

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 120
AN ACT

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

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

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2 repealed and two new sections enacted in lieu thereof, to be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

640.220. 1. For the purpose of protecting the air,
2 water and land resources of the state, there is hereby
3 created in the state treasury a fund to be known as the
4 "Natural Resources Protection Fund". All funds received
5 from air pollution permit fees, gifts, bequests, donations,
6 or any other moneys so designated shall be paid to the
7 director of the department of natural resources, transmitted
8 to the director of revenue and deposited in the state
9 treasury to the credit of an appropriate subaccount of the
10 natural resources protection fund and shall be used for the
11 purposes specified by law. The air pollution permit fee
12 revenues shall be deposited in an appropriate subaccount of
13 the natural resources protection fund and, subject to
14 appropriation by the general assembly, shall be used by the
15 department to carry out the general administration of
16 section 643.075. The water pollution permit fee revenues
17 generated through sections 644.052, 644.053, 644.054 and
18 644.061 shall be paid to the director of the department of
19 natural resources, transmitted to the director of the
20 department of revenue and deposited to the credit of the
21 water pollution permit fee subaccount of the natural

resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the administration of sections 644.006 to 644.141.

2. Effective July 1, 1991, and before June 30, 2026, the provisions of section 33.080 to the contrary notwithstanding, any unexpended balance in the subaccounts of the natural resources protection fund that exceeds the preceding biennium's collections shall revert to the general revenue fund of the state at the end of each biennium. Beginning July 1, 2026, any unexpended balance in the subaccounts of the natural resources protection fund that exceeds the preceding biennium's collections shall not revert to the general revenue fund of the state at the end of each biennium. All interest earned on the natural resources protection funds shall accrue to appropriate subaccounts.

3. Beginning July 1, 2026, and annually on July first of each following year, the commissioner of administration shall use taxable sales reports to estimate the amount of state general revenue sales and use tax derived from electric power distribution (NAICS code 221122, or its successor) in the immediately preceding calendar year and shall report such amount to the state treasurer. The state treasurer shall transfer five percent of such general revenue sales and use taxes to the air pollution permit fees subaccount of the natural resources protection fund and such funds, subject to appropriation by the general assembly, shall be used by the department solely for the purpose of funding the air pollution control program. Any provision of law to the contrary notwithstanding, amounts transferred in accordance with this subsection shall not revert to the general revenue fund of the state at the end of each

54 biennium and shall be used solely for the purpose of funding
55 the air pollution control program.

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

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

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

11 4. The official emission inspection station shall
12 remit the portion of fees collected, as established by the
13 commission pursuant to this section, to the state treasurer
14 within the time period established by the commission. The
15 state treasurer shall deposit the fees received in the state
16 treasury to the credit of the "Missouri Air Emission
17 Reduction Fund", which is hereby created. Moneys in the
18 fund shall, subject to appropriation, be expended for the
19 administration and enforcement of sections 643.300 to
20 643.355 by the department of natural resources, the Missouri
21 highway patrol, and other appropriate agencies. Any balance
22 in the fund at the end of the biennium shall remain in the
23 fund and shall not be subject to the provisions of section
24 33.080. All interest earned by moneys in the fund shall
25 accrue to the fund. [If in the immediate previous fiscal
26 year, the state's net general revenue did not increase by
27 two percent or more, the state treasurer may deposit moneys,
28 except for gifts, donations, or bequests, received under
29 this section beginning January first of the current fiscal
30 year into the state general revenue fund. Otherwise, the

31 state treasurer shall deposit such moneys in accordance with
32 the provisions of this section.】

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