousand dollars for each academic year he
9 or she remains a student in good standing at the college,
10 provided that the cumulative total shall not exceed **[eighty]**
11 **one hundred twenty** thousand dollars per qualified
12 applicant. An eligible student may apply for financial
13 assistance under this section at any point in his or her
14 educational career at the college, however any such
15 financial assistance shall only be awarded for current or
16 future academic years, as applicable, and shall not be
17 awarded for any academic year completed prior to the time of
18 application.

19 2. Up to **[six] twelve** qualified applicants per
20 academic year may be awarded loans under the provisions of
21 sections 340.381 to 340.396. **The department may increase**
22 **beyond twelve the number of qualified applicants that may be**
23 **awarded such loans per academic year if the amount of any**
24 **additional moneys from private grants, gifts, donations,**
25 **devises, or bequests of moneys, funds, real or personal**
26 **property, or other assets deposited in the veterinary**
27 **student loan payment fund allows the full funding of such**
28 **increase in the number of applicants.** Priority for loans
29 shall be given to eligible students who have established
30 financial need. All financial assistance shall be made from
31 funds credited to the veterinary student loan payment fund.

340.387. 1. The department of agriculture may enter
2 into a contract with each qualified applicant receiving
3 financial assistance under the provisions of sections

4 340.381 to 340.396. Such contract shall specify terms and
5 conditions of loan forgiveness through qualified employment
6 as well as terms and conditions for repayment of the
7 principal and interest.

8 2. The department shall establish schedules for
9 repayment of the principal and interest on any financial
10 assistance made under the provisions of sections 340.381 to
11 340.396. Interest at a rate set by the department, with the
12 advice of the advisory panel created in section [340.341]
13 **340.375**, shall be charged from the time of the payment of
14 financial assistance on all financial assistance made under
15 the provisions of sections 340.381 to 340.396, but the
16 interest and principal of the total financial assistance
17 granted to a qualified applicant at the time of the
18 successful completion of a doctor of veterinary medicine
19 degree program shall be forgiven through qualified
20 employment.

21 3. For each year of qualified employment that an
22 individual contracts to serve in an area of defined need,
23 the department shall forgive up to [twenty] **thirty** thousand
24 dollars and accrued interest thereon on behalf of the
25 individual for financial assistance provided under sections
26 340.381 to 340.396.

413.225. 1. There is established a fee for
2 registration, inspection and calibration services performed
3 by the division of weights and measures. The fees are due
4 at the time the service is rendered and shall be paid to the
5 director by the person receiving the service. The director
6 shall collect fees according to the following schedule and
7 shall deposit them with the state treasurer into the
8 agriculture protection fund as set forth in section 261.200:

9 (1) [From August 28, 2013, until the next January
10 first, laboratory fees for metrology calibrations shall be
11 at the rate of sixty dollars per hour for tolerance testing
12 or precision calibration. Time periods over one hour shall
13 be computed to the nearest one-quarter hour. On the first
14 day of January, 2014, and each year thereafter,] The
15 director of agriculture shall ascertain the total receipts
16 and expenses for the metrology calibrations during the
17 preceding year and shall fix a fee schedule for the ensuing
18 year [at a rate per hour] as will yield revenue not more
19 than the total cost of operating the metrology laboratory
20 during the ensuing year, but not to exceed [one hundred
21 twenty-five] **five hundred** dollars **per calibration**;

22 (2) All device test fees charged shall include, but
23 not be limited to, the following devices:

- 24 (a) Small scales;
- 25 (b) Vehicle scales;
- 26 (c) Livestock scales;
- 27 (d) Hopper scales;
- 28 (e) Railroad scales;
- 29 (f) Monorail scales;
- 30 (g) In-motion scales including but not limited to
31 vehicle, railroad and belt conveyor scales;
- 32 (h) Taximeters;
- 33 (i) [Timing devices;
- 34 (j) Fabric-measuring devices;
- 35 (k) Wire- and cordage-measuring devices;
- 36 (l)] Milk for quantity determination;
- 37 [(m)] (j) Vehicle tank meters;
- 38 [(n)] (k) Compressed natural gas meters;
- 39 [(o)] (l) Liquefied natural gas meters;
- 40 [(p)] (m) Electrical charging stations; and

41 [(q)] (n) Hydrogen fuel meters;

42 (3) Devices that require participation in on-site
43 field evaluations for National Type Evaluation Program
44 Certification and all tests of in-motion scales shall be
45 charged a fee, plus mileage from the inspector's official
46 domicile to and from the inspection site. The time shall
47 begin when the state inspector performing the inspection
48 arrives at the site to be inspected and shall end when the
49 final report is signed by the owner/operator and the
50 inspector departs;

51 (4) Every person shall register each location of such
52 person's place of business where devices or instruments are
53 used to ascertain the moisture content of grains and seeds
54 offered for sale, processing or storage in this state with
55 the director and shall pay a registration fee for each
56 location so registered and a fee for each additional device
57 or instrument at such location. Thereafter, by January
58 thirty-first of each year, each person who is required to
59 register pursuant to this subdivision shall pay an annual
60 fee for each location so registered and an additional fee
61 for each additional machine at each location. The fee on
62 newly purchased devices shall be paid within thirty days
63 after the date of purchase. Application for registration of
64 a place of business shall be made on forms provided by the
65 director and shall require information concerning the make,
66 model and serial number of the device and such other
67 information as the director shall deem necessary. Provided,
68 however, this subsection shall not apply to moisture-
69 measuring devices used exclusively for the purpose of
70 obtaining information necessary to manufacturing processes
71 involving plant products. In addition to fees required by

72 this subdivision, a fee shall be charged for each device
73 subject to retest.

74 2. On the first day of January, 1995, and each year
75 thereafter, the director of agriculture shall ascertain the
76 total receipts and expenses for the testing of weighing and
77 measuring devices referred to in subdivisions (2), (3), and
78 (4) of subsection 1 of this section and shall fix the fees
79 [or rate per hour] for such weighing and measuring devices
80 to derive revenue not more than the total cost of the
81 operation.

82 3. On the first day of October, 2014, and each year
83 thereafter, the director of the department of agriculture
84 shall submit a report to the general assembly that states
85 the current laboratory fees for metrology calibration, the
86 expenses for administering this section for the previous
87 calendar year, any proposed change to the laboratory fee
88 structure, and estimated expenses for administering this
89 section during the ensuing year. The proposed change to the
90 laboratory fee structure shall not yield revenue greater
91 than the total cost of administering this section during the
92 ensuing year.

93 4. Beginning August 28, 2013, and each year
94 thereafter, the director of the department of agriculture
95 shall publish the laboratory fee schedule on the
96 departmental website. The website shall be updated within
97 thirty days of a change in the laboratory fee schedule set
98 forth in this section.

99 5. Retests for any device within the same calendar
100 year will be charged at the same rate as the initial test.
101 Devices being retested in the same calendar year as a result
102 of rejection and repair are exempt from the requirements of
103 this subsection.

104 6. All device inspection fees shall be paid **at the**
105 **time of service or** within thirty days of the issuance of the
106 original invoice. Any fee not paid within **[ninety] thirty**
107 days after the date of the original invoice will be cause
108 for the director to deem the device as incorrect and it may
109 be condemned and taken out of service, and may be seized by
110 the director until all fees are paid.

111 7. No fee provided for by this section shall be
112 required of any person owning or operating a moisture-
113 measuring device or instrument who uses such device or
114 instrument solely in agricultural or horticultural
115 operations on such person's own land, and not in performing
116 services, whether with or without compensation, for another
117 person.

2 [60.410. 1. For the purpose of the use of
3 this system, Missouri is divided into three
4 separate zones, to be officially known as "The
5 East Zone", "The Central Zone", and "The West
6 Zone".

7 2. The area now included in the following
8 counties shall constitute the east zone:
9 Bollinger, Butler, Cape Girardeau, Carter,
10 Clark, Crawford, Dent, Dunklin, Franklin,
11 Gasconade, Iron, Jefferson, Lewis, Lincoln,
12 Madison, Marion, Mississippi, Montgomery, New
13 Madrid, Oregon, Pemiscot, Perry, Pike, Ralls,
14 Reynolds, Ripley, St. Charles, Ste. Genevieve,
15 St. Francois, St. Louis, St. Louis (city),
16 Scott, Shannon, Stoddard, Warren, Washington and
17 Wayne.

18 3. The area now included in the following
19 counties shall constitute the central zone:
20 Adair, Audrain, Benton, Boone, Callaway, Camden,
21 Carroll, Chariton, Christian, Cole, Cooper,
22 Dallas, Douglas, Greene, Grundy, Hickory,
23 Howard, Howell, Knox, Laclede, Linn, Livingston,
24 Macon, Maries, Mercer, Miller, Moniteau, Monroe,
25 Morgan, Osage, Ozark, Pettis, Phelps, Polk,
26 Pulaski, Putnam, Randolph, Saline, Schuyler,
27 Scotland, Shelby, Stone, Sullivan, Taney, Texas,
28 Webster and Wright.

29 4. The area now included in the following
30 counties shall constitute the west zone:
31 Andrew, Atchison, Barry, Barton, Bates,
32 Buchanan, Caldwell, Cass, Cedar, Clay, Clinton,
Dade, Daviess, DeKalb, Gentry, Harrison, Henry,

33 Holt, Jackson, Jasper, Johnson, Lafayette,
34 Lawrence, McDonald, Newton, Nodaway, Platte,
35 Ray, St. Clair, Vernon and Worth.]

2 [60.421. 1. As established for use in the
3 east zone, the Missouri coordinate system of
4 1927 or the Missouri coordinate system of 1983
5 shall be named; and, in any land description in
6 which it is used, it shall be designated the
7 "Missouri Coordinate System of 1927, East Zone"
8 or "Missouri Coordinate System of 1983, East
9 Zone".

10 2. As established for use in the central
11 zone, the Missouri coordinate system of 1927 or
12 the Missouri coordinate system of 1983 shall be
13 named; and, in any land description in which it
14 is used, it shall be designated the "Missouri
15 Coordinate System of 1927, Central Zone" or
16 "Missouri Coordinate System of 1983, Central
17 Zone".

18 3. As established for use in the west
19 zone, the Missouri coordinate system of 1927 or
20 the Missouri coordinate system of 1983 shall be
21 named; and, in any land description in which it
22 is used, it shall be designated the "Missouri
23 Coordinate System of 1927, West Zone" or
"Missouri Coordinate System of 1983, West Zone".]

2 [60.451. 1. For the purpose of more
3 precisely defining the Missouri coordinate
4 system of 1927, the following definition by the
5 United States Coast and Geodetic Survey is
6 adopted:

7 (1) The Missouri coordinate system of
8 1927, east zone, is a transverse Mercator
9 projection of the Clarke spheroid of 1866,
10 having a central meridian 90 degrees - 30
11 minutes west of Greenwich, on which meridian the
12 scale is set at one part in fifteen thousand too
13 small. The origin of coordinates is at the
14 intersection of the meridian 90 degrees - 30
15 minutes west of Greenwich and the parallel 35
16 degrees - 50 minutes north latitude. This
17 origin is given the coordinates: $x = 500,000$
18 feet and $y = 0$ feet;

19 (2) The Missouri coordinate system of
20 1927, central zone, is a transverse Mercator
21 projection of the Clarke spheroid of 1866,
22 having a central meridian 92 degrees - 30
23 minutes west of Greenwich, on which meridian the
24 scale is set at one part in fifteen thousand too
25 small. The origin of coordinates is at the
26 intersection of the meridian 92 degrees - 30
27 minutes west of Greenwich and the parallel of 35
28 degrees - 50 minutes north latitude. This
29 origin is given the coordinates: $x = 500,000$
feet and $y = 0$ feet;

30 (3) The Missouri coordinate system of
31 1927, west zone, is a transverse Mercator
32 projection of the Clarke spheroid of 1866,
33 having a central meridian 94 degrees - 30
34 minutes west of Greenwich, on which meridian the
35 scale is set at one part in seventeen thousand
36 too small. The origin of coordinates is at the
37 intersection of the meridian 94 degrees - 30
38 minutes west of Greenwich and the parallel 36
39 degrees - 10 minutes north latitude. This
40 origin is given the coordinates: $x = 500,000$
41 feet and $y = 0$ feet.

42 2. For purposes of more precisely defining
43 the Missouri coordinate system of 1983, the
44 following definition by the National Ocean
45 Survey/National Geodetic Survey is adopted:

46 (1) The Missouri coordinate system 1983,
47 east zone, is a transverse Mercator projection
48 of the North American Datum of 1983 having a
49 central meridian 90 degrees - 30 minutes west of
50 Greenwich, on which meridian the scale is set at
51 one part in fifteen thousand too small. The
52 origin of coordinates is at the intersection of
53 the meridian 90 degrees - 30 minutes west of
54 Greenwich and the parallel 35 degrees - 50
55 minutes north latitude. This origin is given
56 the coordinates: $x = 250,000$ meters and $y = 0$
57 meters;

58 (2) The Missouri coordinate system 1983,
59 central zone, is a transverse Mercator
60 projection of the North American Datum of 1983
61 having a central meridian 92 degrees - 30
62 minutes west of Greenwich, on which meridian the
63 scale is set at one part in fifteen thousand too
64 small. The origin of coordinates is at the
65 intersection of the meridian 92 degrees - 30
66 minutes west of Greenwich and the parallel of 35
67 degrees - 50 minutes north latitude. This
68 origin is given the coordinates: $x = 500,000$
69 meters and $y = 0$ meters;

70 (3) The Missouri coordinate system 1983,
71 west zone, is a transverse Mercator projection
72 of the North American Datum of 1983 having a
73 central meridian 94 degrees - 30 minutes west of
74 Greenwich, on which meridian the scale is set at
75 one part in seventeen thousand too small. The
76 origin of coordinates is at the intersection of
77 the meridian 94 degrees - 30 minutes west of
78 Greenwich and the parallel 36 degrees - 10
79 minutes north latitude. This origin is given
80 the coordinates: $x = 850,000$ meters and $y = 0$
81 meters.

82 3. The position of either Missouri
83 coordinate system shall be as marked on the
84 ground by horizontal control stations
85 established in conformity with the standards
86 adopted by the department of agriculture for

87 first-order and second-order work, whose
88 geodetic positions have been rigidly adjusted on
89 the appropriate datum and whose coordinates have
90 been computed on the system defined in this
91 section. Any such station may be used for
92 establishing a survey connection with the
93 Missouri coordinate system.]

2 [60.491. The Missouri coordinate system of
3 1927 shall not be used after July, 1990; and the
4 Missouri coordinate system of 1983 shall be the
5 sole system after this date.]

2 [195.203. Notwithstanding any other
3 provision of this chapter or chapter 579 to the
4 contrary, any person who has a valid industrial
5 hemp registration as provided under section
6 195.746 may grow, harvest, cultivate, and
7 process industrial hemp, as defined in section
8 195.010, in accordance with the requirements of
9 such sections.]

2 [195.740. For the purposes of sections
3 195.740 to 195.773, the following terms shall
4 mean:

5 (1) "Agricultural hemp propagule", any
6 viable nonseed plant material used to cultivate
7 industrial hemp including, but not limited to,
8 transplants, cuttings, and clones;

9 (2) "Agricultural hemp seed", Cannabis
10 sativa L. seed that meets any labeling, quality,
11 or other standards set by the department of
12 agriculture and that is intended for sale, is
13 sold to, or is purchased by registered producers
14 for planting;

15 (3) "Crop", industrial hemp grown under a
16 single registration;

17 (4) "Department", the Missouri department
18 of agriculture;

19 (5) "Indoor cultivation facility", any
20 greenhouse or enclosed building or structure
21 capable of continuous cultivation throughout the
22 year that is not a residential building;

23 (6) "Industrial hemp plant monitoring
24 system", a reporting system that includes, but
25 is not limited to, testing, transfer reports,
26 and data collection maintained by a producer or
27 agricultural hemp propagule and seed permit
28 holder and available to the department for
29 purposes of monitoring viable industrial hemp
30 cultivated as an agricultural product from
31 planting to final sale or transfer as a publicly
32 marketable hemp product;

33 (7) "Nonviable", plant material or
34 agricultural hemp seed that is not capable of
35 living or growing;

36 (8) "Produce", the cultivation and harvest
of viable industrial hemp;

37 (9) "Producer", a person who is a Missouri
38 resident, or an entity that is domiciled in this
39 state, who grows or produces viable industrial
40 hemp;

41 (10) "Publicly marketable product", any
42 nonviable hemp material, including seed, stem,
43 root, leaf, or floral material, that contains no
44 material with a delta-9 tetrahydrocannabinol
45 concentration exceeding three-tenths of one
46 percent on a dry weight basis.]

2 [195.743. Viable industrial hemp shall be
3 an agricultural product that is subject to
4 regulation by the department, including
5 compliance with an industrial hemp plant
6 monitoring system.]

2 [195.746. 1. Any producer of industrial
3 hemp shall obtain a registration from the
4 department. Any producer of agricultural hemp
5 shall ensure that all agricultural hemp
6 propagules and agricultural hemp seed comply
7 with any standards established by the department.

8 2. Any person who sells, distributes, or
9 offers for sale any agricultural hemp propagule
10 or agricultural hemp seed in the state shall
11 obtain an agricultural hemp propagule and seed
12 permit from the department. An agricultural
13 hemp propagule and seed permit shall authorize a
14 permit holder to sell, distribute, or offer for
15 sale agricultural hemp propagules or
16 agricultural hemp seed to registered producers
17 or other permit holders. A permit holder is
18 exempt from requirements in chapter 266 if he or
19 she only sells, distributes, or offers for sale
20 agricultural hemp propagules or agricultural
21 hemp seed.

22 3. An application for an industrial hemp
23 registration or agricultural hemp propagule and
24 seed permit shall include:

25 (1) The name and address of the applicant;

26 (2) The name and address of the industrial
27 hemp or agricultural hemp propagule or seed
28 operation;

29 (3) For any industrial hemp registration,
30 the global positioning system coordinates and
31 legal description for the property used for the
32 industrial hemp operation;

33 (4) The application fee, as determined by
34 the department, in an amount sufficient to cover
35 the administration, regulation, and enforcement
36 costs associated with sections 195.740 to
37 195.773; and

38 (5) Any other information the department
39 deems necessary.

40 4. The department shall issue a
41 registration under this section to an applicant
42 who meets the requirements of this section and

42 section 195.749 and who satisfactorily completes
 43 a state and federal fingerprint criminal history
 44 background check under section 43.543. The
 45 department may charge an applicant an additional
 46 fee for the cost of the fingerprint criminal
 47 history background check in addition to the
 48 registration fee. If required by federal law,
 49 the department shall require an applicant for an
 50 agricultural hemp propagule and seed permit to
 51 comply with the fingerprint criminal history
 52 background check requirements of this subsection.

53 5. Upon issuance of a registration or
 54 permit, information regarding all producers and
 55 permit holders shall be forwarded to the
 56 Missouri state highway patrol.

57 6. An industrial hemp registration or
 58 agricultural hemp propagule and seed permit is:

59 (1) Nontransferable, except such
 60 registration or permit may be transferred to a
 61 person who otherwise meets the requirements of a
 62 registrant or permit holder, and the person may
 63 operate under the existing registration or
 64 permit until the registration or permit expires,
 65 at which time the renewal shall reflect the
 66 change of the registrant or permit holder;

67 (2) Valid for a three-year term unless
 68 revoked by the department; and

69 (3) Renewable as determined by the
 70 department, if the registrant or permit holder
 71 is found to be in good standing.

72 7. Each individual parcel of ground or
 73 indoor cultivation facility with a separate
 74 legal description shall be required to obtain a
 75 separate registration unless the parcels are
 76 contiguous and owned by the same person of
 77 record.]

2 [195.749. 1. The department may revoke,
 3 refuse to issue, or refuse to renew an
 4 industrial hemp registration or agricultural
 5 hemp propagule and seed permit and may impose a
 6 civil penalty of not less than five hundred
 7 dollars or more than fifty thousand dollars for
 8 violation of:

9 (1) A registration or permit requirement,
 10 term, or condition;

11 (2) Department rules relating to the
 12 production of industrial hemp or an agricultural
 13 hemp propagule and seed permit;

14 (3) Any industrial hemp plant monitoring
 15 system requirement; or

16 (4) A final order of the department that
 17 is specifically directed to the producer or
 18 permit holder's industrial hemp operations or
 19 activities.

20 2. A registration or permit shall not be
 issued to a person who in the ten years

21 immediately preceding the application date has
22 been found guilty of, or pled guilty to, a
23 felony offense under any state or federal law
24 regarding the possession, distribution,
25 manufacturing, cultivation, or use of a
26 controlled substance.

27 3. The department may revoke, refuse to
28 issue, or refuse to renew an industrial hemp
29 registration or agricultural hemp propagule and
30 seed permit for failing to comply with any
31 provision of this chapter, or for a violation of
32 any department rule relating to agricultural
33 operations or activities other than industrial
34 hemp production.]

2 [195.752. 1. Any person producing
3 industrial hemp who does not have a valid
4 industrial hemp registration issued under
5 section 195.746 may be subject to an
6 administrative fine of five hundred dollars and
7 may be fined one thousand dollars per day until
8 such person destroys the industrial hemp crop.
9 The Missouri state highway patrol shall certify
10 such destruction to the department.

11 2. Any person selling, distributing, or
12 offering for sale any agricultural hemp
13 propaule or agricultural hemp seed in the state
14 who does not have a valid agricultural hemp
15 propaule and seed permit issued under section
16 195.746 may be subject to an administrative fine
17 of five hundred dollars and may be fined one
18 thousand dollars per day until such person
obtains a valid permit.]

2 [195.756. Notwithstanding sections 281.050
3 and 281.101 to the contrary, in the production
4 of industrial hemp consistent with sections
5 195.740 to 195.773, no retailer of pesticides as
6 defined in 7 U.S.C. Section 136, or agricultural
7 chemicals shall be liable for the sale,
8 application, or handling of such products by a
9 producer or applicator in any manner or for any
10 purpose not approved by applicable state and
11 federal agencies. No producer or applicator may
12 use or apply pesticides or agricultural
13 chemicals in the growing or handling of
14 industrial hemp except as approved by state and
federal law.]

2 [195.758. 1. Every producer or permit
3 holder shall be subject to an industrial hemp
4 plant monitoring system and shall keep
5 industrial hemp crop and agricultural hemp
6 propaule and seed records as required by the
7 department. The department may require an
8 inspection or audit during any normal business
9 hours for the purpose of ensuring compliance
with:

10 (1) Any provision of sections 195.740 to
11 195.773;

12 (2) Department rules and regulations;

13 (3) Industrial hemp registration or
14 agricultural hemp propagule and seed permit
15 requirements, terms, or conditions;

16 (4) Any industrial hemp plant monitoring
17 system requirement; or

18 (5) A final department order directed to
19 the producer's or permit holder's industrial
20 hemp or agricultural hemp propagule and seed
21 operations or activities.

22 2. In addition to any inspection conducted
23 under subsection 1 of this section, the
24 department may inspect any industrial hemp crop
25 during the crop's growth phase and take a
26 representative sample for field analysis. If a
27 crop contains an average delta-9
28 tetrahydrocannabinol concentration exceeding
29 three-tenths of one percent or the maximum
30 concentration allowed under federal law,
31 whichever is greater, on a dry weight basis, the
32 department may retest the crop. If the second
33 test indicates that a crop contains an average
34 delta-9 tetrahydrocannabinol concentration
35 exceeding three-tenths of one percent or the
36 maximum concentration allowed under federal law,
37 whichever is greater, on a dry weight basis, the
38 department may order any producer to destroy the
39 crop.

40 3. If such crop is not destroyed within
41 fifteen days of the producer being notified by
42 the department by certified mail that the crop
43 contains concentrations exceeding those set
44 forth in subsection 2 of this section, and
45 directing the producer to destroy the crop, such
46 producer shall be subject to a fine of five
47 thousand dollars per day until such crop is
48 destroyed. No such penalty or fine shall be
49 imposed prior to the expiration of the fifteen-
50 day notification period.

51 4. The Missouri state highway patrol may,
52 at its own expense, perform aerial surveillance
53 to ensure illegal industrial hemp plants are not
54 being cultivated on or near legal, registered
55 industrial hemp plantings.

56 5. The Missouri state highway patrol may
57 coordinate with local law enforcement agencies
58 to certify the destruction of illegal industrial
59 hemp plants.

60 6. The department shall notify the
61 Missouri state highway patrol and local law
62 enforcement agencies of the need to certify that
63 a crop of industrial hemp deemed illegal through
64 field analysis has been destroyed.

65 7. Unless required by federal law, the
66 department shall not regulate the sale or

67 transfer of nonviable hemp including, but not
68 limited to, stripped stalks, fiber, dried roots,
69 nonviable leaf material, nonviable floral
70 material, nonviable seeds, seed oils, floral and
71 plant extracts, unadulterated forage, and other
72 marketable agricultural hemp products to members
73 of the general public both within and outside
74 the state.]

2 [195.764. 1. The department may charge
3 producers and permit holders reasonable fees as
4 determined by the department for the purposes of
5 administering sections 195.740 to 195.773. Fees
6 charged for purposes of administering sections
7 195.740 to 195.773 shall only be used to
8 administer such sections, and shall not provide
9 additional revenue for the department to use to
10 administer any other program or provide staff to
11 the department for any other program. All fees
12 collected under sections 195.740 to 195.773
13 shall be deposited in the industrial hemp fund
14 created under this section for use by the
15 department to administer sections 195.740 to
16 195.773.]

17 2. There is hereby created in the state
18 treasury the "Industrial Hemp Fund", which shall
19 consist of any grants, gifts, donations,
20 bequests, or money collected under sections
21 195.740 to 195.773. The state treasurer shall
22 be custodian of the fund. In accordance with
23 sections 30.170 and 30.180, the state treasurer
24 may approve disbursements. The fund shall be a
25 dedicated fund and money in the fund shall be
26 used solely by the department of agriculture for
27 the purpose of administering such sections,
28 including reimbursing the Missouri state highway
29 patrol for the enforcement of such sections.
30 Notwithstanding the provisions of section 33.080
31 to the contrary, any moneys remaining in the
32 fund at the end of the biennium shall not revert
33 to the credit of the general revenue fund. The
34 state treasurer shall invest moneys in the fund
35 in the same manner as other funds are invested.
36 Any interest and moneys earned on such
investments shall be credited to the fund.]

2 [195.767. An institution of higher
3 education may engage in the research and study
4 of the growth, cultivation, or marketing of
5 industrial hemp as authorized by Section 7606 of
6 the federal Agricultural Act of 2014, Pub. L.
7 113-79, or any successor law. Institutions of
8 higher education shall not be required to obtain
9 a registration for the production of industrial
10 hemp from the department as set forth in
sections 195.746 and 195.749.]

2 [195.773. 1. The department of
3 agriculture shall execute its responsibilities
4 relating to the cultivation of industrial hemp
5 in the most cost-efficient manner possible,
6 including in establishing permit and
7 registration fees. For the purpose of testing
8 industrial hemp for pesticides, the department
9 shall explore the option of transporting samples
10 from Missouri to departments of agriculture or
11 testing laboratories in contiguous states, which
12 participate in an agricultural pilot program
13 authorized by the federal Agricultural Act of
14 2014, or any state program authorized by
15 successor federal law. All transport between
16 states shall be in compliance with the federal
17 Agricultural Act of 2014, or any successor
18 federal law, as well as any other applicable
19 state and federal law.

20 2. The department shall promulgate rules
21 necessary to administer the provisions of
22 sections 195.740 to 195.773. Any rule or
23 portion of a rule, as that term is defined in
24 section 536.010, that is created under the
25 authority delegated in this section shall become
26 effective only if it complies with and is
27 subject to all of the provisions of chapter 536
28 and, if applicable, section 536.028. This
29 section and chapter 536 are nonseverable, and if
30 any of the powers vested with the general
31 assembly pursuant to chapter 536 to review, to
32 delay the effective date, or to disapprove and
33 annul a rule are subsequently held
34 unconstitutional, then the grant of rulemaking
35 authority and any rule proposed or adopted after
August 28, 2018, shall be invalid and void.]

2 [261.265. 1. For purposes of this
3 section, the following terms shall mean:

4 (1) "Cannabidiol oil care center", the
5 premises specified in an application for a
6 cultivation and production facility license in
7 which the licensee is authorized to distribute
8 processed hemp extract to persons possessing a
9 hemp extract registration card issued under
10 section 192.945;

11 (2) "Cultivation and production facility",
12 the land and premises specified in an
13 application for a cultivation and production
14 facility license on which the licensee is
15 authorized to grow, cultivate, process, and
16 possess hemp and hemp extract;

17 (3) "Cultivation and production facility
18 license", a license that authorizes the licensee
19 to grow, cultivate, process, and possess hemp
20 and hemp extract, and distribute hemp extract to
its cannabidiol oil care centers;

21 (4) "Department", the department of
22 agriculture;

23 (5) "Grower", a nonprofit entity issued a
24 cultivation and production facility license by
25 the department of agriculture that produces hemp
26 extract for the treatment of intractable
27 epilepsy;

28 (6) "Hemp":

29 (a) All nonseed parts and varieties of the
30 cannabis sativa plant, whether growing or not,
31 that contain a crop-wide average
32 tetrahydrocannabinol (THC) concentration that
33 does not exceed the lesser of:

34 a. Three-tenths of one percent on a dry
35 weight basis; or

36 b. The percent based on a dry weight basis
37 determined by the federal Controlled Substances
38 Act under 21 U.S.C. Section 801, et seq.;

39 (b) Any cannabis sativa seed that is:

40 a. Part of a growing crop;

41 b. Retained by a grower for future
42 planting; or

43 c. For processing into or use as
44 agricultural hemp seed.

45 This term shall not include industrial hemp
46 commodities or products;

47 (7) "Hemp monitoring system", an
48 electronic tracking system that includes, but is
49 not limited to, testing and data collection
50 established and maintained by the cultivation
51 and production facility and is available to the
52 department for the purposes of documenting the
53 hemp extract production and retail sale of the
54 hemp extract.

55 2. The department shall issue a
56 cultivation and production facility license to a
57 nonprofit entity to grow or cultivate the
58 cannabis plant used to make hemp extract as
59 defined in subsection 1 of section 195.207 or
60 hemp on the entity's property if the entity has
61 submitted to the department an application as
62 required by the department under subsection 7 of
63 this section, the entity meets all requirements
64 of this section and the department's rules, and
65 there are fewer than two licensed cultivation
66 and production facilities operating in the state.

67 3. A grower may produce and manufacture
68 hemp and hemp extract, and distribute hemp
69 extract as defined in section 195.207 for the
70 treatment of persons suffering from intractable
71 epilepsy as defined in section 192.945
72 consistent with any and all state or federal
73 regulations regarding the production,
74 manufacture, or distribution of such product.
75 The department shall not issue more than two
76 cultivation and production facility licenses for
77 the operation of such facilities at any one time.

78 4. The department shall maintain a list of
79 growers.

80 5. All growers shall keep records in
81 accordance with rules adopted by the
82 department. Upon at least three days' notice,
83 the director of the department may audit the
84 required records during normal business hours.
85 The director may conduct an audit for the
86 purpose of ensuring compliance with this section.

87 6. In addition to an audit conducted in
88 accordance with subsection 5 of this section,
89 the director may inspect independently, or in
90 cooperation with the state highway patrol or a
91 local law enforcement agency, any hemp crop
92 during the crop's growth phase and take a
93 representative composite sample for field
94 analysis. If a crop contains an average
95 tetrahydrocannabinol (THC) concentration
96 exceeding the lesser of:

97 (1) Three-tenths of one percent on a dry
98 weight basis; or

99 (2) The percent based on a dry weight
100 basis determined by the federal Controlled
101 Substances Act under 21 U.S.C. Section 801, et
102 seq.,
103 the director may detain, seize, or embargo the
104 crop.

105 7. The department shall promulgate rules
106 including, but not limited to:

107 (1) Application requirements for
108 licensing, including requirements for the
109 submission of fingerprints and the completion of
110 a criminal background check;

111 (2) Security requirements for cultivation
112 and production facility premises, including, at
113 a minimum, lighting, physical security, video
114 and alarm requirements;

115 (3) Rules relating to hemp monitoring
116 systems as defined in this section;

117 (4) Other procedures for internal control
118 as deemed necessary by the department to
119 properly administer and enforce the provisions
120 of this section, including reporting
121 requirements for changes, alterations, or
122 modifications of the premises;

123 (5) Requirements that any hemp extract
124 received from a legal source be submitted to a
125 testing facility designated by the department to
126 ensure that such hemp extract complies with the
127 provisions of section 195.207 and to ensure that
128 the hemp extract does not contain any
129 pesticides. Any hemp extract that is not
130 submitted for testing or which after testing is
131 found not to comply with the provisions of
132 section 195.207 shall not be distributed or used
133 and shall be submitted to the department for
134 destruction; and

135 (6) Rules regarding the manufacture,
136 storage, and transportation of hemp and hemp
137 extract, which shall be in addition to any other
138 state or federal regulations.

139 8. Any rule or portion of a rule, as that
140 term is defined in section 536.010, that is
141 created under the authority delegated in this
142 section shall become effective only if it
143 complies with and is subject to all of the
144 provisions of chapter 536 and, if applicable,
145 section 536.028. This section and chapter 536
146 are nonseverable, and if any of the powers
147 vested with the general assembly under chapter
148 536 to review, to delay the effective date, or
149 to disapprove and annul a rule are subsequently
150 held unconstitutional, then the grant of
151 rulemaking authority and any rule proposed or
152 adopted after July 14, 2014.

153 9. All hemp waste from the production of
154 hemp extract shall either be destroyed, recycled
155 by the licensee at the hemp cultivation and
156 production facility, or donated to the
157 department or an institution of higher education
158 for research purposes, and shall not be used for
159 commercial purposes.

160 10. In addition to any other liability or
161 penalty provided by law, the director may revoke
162 or refuse to issue or renew a cultivation and
163 production facility license and may impose a
164 civil penalty on a grower for any violation of
165 this section, or section 192.945 or 195.207.
166 The director may not impose a civil penalty
167 under this section that exceeds two thousand
168 five hundred dollars.]

✓