

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 356

96TH GENERAL ASSEMBLY

2011

1787S.08T

AN ACT

To repeal sections 21.801, 144.010, 144.020, 144.030, 144.070, 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 275.360, 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof eighteen new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 21.801, 144.010, 144.020, 144.030, 144.070, 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 275.360, 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 21.801, 143.1014, 144.010, 144.020, 144.030, 144.070, 262.815, 263.190, 263.200, 263.220, 263.240, 268.121, 275.360, 276.401, 276.421, 276.436, 276.441, and 411.280, to read as follows:

21.801. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Urban [Farming" for the period between the second regular session of the ninety-fifth general assembly and first regular session of the ninety-sixth general assembly] **Agriculture**".

2. The joint committee shall be composed of ten members. Five members shall be from the senate, with three members appointed by the president pro tem

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

7 of the senate and two members appointed by the minority leader of the
8 senate. Five members shall be from the house of representatives, with three
9 members appointed by the speaker of the house of representatives and two
10 members appointed by the minority leader of the house of representatives. All
11 members of the Missouri general assembly not appointed in this subsection may
12 be nonvoting, ex officio members of the joint committee. A majority of the
13 appointed members of the joint committee shall constitute a quorum.

14 3. The joint committee shall meet within thirty days after it becomes
15 effective and organize by selecting a chairperson and a vice chairperson, one of
16 whom shall be a member of the senate and the other a member of the house of
17 representatives. The joint committee may meet at locations other than Jefferson
18 City when the committee deems it necessary.

19 4. The committee shall prepare a final report together with its
20 recommendations for any legislative action deemed necessary for submission to
21 the speaker of the house of representatives, president pro tem of the senate, and
22 the governor by December 31, [2010] **2012**. The report shall study and make
23 recommendations regarding the impact of urban farm cooperatives, vertical
24 farming, and sustainable living communities in this state and shall examine the
25 following:

- 26 (1) Trends in urban farming, including vertical farming, urban farm
27 cooperatives, and sustainable living communities;
- 28 (2) Existing services, resources, and capacity for such urban farming;
- 29 (3) The impact on communities and populations affected; and
- 30 (4) Any needed state legislation, policies, or regulations.

31 5. The committee shall hold a minimum of one meeting at three urban
32 regions in the state of Missouri to seek public input. The committee may hold
33 such hearings, sit and act at such times and places, take such testimony, and
34 receive such evidence as the committee considers advisable to carry out the
35 provisions of this section.

36 6. The joint committee may solicit input and information necessary to
37 fulfill its obligations from the general public, any state department, state agency,
38 political subdivision of this state, or anyone else it deems advisable.

39 7. (1) The joint committee shall establish a subcommittee to be known as
40 the "Urban Farming Advisory Subcommittee" to study, analyze, and provide
41 background information, recommendations, and findings in preparation of each
42 of the public hearings called by the joint committee. The subcommittee may also

43 review draft recommendations of the joint committee, if requested. The
44 subcommittee will meet as often as necessary to fulfill the requirements and time
45 frames set by the joint committee.

46 (2) The subcommittee shall consist of twelve members, as follows:

47 (a) Four members shall include the directors of the following departments,
48 or their designees:

49 a. Agriculture, who shall serve as chair of the subcommittee;

50 b. Economic development;

51 c. Health and senior services; and

52 d. Natural resources; and

53 (b) The chair shall select eight additional members, subject to approval
54 by a majority of the joint committee, who shall have experience in or represent
55 organizations associated with at least one of the following areas:

56 a. Sustainable energy;

57 b. Farm policy;

58 c. Urban botanical gardening;

59 d. Sustainable agriculture;

60 e. Urban farming or community gardening;

61 f. Vertical farming;

62 g. Agriculture policy or advocacy; and

63 h. Urban development.

64 8. Members of the committee and subcommittee shall serve without
65 compensation but may be reimbursed for necessary expenses pertaining to the
66 duties of the committee.

67 9. The staffs of senate research, the joint committee on legislative
68 research, and house research may provide such legal, research, clerical, technical,
69 and bill drafting services as the joint committee may require in the performance
70 of its duties.

71 10. Any actual and necessary expenses of the joint committee, its
72 members, and any staff assigned to the joint committee incurred by the joint
73 committee shall be paid by the joint contingent fund.

74 11. [This] **The** provisions of this section shall expire on January 1, [2011]
75 **2013.**

**143.1014. 1. For all taxable years beginning on or after January
2 1, 2011, each individual or corporation entitled to a tax refund in an
3 amount sufficient to make a designation under this section may**

4 designate that one dollar or any amount in excess of one dollar on a
5 single return, and two dollars or any amount in excess of two dollars
6 on a combined return, of the refund due be credited to the puppy
7 protection trust fund. If any individual or corporation that is not
8 entitled to a tax refund in an amount sufficient to make a designation
9 under this section wishes to make a contribution to the fund, such
10 individual or corporation may, by separate check, draft, or other
11 negotiable instrument, send in with the payment of taxes, or may send
12 in separately, that amount the individual or corporation wishes to
13 contribute. Such amounts shall be clearly designated for the fund.

14 2. There is hereby created in the state treasury the "Puppy
15 Protection Trust Fund", which shall consist of money collected under
16 this section. The state treasurer shall be custodian of the fund. In
17 accordance with sections 30.170 and 30.180, the state treasurer may
18 approve disbursements. The fund shall be a dedicated fund and, upon
19 appropriation, money in the fund shall be used solely for the state
20 department of agriculture's administration of section
21 273.345. Notwithstanding the provisions of section 33.080 to the
22 contrary, any moneys remaining in the fund at the end of the biennium
23 shall not revert to the credit of the general revenue fund. The state
24 treasurer shall invest moneys in the fund in the same manner as other
25 funds are invested. Any interest and moneys earned on such
26 investments shall be credited to the fund. All moneys credited to the
27 trust fund shall be considered nonstate funds under section 15, article
28 IV, Constitution of Missouri. The treasurer shall distribute all moneys
29 deposited in the fund at times the treasurer deems appropriate to the
30 department of agriculture.

31 3. The director of revenue shall deposit at least monthly all
32 contributions designated by individuals under this section to the state
33 treasurer for deposit to the fund. The director of revenue shall deposit
34 at least monthly all contributions designated by the corporations under
35 this section, less an amount sufficient to cover the costs of collection
36 and handling by the department of revenue, to the state treasury for
37 deposit to the fund. A contribution designated under this section shall
38 only be deposited in the fund after all other claims against the refund
39 from which such contribution is to be made have been satisfied.

40 4. Under section 23.253 of the Missouri sunset act:

41 **(1) The provisions of the new program authorized under this**
42 **section shall automatically sunset on December thirty-first six years**
43 **after the effective date of this section unless reauthorized by an act of**
44 **the general assembly; and**

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

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

144.010. 1. The following words, terms, and phrases when used in
2 sections 144.010 to 144.525 have the meanings ascribed to them in this section,
3 except when the context indicates a different meaning:

4 (1) "Admission" includes seats and tables, reserved or otherwise, and
5 other similar accommodations and charges made therefor and amount paid for
6 admission, exclusive of any admission tax imposed by the federal government or
7 by sections 144.010 to 144.525;

8 (2) "Business" includes any activity engaged in by any person, or caused
9 to be engaged in by him, with the object of gain, benefit or advantage, either
10 direct or indirect, and the classification of which business is of such character as
11 to be subject to the terms of sections 144.010 to 144.525. The isolated or
12 occasional sale of tangible personal property, service, substance, or thing, by a
13 person not engaged in such business, does not constitute engaging in business
14 within the meaning of sections 144.010 to 144.525 unless the total amount of the
15 gross receipts from such sales, exclusive of receipts from the sale of tangible
16 personal property by persons which property is sold in the course of the partial
17 or complete liquidation of a household, farm or nonbusiness enterprise, exceeds
18 three thousand dollars in any calendar year. The provisions of this subdivision
19 shall not be construed to make any sale of property which is exempt from sales
20 tax or use tax on June 1, 1977, subject to that tax thereafter;

21 (3) "Captive wildlife", includes but is not limited to exotic
22 partridges, gray partridge, northern bobwhite quail, ring-necked
23 pheasant, captive waterfowl, captive white-tailed deer, captive elk, and
24 captive furbearers held under permit issued by the Missouri
25 department of conservation for hunting purposes. The provisions of

26 **this subdivision shall not apply to sales tax on a harvested animal;**

27 (4) "Gross receipts", except as provided in section 144.012, means the
28 total amount of the sale price of the sales at retail including any services other
29 than charges incident to the extension of credit that are a part of such sales made
30 by the businesses herein referred to, capable of being valued in money, whether
31 received in money or otherwise; except that, the term "gross receipts" shall not
32 include the sale price of property returned by customers when the full sale price
33 thereof is refunded either in cash or by credit. In determining any tax due under
34 sections 144.010 to 144.525 on the gross receipts, charges incident to the
35 extension of credit shall be specifically exempted. For the purposes of sections
36 144.010 to 144.525 the total amount of the sale price above mentioned shall be
37 deemed to be the amount received. It shall also include the lease or rental
38 consideration where the right to continuous possession or use of any article of
39 tangible personal property is granted under a lease or contract and such transfer
40 of possession would be taxable if outright sale were made and, in such cases, the
41 same shall be taxable as if outright sale were made and considered as a sale of
42 such article, and the tax shall be computed and paid by the lessee upon the
43 rentals paid;

44 [(4)] (5) "Livestock", cattle, calves, sheep, swine, ratite birds, including
45 but not limited to, ostrich and emu, aquatic products as defined in section
46 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source
47 and not from the wild, goats, horses, other equine, or rabbits raised in
48 confinement for human consumption;

49 [(5)] (6) "Motor vehicle leasing company" shall be a company obtaining
50 a permit from the director of revenue to operate as a motor vehicle leasing
51 company. Not all persons renting or leasing trailers or motor vehicles need to
52 obtain such a permit; however, no person failing to obtain such a permit may
53 avail itself of the optional tax provisions of subsection 5 of section 144.070, as
54 hereinafter provided;

55 [(6)] (7) "Person" includes any individual, firm, copartnership, joint
56 adventure, association, corporation, municipal or private, and whether organized
57 for profit or not, state, county, political subdivision, state department,
58 commission, board, bureau or agency, except the state transportation department,
59 estate, trust, business trust, receiver or trustee appointed by the state or federal
60 court, syndicate, or any other group or combination acting as a unit, and the
61 plural as well as the singular number;

62 [(7)] (8) "Purchaser" means a person who purchases tangible personal
63 property or to whom are rendered services, receipts from which are taxable under
64 sections 144.010 to 144.525;

65 [(8)] (9) "Research or experimentation activities" are the development of
66 an experimental or pilot model, plant process, formula, invention or similar
67 property, and the improvement of existing property of such type. Research or
68 experimentation activities do not include activities such as ordinary testing or
69 inspection of materials or products for quality control, efficiency surveys,
70 advertising promotions or research in connection with literary, historical or
71 similar projects;

72 [(9)] (10) "Sale" or "sales" includes installment and credit sales, and the
73 exchange of properties as well as the sale thereof for money, every closed
74 transaction constituting a sale, and means any transfer, exchange or barter,
75 conditional or otherwise, in any manner or by any means whatsoever, of tangible
76 personal property for valuable consideration and the rendering, furnishing or
77 selling for a valuable consideration any of the substances, things and services
78 herein designated and defined as taxable under the terms of sections 144.010 to
79 144.525;

80 [(10)] (11) "Sale at retail" means any transfer made by any person
81 engaged in business as defined herein of the ownership of, or title to, tangible
82 personal property to the purchaser, for use or consumption and not for resale in
83 any form as tangible personal property, for a valuable consideration; except that,
84 for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i)
85 purchases of tangible personal property made by duly licensed physicians,
86 dentists, optometrists and veterinarians and used in the practice of their
87 professions shall be deemed to be purchases for use or consumption and not for
88 resale; and (ii) the selling of computer printouts, computer output or microfilm
89 or microfiche and computer-assisted photo compositions to a purchaser to enable
90 the purchaser to obtain for his or her own use the desired information contained
91 in such computer printouts, computer output on microfilm or microfiche and
92 computer-assisted photo compositions shall be considered as the sale of a service
93 and not as the sale of tangible personal property. Where necessary to conform to
94 the context of sections 144.010 to 144.525 and the tax imposed thereby, the term
95 "sale at retail" shall be construed to embrace:

96 (a) Sales of admission tickets, cash admissions, charges and fees to or in
97 places of amusement, entertainment and recreation, games and athletic events;

98 (b) Sales of electricity, electrical current, water and gas, natural or
99 artificial, to domestic, commercial or industrial consumers;

100 (c) Sales of local and long distance telecommunications service to
101 telecommunications subscribers and to others through equipment of
102 telecommunications subscribers for the transmission of messages and
103 conversations, and the sale, rental or leasing of all equipment or services
104 pertaining or incidental thereto;

105 (d) Sales of service for transmission of messages by telegraph companies;

106 (e) Sales or charges for all rooms, meals and drinks furnished at any
107 hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist
108 camp, tourist cabin, or other place in which rooms, meals or drinks are regularly
109 served to the public;

110 (f) Sales of tickets by every person operating a railroad, sleeping car,
111 dining car, express car, boat, airplane, and such buses and trucks as are licensed
112 by the division of motor carrier and railroad safety of the department of economic
113 development of Missouri, engaged in the transportation of persons for hire;

114 [(11)] **(12)** "Seller" means a person selling or furnishing tangible personal
115 property or rendering services, on the receipts from which a tax is imposed
116 pursuant to section 144.020;

117 [(12)] **(13)** The noun "tax" means either the tax payable by the purchaser
118 of a commodity or service subject to tax, or the aggregate amount of taxes due
119 from the vendor of such commodities or services during the period for which he
120 or she is required to report his or her collections, as the context may require;

121 [(13)] **(14)** "Telecommunications service", for the purpose of this chapter,
122 the transmission of information by wire, radio, optical cable, coaxial cable,
123 electronic impulses, or other similar means. As used in this definition,
124 "information" means knowledge or intelligence represented by any form of
125 writing, signs, signals, pictures, sounds, or any other
126 symbols. Telecommunications service does not include the following if such
127 services are separately stated on the customer's bill or on records of the seller
128 maintained in the ordinary course of business:

129 (a) Access to the internet, access to interactive computer services or
130 electronic publishing services, except the amount paid for the telecommunications
131 service used to provide such access;

132 (b) Answering services and one-way paging services;

133 (c) Private mobile radio services which are not two-way commercial mobile

134 radio services such as wireless telephone, personal communications services or
135 enhanced specialized mobile radio services as defined pursuant to federal law; or

136 (d) Cable or satellite television or music services; and

137 [(14)] (15) "Product which is intended to be sold ultimately for final use
138 or consumption" means tangible personal property, or any service that is subject
139 to state or local sales or use taxes, or any tax that is substantially equivalent
140 thereto, in this state or any other state.

141 2. For purposes of the taxes imposed under sections 144.010 to 144.525,
142 and any other provisions of law pertaining to sales or use taxes which incorporate
143 the provisions of sections 144.010 to 144.525 by reference, the term
144 "manufactured homes" shall have the same meaning given it in section 700.010.

145 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales
146 Tax Law".

144.020. 1. A tax is hereby levied and imposed upon all sellers for the
2 privilege of engaging in the business of selling tangible personal property or
3 rendering taxable service at retail in this state. The rate of tax shall be as
4 follows:

5 (1) Upon every retail sale in this state of tangible personal property,
6 including but not limited to motor vehicles, trailers, motorcycles, mopeds,
7 motortricycles, boats and outboard motors, a tax equivalent to four percent of the
8 purchase price paid or charged, or in case such sale involves the exchange of
9 property, a tax equivalent to four percent of the consideration paid or charged,
10 including the fair market value of the property exchanged at the time and place
11 of the exchange, except as otherwise provided in section 144.025;

12 (2) A tax equivalent to four percent of the amount paid for admission and
13 seating accommodations, or fees paid to, or in any place of amusement,
14 entertainment or recreation, games and athletic events;

15 (3) A tax equivalent to four percent of the basic rate paid or charged on
16 all sales of electricity or electrical current, water and gas, natural or artificial, to
17 domestic, commercial or industrial consumers;

18 (4) A tax equivalent to four percent on the basic rate paid or charged on
19 all sales of local and long distance telecommunications service to
20 telecommunications subscribers and to others through equipment of
21 telecommunications subscribers for the transmission of messages and
22 conversations and upon the sale, rental or leasing of all equipment or services
23 pertaining or incidental thereto; except that, the payment made by

24 telecommunications subscribers or others, pursuant to section 144.060, and any
25 amounts paid for access to the internet or interactive computer services shall not
26 be considered as amounts paid for telecommunications services;

27 (5) A tax equivalent to four percent of the basic rate paid or charged for
28 all sales of services for transmission of messages of telegraph companies;

29 (6) A tax equivalent to four percent on the amount of sales or charges for
30 all rooms, meals and drinks furnished at any hotel, motel, tavern, inn,
31 restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or
32 other place in which rooms, meals or drinks are regularly served to the public;

33 (7) A tax equivalent to four percent of the amount paid or charged for
34 intrastate tickets by every person operating a railroad, sleeping car, dining car,
35 express car, boat, airplane and such buses and trucks as are licensed by the
36 division of motor carrier and railroad safety of the department of economic
37 development of Missouri, engaged in the transportation of persons for hire;

38 (8) A tax equivalent to four percent of the amount paid or charged for
39 rental or lease of tangible personal property, provided that if the lessor or renter
40 of any tangible personal property had previously purchased the property under
41 the conditions of "sale at retail" [as defined in subdivision (8) of section 144.010]
42 or leased or rented the property and the tax was paid at the time of purchase,
43 lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect
44 the tax on the subsequent lease, sublease, rental or subrental receipts from that
45 property. The purchase, rental or lease of motor vehicles, trailers, motorcycles,
46 mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax
47 paid as provided in this section and section 144.070. In no event shall the rental
48 or lease of boats and outboard motors be considered a sale, charge, or fee to, for
49 or in places of amusement, entertainment or recreation nor shall any such rental
50 or lease be subject to any tax imposed to, for, or in such places of amusement,
51 entertainment or recreation. Rental and leased boats or outboard motors shall
52 be taxed under the provisions of the sales tax laws as provided under such laws
53 for motor vehicles and trailers. Tangible personal property which is exempt from
54 the sales or use tax under section 144.030 upon a sale thereof is likewise exempt
55 from the sales or use tax upon the lease or rental thereof.

56 2. All tickets sold which are sold under the provisions of sections 144.010
57 to 144.525 which are subject to the sales tax shall have printed, stamped or
58 otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.030. 1. There is hereby specifically exempted from the provisions of

2 sections 144.010 to 144.525 and from the computation of the tax levied, assessed
3 or payable pursuant to sections 144.010 to 144.525 such retail sales as may be
4 made in commerce between this state and any other state of the United States,
5 or between this state and any foreign country, and any retail sale which the state
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the
7 United States of America, and such retail sales of tangible personal property
8 which the general assembly of the state of Missouri is prohibited from taxing or
9 further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions of the local
11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,
13 assessed or payable pursuant to the local sales tax law as defined in section
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless
16 all or part of such excise tax is refunded pursuant to section 142.824; or upon the
17 sale at retail of fuel to be consumed in manufacturing or creating gas, power,
18 steam, electrical current or in furnishing water to be sold ultimately at retail; or
19 feed for livestock or poultry; or grain to be converted into foodstuffs which are to
20 be sold ultimately in processed form at retail; or seed, limestone or fertilizer
21 which is to be used for seeding, liming or fertilizing crops which when harvested
22 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in
23 processed form at retail; economic poisons registered pursuant to the provisions
24 of the Missouri pesticide registration law (sections 281.220 to 281.310) which are
25 to be used in connection with the growth or production of crops, fruit trees or
26 orchards applied before, during, or after planting, the crop of which when
27 harvested will be sold at retail or will be converted into foodstuffs which are to
28 be sold ultimately in processed form at retail;

29 (2) Materials, manufactured goods, machinery and parts which when used
30 in manufacturing, processing, compounding, mining, producing or fabricating
31 become a component part or ingredient of the new personal property resulting
32 from such manufacturing, processing, compounding, mining, producing or
33 fabricating and which new personal property is intended to be sold ultimately for
34 final use or consumption; and materials, including without limitation, gases and
35 manufactured goods, including without limitation slagging materials and
36 firebrick, which are ultimately consumed in the manufacturing process by
37 blending, reacting or interacting with or by becoming, in whole or in part,

38 component parts or ingredients of steel products intended to be sold ultimately
39 for final use or consumption;

40 (3) Materials, replacement parts and equipment purchased for use directly
41 upon, and for the repair and maintenance or manufacture of, motor vehicles,
42 watercraft, railroad rolling stock or aircraft engaged as common carriers of
43 persons or property;

44 (4) Replacement machinery, equipment, and parts and the materials and
45 supplies solely required for the installation or construction of such replacement
46 machinery, equipment, and parts, used directly in manufacturing, mining,
47 fabricating or producing a product which is intended to be sold ultimately for
48 final use or consumption; and machinery and equipment, and the materials and
49 supplies required solely for the operation, installation or construction of such
50 machinery and equipment, purchased and used to establish new, or to replace or
51 expand existing, material recovery processing plants in this state. For the
52 purposes of this subdivision, a "material recovery processing plant" means a
53 facility that has as its primary purpose the recovery of materials into a useable
54 product or a different form which is used in producing a new product and shall
55 include a facility or equipment which are used exclusively for the collection of
56 recovered materials for delivery to a material recovery processing plant but shall
57 not include motor vehicles used on highways. For purposes of this section, the
58 terms motor vehicle and highway shall have the same meaning pursuant to
59 section 301.010. Material recovery is not the reuse of materials within a
60 manufacturing process or the use of a product previously recovered. The material
61 recovery processing plant shall qualify under the provisions of this section
62 regardless of ownership of the material being recovered;

63 (5) Machinery and equipment, and parts and the materials and supplies
64 solely required for the installation or construction of such machinery and
65 equipment, purchased and used to establish new or to expand existing
66 manufacturing, mining or fabricating plants in the state if such machinery and
67 equipment is used directly in manufacturing, mining or fabricating a product
68 which is intended to be sold ultimately for final use or consumption;

69 (6) Tangible personal property which is used exclusively in the
70 manufacturing, processing, modification or assembling of products sold to the
71 United States government or to any agency of the United States government;

72 (7) Animals or poultry used for breeding or feeding purposes, **or captive**
73 **wildlife;**

74 (8) Newsprint, ink, computers, photosensitive paper and film, toner,
75 printing plates and other machinery, equipment, replacement parts and supplies
76 used in producing newspapers published for dissemination of news to the general
77 public;

78 (9) The rentals of films, records or any type of sound or picture
79 transcriptions for public commercial display;

80 (10) Pumping machinery and equipment used to propel products delivered
81 by pipelines engaged as common carriers;

82 (11) Railroad rolling stock for use in transporting persons or property in
83 interstate commerce and motor vehicles licensed for a gross weight of twenty-four
84 thousand pounds or more or trailers used by common carriers, as defined in
85 section 390.020, in the transportation of persons or property;

86 (12) Electrical energy used in the actual primary manufacture, processing,
87 compounding, mining or producing of a product, or electrical energy used in the
88 actual secondary processing or fabricating of the product, or a material recovery
89 processing plant as defined in subdivision (4) of this subsection, in facilities
90 owned or leased by the taxpayer, if the total cost of electrical energy so used
91 exceeds ten percent of the total cost of production, either primary or secondary,
92 exclusive of the cost of electrical energy so used or if the raw materials used in
93 such processing contain at least twenty-five percent recovered materials as
94 defined in section 260.200. There shall be a rebuttable presumption that the raw
95 materials used in the primary manufacture of automobiles contain at least
96 twenty-five percent recovered materials. For purposes of this subdivision,
97 "processing" means any mode of treatment, act or series of acts performed upon
98 materials to transform and reduce them to a different state or thing, including
99 treatment necessary to maintain or preserve such processing by the producer at
100 the production facility;

101 (13) Anodes which are used or consumed in manufacturing, processing,
102 compounding, mining, producing or fabricating and which have a useful life of
103 less than one year;

104 (14) Machinery, equipment, appliances and devices purchased or leased
105 and used solely for the purpose of preventing, abating or monitoring air pollution,
106 and materials and supplies solely required for the installation, construction or
107 reconstruction of such machinery, equipment, appliances and devices;

108 (15) Machinery, equipment, appliances and devices purchased or leased
109 and used solely for the purpose of preventing, abating or monitoring water

110 pollution, and materials and supplies solely required for the installation,
111 construction or reconstruction of such machinery, equipment, appliances and
112 devices;

113 (16) Tangible personal property purchased by a rural water district;

114 (17) All amounts paid or charged for admission or participation or other
115 fees paid by or other charges to individuals in or for any place of amusement,
116 entertainment or recreation, games or athletic events, including museums, fairs,
117 zoos and planetariums, owned or operated by a municipality or other political
118 subdivision where all the proceeds derived therefrom benefit the municipality or
119 other political subdivision and do not inure to any private person, firm, or
120 corporation;

121 (18) All sales of insulin and prosthetic or orthopedic devices as defined on
122 January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the
123 Social Security Act of 1965, including the items specified in Section 1862(a)(12)
124 of that act, and also specifically including hearing aids and hearing aid supplies
125 and all sales of drugs which may be legally dispensed by a licensed pharmacist
126 only upon a lawful prescription of a practitioner licensed to administer those
127 items, including samples and materials used to manufacture samples which may
128 be dispensed by a practitioner authorized to dispense such samples and all sales
129 of medical oxygen, home respiratory equipment and accessories, hospital beds and
130 accessories and ambulatory aids, all sales of manual and powered wheelchairs,
131 stairway lifts, Braille writers, electronic Braille equipment and, if purchased by
132 or on behalf of a person with one or more physical or mental disabilities to enable
133 them to function more independently, all sales of scooters, reading machines,
134 electronic print enlargers and magnifiers, electronic alternative and augmentative
135 communication devices, and items used solely to modify motor vehicles to permit
136 the use of such motor vehicles by individuals with disabilities or sales of
137 over-the-counter or nonprescription drugs to individuals with disabilities;

138 (19) All sales made by or to religious and charitable organizations and
139 institutions in their religious, charitable or educational functions and activities
140 and all sales made by or to all elementary and secondary schools operated at
141 public expense in their educational functions and activities;

142 (20) All sales of aircraft to common carriers for storage or for use in
143 interstate commerce and all sales made by or to not-for-profit civic, social, service
144 or fraternal organizations, including fraternal organizations which have been
145 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the

146 1986 Internal Revenue Code, as amended, in their civic or charitable functions
147 and activities and all sales made to eleemosynary and penal institutions and
148 industries of the state, and all sales made to any private not-for-profit institution
149 of higher education not otherwise excluded pursuant to subdivision (19) of this
150 subsection or any institution of higher education supported by public funds, and
151 all sales made to a state relief agency in the exercise of relief functions and
152 activities;

153 (21) All ticket sales made by benevolent, scientific and educational
154 associations which are formed to foster, encourage, and promote progress and
155 improvement in the science of agriculture and in the raising and breeding of
156 animals, and by nonprofit summer theater organizations if such organizations are
157 exempt from federal tax pursuant to the provisions of the Internal Revenue Code
158 and all admission charges and entry fees to the Missouri state fair or any fair
159 conducted by a county agricultural and mechanical society organized and
160 operated pursuant to sections 262.290 to 262.530;

161 (22) All sales made to any private not-for-profit elementary or secondary
162 school, all sales of feed additives, medications or vaccines administered to
163 livestock or poultry in the production of food or fiber, all sales of pesticides used
164 in the production of crops, livestock or poultry for food or fiber, all sales of
165 bedding used in the production of livestock or poultry for food or fiber, all sales
166 of propane or natural gas, electricity or diesel fuel used exclusively for drying
167 agricultural crops, natural gas used in the primary manufacture or processing of
168 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
169 used by an eligible new generation cooperative or an eligible new generation
170 processing entity as defined in section 348.432, and all sales of farm machinery
171 and equipment, other than airplanes, motor vehicles and trailers, **and any**
172 **freight charges on any exempt item.** As used in this subdivision, the term
173 "feed additives" means tangible personal property which, when mixed with feed
174 for livestock or poultry, is to be used in the feeding of livestock or poultry. As
175 used in this subdivision, the term "pesticides" includes adjuvants such as crop
176 oils, surfactants, wetting agents and other assorted pesticide carriers used to
177 improve or enhance the effect of a pesticide and the foam used to mark the
178 application of pesticides and herbicides for the production of crops, livestock or
179 poultry. As used in this subdivision, the term "farm machinery and equipment"
180 means new or used farm tractors and such other new or used farm machinery and
181 equipment and repair or replacement parts thereon **and any accessories for**

182 **and upgrades to such farm machinery and equipment, rotary mowers**
183 **used exclusively for agricultural purposes,** and supplies and lubricants
184 used exclusively, solely, and directly for producing crops, raising and feeding
185 livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for
186 ultimate sale at retail, including field drain tile, and one-half of each purchaser's
187 purchase of diesel fuel therefor which is:

188 (a) Used exclusively for agricultural purposes;

189 (b) Used on land owned or leased for the purpose of producing farm
190 products; and

191 (c) Used directly in producing farm products to be sold ultimately in
192 processed form or otherwise at retail or in producing farm products to be fed to
193 livestock or poultry to be sold ultimately in processed form at retail;

194 (23) Except as otherwise provided in section 144.032, all sales of metered
195 water service, electricity, electrical current, natural, artificial or propane gas,
196 wood, coal or home heating oil for domestic use and in any city not within a
197 county, all sales of metered or unmetered water service for domestic use:

198 (a) "Domestic use" means that portion of metered water service,
199 electricity, electrical current, natural, artificial or propane gas, wood, coal or
200 home heating oil, and in any city not within a county, metered or unmetered
201 water service, which an individual occupant of a residential premises uses for
202 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
203 a single or master meter for residential apartments or condominiums, including
204 service for common areas and facilities and vacant units, shall be deemed to be
205 for domestic use. Each seller shall establish and maintain a system whereby
206 individual purchases are determined as exempt or nonexempt;

207 (b) Regulated utility sellers shall determine whether individual purchases
208 are exempt or nonexempt based upon the seller's utility service rate
209 classifications as contained in tariffs on file with and approved by the Missouri
210 public service commission. Sales and purchases made pursuant to the rate
211 classification "residential" and sales to and purchases made by or on behalf of the
212 occupants of residential apartments or condominiums through a single or master
213 meter, including service for common areas and facilities and vacant units, shall
214 be considered as sales made for domestic use and such sales shall be exempt from
215 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
216 classified as nondomestic use. The seller's utility service rate classification and
217 the provision of service thereunder shall be conclusive as to whether or not the

218 utility must charge sales tax;

219 (c) Each person making domestic use purchases of services or property
220 and who uses any portion of the services or property so purchased for a
221 nondomestic use shall, by the fifteenth day of the fourth month following the year
222 of purchase, and without assessment, notice or demand, file a return and pay
223 sales tax on that portion of nondomestic purchases. Each person making
224 nondomestic purchases of services or property and who uses any portion of the
225 services or property so purchased for domestic use, and each person making
226 domestic purchases on behalf of occupants of residential apartments or
227 condominiums through a single or master meter, including service for common
228 areas and facilities and vacant units, under a nonresidential utility service rate
229 classification may, between the first day of the first month and the fifteenth day
230 of the fourth month following the year of purchase, apply for credit or refund to
231 the director of revenue and the director shall give credit or make refund for taxes
232 paid on the domestic use portion of the purchase. The person making such
233 purchases on behalf of occupants of residential apartments or condominiums shall
234 have standing to apply to the director of revenue for such credit or refund;

235 (24) All sales of handicraft items made by the seller or the seller's spouse
236 if the seller or the seller's spouse is at least sixty-five years of age, and if the total
237 gross proceeds from such sales do not constitute a majority of the annual gross
238 income of the seller;

239 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041,
240 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United
241 States Code. The director of revenue shall promulgate rules pursuant to chapter
242 536 to eliminate all state and local sales taxes on such excise taxes;

243 (26) Sales of fuel consumed or used in the operation of ships, barges, or
244 waterborne vessels which are used primarily in or for the transportation of
245 property or cargo, or the conveyance of persons for hire, on navigable rivers
246 bordering on or located in part in this state, if such fuel is delivered by the seller
247 to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such
248 river;

249 (27) All sales made to an interstate compact agency created pursuant to
250 sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the
251 functions and activities of such agency as provided pursuant to the compact;

252 (28) Computers, computer software and computer security systems
253 purchased for use by architectural or engineering firms headquartered in this

254 state. For the purposes of this subdivision, "headquartered in this state" means
255 the office for the administrative management of at least four integrated facilities
256 operated by the taxpayer is located in the state of Missouri;

257 (29) All livestock sales when either the seller is engaged in the growing,
258 producing or feeding of such livestock, or the seller is engaged in the business of
259 buying and selling, bartering or leasing of such livestock;

260 (30) All sales of barges which are to be used primarily in the
261 transportation of property or cargo on interstate waterways;

262 (31) Electrical energy or gas, whether natural, artificial or propane, water,
263 or other utilities which are ultimately consumed in connection with the
264 manufacturing of cellular glass products or in any material recovery processing
265 plant as defined in subdivision (4) of this subsection;

266 (32) Notwithstanding other provisions of law to the contrary, all sales of
267 pesticides or herbicides used in the production of crops, aquaculture, livestock or
268 poultry;

269 (33) Tangible personal property and utilities purchased for use or
270 consumption directly or exclusively in the research and development of
271 agricultural/biotechnology and plant genomics products and prescription
272 pharmaceuticals consumed by humans or animals;

273 (34) All sales of grain bins for storage of grain for resale;

274 (35) All sales of feed which are developed for and used in the feeding of
275 pets owned by a commercial breeder when such sales are made to a commercial
276 breeder, as defined in section 273.325, and licensed pursuant to sections 273.325
277 to 273.357;

278 (36) All purchases by a contractor on behalf of an entity located in another
279 state, provided that the entity is authorized to issue a certificate of exemption for
280 purchases to a contractor under the provisions of that state's laws. For purposes
281 of this subdivision, the term "certificate of exemption" shall mean any document
282 evidencing that the entity is exempt from sales and use taxes on purchases
283 pursuant to the laws of the state in which the entity is located. Any contractor
284 making purchases on behalf of such entity shall maintain a copy of the entity's
285 exemption certificate as evidence of the exemption. If the exemption certificate
286 issued by the exempt entity to the contractor is later determined by the director
287 of revenue to be invalid for any reason and the contractor has accepted the
288 certificate in good faith, neither the contractor or the exempt entity shall be liable
289 for the payment of any taxes, interest and penalty due as the result of use of the

290 invalid exemption certificate. Materials shall be exempt from all state and local
291 sales and use taxes when purchased by a contractor for the purpose of fabricating
292 tangible personal property which is used in fulfilling a contract for the purpose
293 of constructing, repairing or remodeling facilities for the following:

294 (a) An exempt entity located in this state, if the entity is one of those
295 entities able to issue project exemption certificates in accordance with the
296 provisions of section 144.062; or

297 (b) An exempt entity located outside the state if the exempt entity is
298 authorized to issue an exemption certificate to contractors in accordance with the
299 provisions of that state's law and the applicable provisions of this section;

300 (37) All sales or other transfers of tangible personal property to a lessor
301 who leases the property under a lease of one year or longer executed or in effect
302 at the time of the sale or other transfer to an interstate compact agency created
303 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

304 (38) Sales of tickets to any collegiate athletic championship event that is
305 held in a facility owned or operated by a governmental authority or commission,
306 a quasi-governmental agency, a state university or college or by the state or any
307 political subdivision thereof, including a municipality, and that is played on a
308 neutral site and may reasonably be played at a site located outside the state of
309 Missouri. For purposes of this subdivision, "neutral site" means any site that is
310 not located on the campus of a conference member institution participating in the
311 event;

312 (39) All purchases by a sports complex authority created under section
313 64.920, and all sales of utilities by such authority at the authority's cost that are
314 consumed in connection with the operation of a sports complex leased to a
315 professional sports team;

316 (40) Beginning January 1, 2009, but not after January 1, 2015, materials,
317 replacement parts, and equipment purchased for use directly upon, and for the
318 modification, replacement, repair, and maintenance of aircraft, aircraft power
319 plants, and aircraft accessories;

320 (41) Sales of sporting clays, wobble, skeet, and trap targets to any
321 shooting range or similar places of business for use in the normal course of
322 business and money received by a shooting range or similar places of business
323 from patrons and held by a shooting range or similar place of business for
324 redistribution to patrons at the conclusion of a shooting event.

144.070. 1. At the time the owner of any new or used motor vehicle,

2 trailer, boat, or outboard motor which was acquired in a transaction subject to
3 sales tax under the Missouri sales tax law makes application to the director of
4 revenue for an official certificate of title and the registration of the motor vehicle,
5 trailer, boat, or outboard motor as otherwise provided by law, the owner shall
6 present to the director of revenue evidence satisfactory to the director of revenue
7 showing the purchase price exclusive of any charge incident to the extension of
8 credit paid by or charged to the applicant in the acquisition of the motor vehicle,
9 trailer, boat, or outboard motor, or that no sales tax was incurred in its
10 acquisition, and if sales tax was incurred in its acquisition, the applicant shall
11 pay or cause to be paid to the director of revenue the sales tax provided by the
12 Missouri sales tax law in addition to the registration fees now or hereafter
13 required according to law, and the director of revenue shall not issue a certificate
14 of title for any new or used motor vehicle, trailer, boat, or outboard motor subject
15 to sales tax as provided in the Missouri sales tax law until the tax levied for the
16 sale of the same under sections 144.010 to 144.510 has been paid as provided in
17 this section or is registered under the provisions of subsection 5 of this section.

18 2. As used in subsection 1 of this section, the term "purchase price" shall
19 mean the total amount of the contract price agreed upon between the seller and
20 the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard
21 motor, regardless of the medium of payment therefor.

22 3. In the event that the purchase price is unknown or undisclosed, or that
23 the evidence thereof is not satisfactory to the director of revenue, the same shall
24 be fixed by appraisal by the director.

25 4. The director of the department of revenue shall endorse upon the
26 official certificate of title issued by the director upon such application an entry
27 showing that such sales tax has been paid or that the motor vehicle, trailer, boat,
28 or outboard motor represented by such certificate is exempt from sales tax and
29 state the ground for such exemption.

30 5. Any person, company, or corporation engaged in the business of renting
31 or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used
32 exclusively for rental or lease purposes, and not for resale, may apply to the
33 director of revenue for authority to operate as a leasing company. Any company
34 approved by the director of revenue may pay the tax due on any motor vehicle,
35 trailer, boat, or outboard motor as required in section 144.020 at the time of
36 registration thereof or in lieu thereof may pay a sales tax as provided in sections
37 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid

38 by a leasing company which does not exercise the option of paying in accordance
39 with section 144.020, on the amount charged for each rental or lease agreement
40 while the motor vehicle, trailer, boat, or outboard motor is domiciled in this
41 state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the
42 result of a contract executed in this state shall be presumed to be domiciled in
43 this state.

44 6. Any corporation may have one or more of its divisions separately apply
45 to the director of revenue for authorization to operate as a leasing company,
46 provided that the corporation:

47 (1) Has filed a written consent with the director authorizing any of its
48 divisions to apply for such authority;

49 (2) Is authorized to do business in Missouri;

50 (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or
51 outboard motor from one of its divisions to another of its divisions as a sale at
52 retail [within the meaning of subdivision (9) of subsection 1 of section 144.010];

53 (4) Has registered under the fictitious name provisions of sections 417.200
54 to 417.230 each of its divisions doing business in Missouri as a leasing company;
55 and

56 (5) Operates each of its divisions on a basis separate from each of its other
57 divisions. However, when the transfer of a motor vehicle, trailer, boat or
58 outboard motor occurs within a corporation which holds a license to operate as
59 a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the
60 provisions in subdivision (3) of this subsection shall not apply.

61 7. If the owner of any motor vehicle, trailer, boat, or outboard motor
62 desires to charge and collect sales tax as provided in this section, the owner shall
63 make application to the director of revenue for a permit to operate as a motor
64 vehicle, trailer, boat, or outboard motor leasing company. The director of revenue
65 shall promulgate rules and regulations determining the qualifications of such a
66 company, and the method of collection and reporting of sales tax charged and
67 collected. Such regulations shall apply only to owners of motor vehicles, trailers,
68 boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or
69 outboard motor leasing companies under the provisions of subsection 5 of this
70 section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat
71 or outboard motor renting or leasing company can come under sections 144.010,
72 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and
73 outboard motors held for renting and leasing are included.

74 8. Beginning July 1, 2010, any motor vehicle dealer licensed under section
75 301.560 engaged in the business of selling motor vehicles or trailers may apply
76 to the director of revenue for authority to collect and remit the sales tax required
77 under this section on all motor vehicles sold by the motor vehicle dealer. A motor
78 vehicle dealer receiving authority to collect and remit the tax is subject to all
79 provisions under sections 144.010 to 144.525. Any motor vehicle dealer
80 authorized to collect and remit sales taxes on motor vehicles under this
81 subsection shall be entitled to deduct and retain an amount equal to two percent
82 of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax
83 collected under this subsection that is retained by a motor vehicle dealer
84 pursuant to section 144.140 shall not constitute state revenue. In no event shall
85 revenues from the general revenue fund or any other state fund be utilized to
86 compensate motor vehicle dealers for their role in collecting and remitting sales
87 taxes on motor vehicles. In the event this subsection or any portion thereof is
88 held to violate article IV, section 30(b) of the Missouri Constitution, no motor
89 vehicle dealer shall be authorized to collect and remit sales taxes on motor
90 vehicles under this section. No motor vehicle dealer shall seek compensation
91 from the state of Missouri or its agencies if a court of competent jurisdiction
92 declares that the retention of two percent of the motor vehicle sales tax is
93 unconstitutional and orders the return of such revenues.

262.815. 1. This section shall be known and may be cited as the
2 **"Missouri Farmland Trust Act". The purpose of this section is to allow**
3 **individuals and entities to donate, gift, or otherwise convey farmland**
4 **to the state department of agriculture for the purpose of preserving the**
5 **land as farmland and to further provide beginning farmers with an**
6 **opportunity to farm by allowing long-term low and variable cost leases,**
7 **thereby making it affordable for the next generation of farmers to**
8 **continue to produce food, fiber, and fuel.**

9 2. There is hereby created the "Missouri Farmland Trust" which
10 shall be implemented in a manner to accomplish the following
11 objectives:

12 (1) Protect and preserve Missouri's farmland;

13 (2) Link new generations of prospective farmers with present
14 farmers; and

15 (3) Promote best practices in environmental, livestock, and land
16 stewardship.

17 3. (1) There is hereby created within the department of
18 agriculture the "Missouri Farmland Trust Advisory Board" which shall
19 be comprised of five members appointed by the director of the
20 department of agriculture. Members shall serve without compensation
21 but, subject to appropriations, may be reimbursed for actual and
22 necessary expenses.

23 (2) The board shall make recommendations to the director on the
24 appropriate uses of farmland in the trust, criteria to be used to select
25 applicants for the program, and review and make recommendations
26 regarding applications to lease farmland in the trust.

27 (3) Members shall serve five-year terms, with each term
28 beginning July first and ending June thirtieth; except that, of the
29 members initially appointed two shall be appointed for a term of three
30 years, two shall be appointed for a term of four years, and one shall be
31 appointed for a term of five years. Each member shall serve until his
32 or her successor is appointed. Any vacancies occurring prior to the
33 expiration of a term shall be filled by appointment for the remainder
34 of such term. No member shall serve more than two consecutive terms.

35 4. The department of agriculture is authorized to accept or
36 acquire by purchase, lease, donation, or agreement any agricultural
37 lands, easements, real and personal property, or rights in lands,
38 easements, or real and personal property, including but not limited to
39 buildings, structures, improvements, equipment, or facilities subject to
40 preservation and improvement. Such lands shall be properties of the
41 Missouri farmland trust for purposes of this section and shall be
42 governed by the provisions of this section and rules promulgated
43 thereunder.

44 5. (1) There is hereby created in the state treasury the "Missouri
45 Farmland Trust Fund", which shall consist of all gifts, bequests,
46 donations, transfers, and moneys appropriated by the general assembly
47 under this section. The state treasurer shall be custodian of the fund.
48 In accordance with sections 30.170 and 30.180, the state treasurer may
49 approve disbursements. Upon appropriation, money in the fund shall
50 be used for the administration of this section and may be used to make
51 payments to counties for the value of land as payment in lieu of real
52 and personal property taxes for privately owned land acquired after
53 the effective date of this section in such amounts as determined by the

54 department; except that, the amount determined shall not be less than
55 the real property tax paid at the time of acquisition. The department
56 of agriculture may require applicants who are awarded leases to pay
57 the property taxes owed under this section for such property.

58 (2) Notwithstanding the provisions of section 33.080 to the
59 contrary, any moneys remaining in the fund at the end of the biennium
60 shall not revert to the credit of the general revenue fund.

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

64 6. The department of agriculture is authorized to accept all
65 moneys, appropriations, gifts, bequests, donations, or other
66 contributions of moneys or other real or personal property to be
67 expended or used for any of the purposes of this section. The
68 department may improve, maintain, operate, and regulate any such
69 lands, easements, or real or personal property to promote agriculture
70 and the general welfare using moneys in the fund. Property acquired
71 by the department under this section shall be used for agricultural
72 purposes. The director shall establish by rule guidelines for leasing
73 farmland to the trust to beginning farmers for a period not to exceed
74 twenty years. All property acquired by the department under this
75 section shall be farmed and maintained using the best environmental,
76 conservation, and stewardship practices as outlined by the
77 department. The department may charge an administrative fee for
78 lease application processing under this section.

79 7. The department, in consultation with the Missouri farmland
80 advisory board, shall promulgate rules to implement the provisions of
81 this section, including but not limited to requirements for lessees,
82 selection process for granting leases, and the terms of the lease,
83 including requirements for applicants, renewal process, requirements
84 for the maintenance of real and personal property by the lessee, and
85 conditions for the termination of leases.

86 8. Any person or entity donating land to or leasing land from the
87 department shall forever release the state of Missouri, the Missouri
88 department of agriculture, the department's director, officers,
89 employees, volunteers, agents, contractors, servants, heirs, successors,
90 assigns, persons, firms, corporations, representatives, and other entities

91 who are or who will be acting in concert or privity with or on behalf of
92 the state from any and all actions, claims, or demands that he or she,
93 family members, heirs, successors, assigns, agents, servants, employees,
94 distributees, guardians, next-of-kin, spouse, and legal representatives
95 now have or may have in the future for any injury, death, property
96 damage related to:

- 97 (1) Participation in such activities;
98 (2) The negligence, intentional acts, or other acts, whether
99 directly connected to such activities or not, and however caused; and
100 (3) The condition of the premises where such activities occur.

101 9. Any rule or portion of a rule, as that term is defined in section
102 536.010, that is created under the authority delegated in this section
103 shall become effective only if it complies with and is subject to all of
104 the provisions of chapter 536 and, if applicable, section 536.028. This
105 section and chapter 536 are nonseverable and if any of the powers
106 vested with the general assembly pursuant to chapter 536 to review, to
107 delay the effective date, or to disapprove and annul a rule are
108 subsequently held unconstitutional, then the grant of rulemaking
109 authority and any rule proposed or adopted after August 28, 2011, shall
110 be invalid and void.

263.190. 1. [The plants musk thistle (*Carduus nutans* L.), Scotch thistle
2 (*Onoprodum acanthium* L.) and Canada thistle (*Cirsium arvense*) are hereby
3 designated as noxious weeds. All owners of land shall control all such plants
4 growing upon their land] As used in sections 263.190 to 263.474, "noxious
5 weed" means any weed designated as noxious by rules promulgated by
6 the director of the department of agriculture. The department shall
7 maintain a list of such noxious weeds and shall make such list available
8 to the public. The department of agriculture shall promulgate rules
9 necessary to implement the provisions of this subsection. Any rule or
10 portion of a rule, as that term is defined in section 536.010, that is
11 created under the authority delegated in this subsection shall become
12 effective only if it complies with and is subject to all of the provisions
13 of chapter 536 and, if applicable, section 536.028. This subsection and
14 chapter 536 are nonseverable and if any of the powers vested with the
15 general assembly pursuant to chapter 536 to review, to delay the
16 effective date, or to disapprove and annul a rule are subsequently held
17 unconstitutional, then the grant of rulemaking authority and any rule

18 **proposed or adopted after August 28, 2011, shall be invalid and void.**

19 2. It shall be the duty of every owner of lands in this state, **including**
20 **but not limited to any person, association of persons, corporation,**
21 **partnership, state highways and transportation commission, state**
22 **department, state agency, county commission, township board, school**
23 **board, drainage board, governing body of an incorporated city, railroad**
24 **company or other transportation company and such company's**
25 **authorized agent, and any person supervising state-owned lands to**
26 control all [Canada, musk, or Scotch thistles] **noxious weeds** growing thereon
27 so often in each and every year as shall be sufficient to prevent [said thistles]
28 **such noxious weeds** from going to seed. If any owner of such land shall
29 knowingly allow any [Canada, musk, or Scotch thistles] **noxious weeds** to grow
30 thereon, such owner shall forfeit and pay the sum of one hundred dollars to the
31 county commission for every such offense, and such sum forfeited plus court costs
32 may be recovered by civil action instituted by the prosecuting attorney in the
33 name of the county commission before any associate circuit judge of the county
34 in which the offense is committed. All sums recovered by virtue of this section
35 shall be paid to the use of the county control fund.

36 3. Before initiating any civil action under this section, the prosecuting
37 attorney of the county in which the land, or the greater part thereof, is located
38 shall notify the owner of the land of the requirements of this law, by certified
39 mail, return receipt requested, from a list supplied by the officer who prepares
40 the tax list, and shall allow the owner of the land fifteen days from
41 acknowledgment date of return receipt, or date of refusal of acceptance, as the
42 case may be, to **initiate control of** all such plants growing upon [his] **the**
43 **owner's** land. Failure of the owner to **initiate control of** such plants within the
44 fifteen-day period shall be prima facie evidence of the owner's knowledge that
45 [he] **the owner** is in violation of this law, and each fifteen days the violation
46 continues after the initial fifteen-day period shall, for the purpose of forfeiture
47 and penalty herein, be considered a separate offense.

48 **4. All sales of noxious weed species are prohibited.**

263.200. 1. In addition to the remedies provided in section 263.190, when
2 [Canada, musk, or Scotch thistles] **noxious weeds** are discovered growing on
3 any lands in the county, it shall be the duty of the county commission to control
4 such [thistles] **noxious weeds** so as to prevent the seed from ripening, and for
5 that purpose the county commission, or its agents, servants, or employees shall

6 have authority to enter on such lands without being liable to an action of trespass
7 therefor, and shall have such official immunity as exists at common law for any
8 misfeasance or damages occurring in connection with the attempt to control
9 [Canada, musk, or Scotch thistles] **noxious weeds**. Notwithstanding any
10 provision of law to the contrary, the county shall be liable for any misfeasance or
11 actual damages caused by its agents, servants, or employees in connection with
12 the attempt to control [Canada, musk, or Scotch thistles] **noxious weeds**. The
13 landowner shall owe no duty of care to such persons, except that which the
14 landowner owes to trespassers. The county commission shall keep an accurate
15 account of the expenses incurred in controlling the [thistles] **noxious weeds**,
16 and shall verify such statement under seal of the county commission, and
17 transmit the same to the officer whose duty it is or may be to extend state and
18 county taxes on tax books or bills against real estate; and such officer shall
19 extend the aggregate expenses so charged against each tract of land as a special
20 tax, which shall then become a lien on the lands, and be collected as state and
21 county taxes are collected by law and paid to the county commission and credited
22 to the county control fund.

23 2. Before proceeding to control [Canada, musk, or Scotch thistles]
24 **noxious weeds** as provided in this section, the county commission of the county
25 in which the land, or the greater part thereof, is located shall notify the owner of
26 the land of the requirements of this law, by certified mail, return receipt
27 requested, from a list supplied by the officer who prepares the tax list, and shall
28 allow the owner of the land fifteen days from acknowledgment date of return
29 receipt, or date of refusal of acceptance of delivery, as the case may be, to control
30 all such [plants] **noxious weeds** growing upon [his] **the owner's** land.

31 3. Any land or properties that are owned solely by a political subdivision
32 in a city not within a county shall be subject to all provisions of sections 263.190,
33 263.200, and 263.240.

263.220. It shall be the duty of the prosecuting attorney of the county to
2 prosecute all actions brought under [sections 263.190 to 263.240] **section**
3 **263.190**.

263.240. Any person who shall violate any of the provisions of [sections
2 263.210 to 263.240 shall, upon conviction, be] **section 263.190 is, upon**
3 **conviction**, guilty of a misdemeanor.

268.121. It shall be the duty of the director from time to time to [cause to
2 be published in book form] **create** a list of all brands on record at [the time of

3 the publication] **that time and make such list available to the public on**
4 **a publicly-accessible website.** The [lists may be supplemented] **list shall be**
5 **updated** from time to time. The [publication] **list** shall contain a facsimile of all
6 brands recorded and the owner's name and post-office address. The records shall
7 be arranged in convenient form for reference. [It shall be the duty of the director
8 to send one copy of the brand book and supplements to the county recorder of
9 deeds of each county and to each licensed livestock market and slaughter plant
10 in the state. The books and supplements shall be furnished without cost to the
11 livestock market or slaughter plant or to the county and shall be kept as a matter
12 of public record.] The [books and supplements] **list** may be sold to the general
13 public at the cost of **its** printing and mailing [each book].

275.360. Any producer or grower may, by the use of forms provided by the
2 director, have the fee paid and all future fees paid or collected from him pursuant
3 to sections 275.300 to 275.370 refunded to him, provided such request for refund
4 is in the office of the director within sixty days following the payment of such
5 fee. Apples **and rice** will be exempt from this provision.

276.401. 1. Sections 276.401 to 276.582 shall be known as the "Missouri
2 Grain Dealer Law".

3 2. The provisions of the Missouri grain dealer law shall apply to grain
4 purchases where title to the grain transfers from the seller to the buyer within
5 the state of Missouri.

6 3. Unless otherwise specified by contractual agreement, title shall be
7 deemed to pass to the buyer as follows:

8 (1) On freight on board (FOB) origin or freight on board (FOB) basing
9 point contracts, title transfers at time and place of shipment;

10 (2) On delivered contracts, when and where constructively placed, or
11 otherwise made available at buyer's original destination;

12 (3) On contracts involving in-store commodities, at the storing warehouse
13 and at the time of contracting or transfer, and/or mailing of documents, if
14 required, by certified mail, unless and to the extent warehouse tariff, warehouse
15 receipt and/or storage contract assumes the risk of loss and/or damage.

16 4. As used in sections 276.401 to 276.582, unless the context otherwise
17 requires, the following terms mean:

18 (1) "Auditor", a person appointed under sections 276.401 to 276.582 by the
19 director to assist in the administration of sections 276.401 to 276.582, and whose
20 duties include making inspections, audits and investigations authorized under

21 sections 276.401 to 276.582;

22 (2) "Authorized agent", any person who has the legal authority to act on
23 behalf of, or for the benefit of, another person;

24 (3) "Buyer", any person who buys or contracts to buy grain;

25 (4) "Certified public accountant", any person licensed as such under
26 chapter 326;

27 (5) "Claimant", any person who requests payment for grain sold by him
28 to a dealer, but who does not receive payment because the purchasing dealer fails
29 or refuses to make payment;

30 (6) "Credit sales contracts", a conditional grain sales contract wherein
31 payment and/or pricing of the grain is deferred to a later date. Credit sales
32 contracts include, but are not limited to, all contracts meeting the definition of
33 deferred payment contracts, and/or delayed price contracts;

34 (7) "Current assets", resources that are reasonably expected to be realized
35 in cash, sold, or consumed (prepaid items) within one year of the balance sheet
36 date;

37 (8) "Current liabilities", obligations reasonably expected to be liquidated
38 within one year and the liquidation of which is expected to require the use of
39 existing resources, properly classified as current assets, or the creation of
40 additional liabilities. Current liabilities include obligations that, by their terms,
41 are payable on demand unless the creditor has waived, in writing, the right to
42 demand payment within one year of the balance sheet date;

43 (9) "Deferred payment agreement", a conditional grain sales transaction
44 establishing an agreed upon price for the grain and delaying payment to an
45 agreed upon later date or time period. Ownership of the grain, and the right to
46 sell it, transfers from seller to buyer so long as the conditions specified in section
47 276.461 and section 411.325 are met;

48 (10) "Deferred pricing agreement", a conditional grain sales transaction
49 wherein no price has been established on the grain, the seller retains the right
50 to price the grain later at a mutually agreed upon method of price
51 determination. Deferred pricing agreements include, but are not limited to,
52 contracts commonly known as no price established contracts, price later contracts,
53 and basis contracts on which the purchase price is not established at or before
54 delivery of the grain. Ownership of the grain, and the right to sell it, transfers
55 from seller to buyer so long as the conditions specified in section 276.461 and
56 section 411.325 are met;

57 (11) "Delivery date" shall mean the date upon which the seller transfers
58 physical possession, or the right of physical possession, of the last unit of grain
59 in any given transaction;

60 (12) "Department", the Missouri department of agriculture;

61 (13) "Designated representative", an employee or official of the
62 department designated by the director to assist in the administration of sections
63 276.401 to 276.582;

64 (14) "Director", the director of the Missouri department of agriculture or
65 his designated representative;

66 (15) "Generally accepted accounting principles", the conventions, rules and
67 procedures necessary to define accepted accounting practice, which include broad
68 guidelines of general application as well as detailed practices and procedures
69 generally accepted by the accounting profession, and which have substantial
70 authoritative support from the American Institute of Certified Public
71 Accountants;

72 (16) "Grain", all grains for which the United States Department of
73 Agriculture has established standards under the United States Grain Standards
74 Act, Sections 71 to 87, Title 7, United States Code, and any other agricultural
75 commodity or seed prescribed by the director by regulation;

76 (17) "Grain dealer" or "dealer", any person engaged in the business of, or
77 as a part of his business participates in, buying grain where title to the grain
78 transfers from the seller to the buyer within the state of Missouri. "Grain dealer"
79 or "dealer" shall not be construed to mean or include:

80 (a) Any person or entity who is a member of a recognized board of trade
81 or futures exchange and whose trading in grain is limited solely to trading with
82 other members of a recognized board of trade or futures exchange; provided, that
83 grain purchases from a licensed warehouseman, farmer/producer or any other
84 individual or entity in a manner other than through the purchase of a grain
85 futures contract on a recognized board of trade or futures exchange shall be
86 subject to sections 276.401 to 276.582. Exempted herein are all futures
87 transactions;

88 (b) A producer or feeder of grain for livestock or poultry buying grain for
89 his own farming or feeding purposes who purchases grain exclusively from
90 licensed grain dealers or whose total grain purchases from producers during his
91 or her fiscal year do not exceed [one hundred thousand dollars] **fifty thousand**
92 **bushels**;

93 (c) Any person or entity whose grain purchases in the state of Missouri
94 are made exclusively from licensed grain dealers;

95 (d) A manufacturer or processor of registered or unregistered feed whose
96 total grain purchases from producers during his or her fiscal year does not exceed
97 one hundred thousand dollars and who pays for all grain purchases from
98 producers at the time of physical transfer of the grain from the seller or his or her
99 agent to the buyer or his or her agent and whose resale of such grain is solely in
100 the form of manufactured or processed feed or feed by-products or whole feed
101 grains to be used by the purchaser thereof as feed;

102 (18) "Grain transport vehicle", a truck, tractor-trailer unit, wagon, pup,
103 or any other vehicle or trailer used by a dealer, whether owned or leased by him,
104 to transport grain which he has purchased; except that, bulk or bagged feed
105 delivery trucks which are used principally for the purpose of hauling feed and any
106 trucks for which the licensed gross weight does not exceed twenty-four thousand
107 pounds shall not be construed to be a grain transport vehicle;

108 (19) "Insolvent" or "insolvency", (a) an excess of liabilities over assets or
109 (b) the inability of a person to meet his financial obligations as they come due, or
110 both (a) and (b);

111 (20) "Interested person", any person having a contractual or other
112 financial interest in grain sold to a dealer, licensed, or required to be licensed;

113 (21) "Location", any site other than the principal office where the grain
114 dealer engages in the business of purchasing grain;

115 (22) "Minimum price contract", a conditional grain sales transaction
116 establishing an agreed upon minimum price where the seller may participate in
117 subsequent price gain, if any. Ownership of the grain, and the right to sell it,
118 transfers from the seller to the buyer so long as the conditions specified in section
119 276.461 and section 411.325 are met;

120 (23) "Person", any individual, partnership, corporation, cooperative,
121 society, association, trustee, receiver, public body, political subdivision or any
122 other legal or commercial entity of any kind whatsoever, and any member, officer
123 or employee thereof;

124 (24) "Producer", any owner, tenant or operator of land who has an interest
125 in and receives all or any part of the proceeds from the sale of grain or livestock
126 produced thereon;

127 (25) "Purchase", to buy or contract to buy grain;

128 (26) "Sale", the passing of title from the seller to the buyer in

129 consideration of the payment or promise of payment of a certain price in money,
130 or its equivalent;

131 (27) "Value", any consideration sufficient to support a simple contract.

276.421. 1. All applications shall be accompanied by a true and accurate
2 financial statement of the applicant, prepared within six months of the date of
3 application, setting forth all the assets, liabilities and net worth of the applicant.
4 **In the event that the applicant has been engaged in business as a grain**
5 **dealer for at least one year, the financial statement shall set forth the**
6 **aggregate dollar amount paid for grain purchased in Missouri and**
7 **those states with whom Missouri has entered into contracts or**
8 **agreements as authorized by section 276.566 during the last completed**
9 **fiscal period of the applicant. In the event the applicant has been**
10 **engaged in business for less than one year or has not previously**
11 **engaged in business as a grain dealer, the financial statement shall set**
12 **forth the estimated aggregate dollar amount to be paid for grain**
13 **purchased in Missouri and those states with whom Missouri has**
14 **entered into contracts or agreements as authorized by section 276.566**
15 **during the applicant's initial fiscal period.** All applications shall also be
16 accompanied by a true and accurate statement of income and expenses for the
17 applicant's most recently completed fiscal year. The financial statements
18 required by this chapter shall be prepared in conformity with generally accepted
19 accounting principles; except that, the director may promulgate rules allowing for
20 the valuation of assets by competent appraisal.

21 2. The financial statement required by subsection 1 of this section shall
22 be audited or reviewed by a certified public accountant. The financial statement
23 may not be audited or reviewed by the applicant, or an employee of the applicant,
24 if an individual, or, if the applicant is a corporation or partnership, by an officer,
25 shareholder, partner, or a direct employee of the applicant.

26 3. The director may require any additional information or verification
27 with respect to the financial resources of the applicant as he deems necessary for
28 the effective administration of this chapter. The director may promulgate rules
29 setting forth minimum standards of acceptance for the various types of financial
30 statements filed in accordance with the provisions of this chapter. The director
31 may promulgate rules requiring a statement of retained earnings, a statement of
32 changes in financial position, and notes and disclosures to the financial
33 statements for all licensed grain dealers or all grain dealers required to be

34 licensed. The additional information or verification referred to herein may
35 include, but is not limited to, requiring that the financial statement information
36 be reviewed or audited in accordance with standards established by the American
37 Institute of Certified Public Accountants.

38 4. All grain dealers shall provide the director with a copy of all financial
39 statements and updates to financial statements utilized to secure the bonds
40 required by sections 276.401 to 276.582.

41 5. All financial statements submitted to the director for the purposes of
42 this chapter shall be accompanied by a certification by the applicant or the chief
43 executive officer of the applicant, subject to the penalty provision set forth in
44 subsection 4 of section 276.536, that to the best of his knowledge and belief the
45 financial statement accurately reflects the financial condition of the applicant for
46 the fiscal period covered in the statement.

47 6. Any person who knowingly prepares or assists in the preparation of an
48 inaccurate or false financial statement which is submitted to the director for the
49 purposes of this chapter, or who during the course of providing bookkeeping
50 services or in reviewing or auditing a financial statement which is submitted to
51 the director for the purposes of this chapter, becomes aware of false information
52 in the financial statement and does not disclose in notes accompanying the
53 financial statements that such false information exists, or does not disassociate
54 himself from the financial statements prior to submission, is guilty of a class C
55 felony. Additionally, such persons are liable for any damages incurred by sellers
56 of grain selling to a grain dealer who is licensed or allowed to maintain his
57 license based upon inaccuracies or falsifications contained in the financial
58 statement.

59 7. [Except as set forth in section 276.511 which mandates higher
60 requirements for class I grain dealers,] Any licensed grain dealer or applicant for
61 a grain dealer's license [who purchases less than four hundred thousand dollars
62 worth of grain, during the dealer's last completed fiscal year, in the state of
63 Missouri and those states with whom Missouri has entered into contracts or
64 agreements as authorized by section 276.566 must] **shall** maintain a minimum
65 net worth equal to [the greater of ten thousand dollars or] five percent of [such]
66 **annual** grain purchases[. If grain purchases during the dealer's last completed
67 fiscal year are four hundred thousand dollars or more, the dealer must maintain
68 a net worth equal to the greater of twenty thousand dollars or one percent of
69 grain purchases] **as set forth in the financial statements required by this**

70 **chapter.** If the dealer or applicant is deficient in meeting this net worth
71 requirement, he must post additional bond as required in section 276.436.

72 **8. Any licensed grain dealer or applicant for a grain dealer's**
73 **license shall have and maintain current assets at least equal to one**
74 **hundred percent of current liabilities. The financial statement**
75 **required by this chapter shall set forth positive working capital in the**
76 **form of a current ratio of the total adjusted current assets to the total**
77 **adjusted current liabilities of at least one to one.**

78 **(1) The director may allow applicants to offset negative working**
79 **capital by increasing the grain dealer surety bond required by section**
80 **276.426 up to the total amount of negative working capital at the**
81 **discretion of the director.**

82 **(2) Adjusted current assets shall be calculated by deducting from**
83 **the stated current assets shown on the financial statement submitted**
84 **by the applicant any current asset resulting from notes receivable from**
85 **related persons, accounts receivable from related persons, stock**
86 **subscriptions receivable, and any other related person receivables.**

87 **(3) A disallowed current asset shall be netted against any related**
88 **liability and the net result, if an asset, shall be subtracted from the**
89 **current assets.**

276.436. 1. The total amount of the surety bond required of a dealer
2 licensed pursuant to sections 276.401 to 276.582 shall be established by the
3 director by rule, but in no event shall such bond be less than [twenty] fifty
4 thousand dollars nor more than [three] six hundred thousand dollars, except as
5 authorized by other provisions of sections 276.401 to 276.582.

6 2. The formula for determining the amount of bond shall be established
7 by the director by rule and shall be computed at a rate of no less than the
8 principal amount to the nearest one thousand dollars, equal to [not less than one
9 percent and not more than five] two percent of the aggregate dollar amount paid
10 by the dealer for grain purchased in the state of Missouri and those states with
11 whom Missouri has entered into contracts or agreements as authorized by section
12 276.566 during the dealer's last completed fiscal year, or, in the case of a dealer
13 who has been engaged in business as a grain dealer for less than one year or who
14 has not previously engaged in such business, [not less than one percent and not
15 more than five] two percent of the estimated aggregate dollar amount to be paid
16 by the dealer for grain purchased in the state of Missouri and those states with

17 whom Missouri has entered into contracts or agreements as authorized by section
18 276.566 during the applicant's initial fiscal year.

19 3. Any licensed grain dealer or applicant who has, at any time, a net
20 worth less than the amount required by subsection 7 of section 276.421, shall be
21 required to obtain a surety bond in the amount of one thousand dollars for each
22 one thousand dollars or fraction thereof of the net worth deficiency. Failure to
23 post such additional bond is grounds for refusal to license or the suspension or
24 revocation of a license issued under sections 276.401 to 276.582. This additional
25 bond can be in addition to or greater than or both in addition to and greater than
26 the maximum bond as set by this section.

27 4. The director may, when the question arises as to a grain dealer's ability
28 to pay for grain purchased, require a grain dealer to post an additional bond in
29 a dollar amount deemed appropriate by the director. Such additional bond can
30 be in addition to or greater than or both in addition to and greater than the
31 maximum bond as set by this section. The director must furnish to the dealer,
32 by certified mail, a written statement of the reasons for requesting additional
33 bond and the reasons for questioning the dealer's ability to pay. Failure to post
34 such additional bond is a ground for modification, suspension or revocation by the
35 director of a license issued under sections 276.401 to 276.582. The determination
36 of insufficiency of a bond and of the amount of the additional bond shall be based
37 upon evidence presented to the director that a dealer:

38 (1) Is or may be unable to meet his dollar or grain obligations as they
39 become due;

40 (2) Has acted or is acting in a way which might lead to the impairment
41 of his capital;

42 (3) As a result of his activity, inactivity, or purchasing and pricing
43 practices and procedures, including, but not limited to, the dealer's deferred
44 pricing or deferred payment practices and procedures, is or may be unable to
45 honor his grain purchase obligations arising out of his dealer business. The
46 amount of the additional bond required under this subsection shall not exceed the
47 amount of the dealer's current loss position. Current loss position shall be the
48 sum of the dealer's current liabilities less current assets or the amount by which
49 he is currently unable to meet the grain purchase obligations arising out of his
50 dealer business.

51 5. One bond, cumulative as to minimum requirements, may be given
52 where a dealer has multiple licenses; except however, that in computing the

53 amount of the single bond the grain dealer may add together the total purchases
54 of grain of all locations to be covered thereby and use the aggregate total
55 purchases for the fiscal year for the purpose of computing bond. However, this
56 single cumulative bond must be at least equal to [twenty] **fifty** thousand dollars
57 per dealer license issued up to the [three] **six** hundred thousand dollar maximum
58 bond amount specified in subsection 1 of this section. When a grain dealer elects
59 to provide a single bond for a number of licensed locations, the total assets of all
60 the licensed locations shall be subject to liabilities of each individual licensed
61 location.

62 6. Failure of a grain dealer to provide and file a bond and financial
63 statement and to keep such bond in force shall be grounds for the suspension or
64 revocation, by the director, of a license issued under sections 276.401 to 276.582.

65 7. A dealer shall be required to post additional surety bond when he
66 surpasses the estimated aggregate dollar amount to be paid for grain purchased
67 as set forth in subsection 2 of this section. Such additional bond shall be
68 determined by the director so as to effectively protect sellers of grain dealing with
69 such dealer.

276.441. 1. Any grain dealer who is of the opinion that his net worth is
2 sufficient to guarantee payment for grain purchased by him may make a formal,
3 written request to the director that he be relieved of the obligation of filing a
4 bond in excess of the minimum bond of [twenty] **fifty** thousand dollars. Such
5 request shall be accompanied by a financial statement of the applicant, prepared
6 within four months of the date of such request and accompanied by such
7 additional information concerning the applicant and his finances as the director
8 may require which may include the request for submission of a financial
9 statement audited by a public accountant.

10 2. If such financial statement discloses a net worth equal to at least five
11 times the amount of the bond otherwise required by sections 276.401 to 276.582,
12 and the director is otherwise satisfied as to the financial ability and resources of
13 the applicant, the director may waive that portion of the required bond in excess
14 of [twenty] **fifty** thousand dollars for each license issued.

411.280. Every warehouseman licensed under the provisions of this
2 chapter shall have and maintain a net worth equal to the greater of ten thousand
3 dollars or the amount which results from multiplying the storage capacity of the
4 warehouse by [fifteen] **twenty-five** cents per bushel. Capital stock, for the
5 purpose of determining the net worth, shall not be considered a liability. Any

6 deficiency in required net worth above the ten thousand dollar minimum
7 requirement may be met by supplying additional bond in an amount equal to one
8 thousand dollars for each one thousand dollars or fraction thereof of deficiency.

[263.205. 1. The plant multiflora rose (*rosa multiflora*) is
2 hereby declared to be a noxious weed; except, notwithstanding any
3 other provision of this section, multiflora rose (*rosa multiflora*)
4 shall not be considered a noxious weed when cultivated for or used
5 as understock for cultivated roses.

6 2. The governing body of any county of this state may opt
7 to establish a "County Noxious Weed Fund" for the purpose of
8 making grants on a cost share basis for the control of any noxious
9 weed, as the plant may be designated under this section.

10 3. Any county opting to establish a county noxious weed
11 fund, shall establish a noxious weed control program. No resident
12 or owner of land of any county shall be required to participate in
13 a county noxious weed control program; however, any resident or
14 landowner making application for cost share grants under this
15 section shall participate in said program.

16 4. For the purpose of administering the county noxious
17 weed fund, the county governing body shall have sole discretion of
18 awarding cost share grants under this section.

19 5. For the purpose of funding the county noxious weed fund,
20 the county governing body may appropriate county funds, and/or
21 solicit municipality, state agency, state general revenue, and
22 federal agency funds. All such funds shall be deposited in the
23 county noxious weed fund to be expended for the sole purpose of
24 controlling noxious weeds so designated under this section.

25 6. Any county opting to establish a county noxious weed
26 control program under this section may make rules and regulations
27 governing said program, and any county opting to establish a
28 county noxious weed fund under this section shall establish a cost
29 share ratio on an annual basis beginning with the creation of the
30 fund.]

[263.230. It shall be the duty of any person or persons,
2 association of persons, corporations, partnerships, the state
3 highways and transportation commission, the county commissions,

4 the township boards, school boards, drainage boards, the governing
5 bodies of incorporated cities, railroad companies and other
6 transportation companies or their authorized agents and those
7 supervising state-owned lands to control the spread of and to
8 eradicate by methods approved by the state department of
9 agriculture field bindweed (*convolvulus arvensis*) hereby designated
10 as a noxious and dangerous weed to agriculture.]

[263.232. It shall be the duty of any person or persons,
2 association of persons, corporations, partnerships, the state
3 highways and transportation commission, any state department,
4 any state agency, the county commissions, the township boards,
5 school boards, drainage boards, the governing bodies of
6 incorporated cities, railroad companies and other transportation
7 companies or their authorized agents and those supervising
8 state-owned lands:

9 (1) To control and eradicate the spread of cut-leaved teasel
10 (*Dipsacus laciniatus*) and common teasel (*Dipsacus fullonum*),
11 which are hereby designated as noxious and dangerous weeds to
12 agriculture, by methods in compliance with the manufacturer's
13 label instructions when chemical herbicides are used for such
14 purposes;

15 (2) To control the spread of kudzu vine (*Pueraria lobata*),
16 which is hereby designated as a noxious and dangerous weed to
17 agriculture, by methods in compliance and conformity with the
18 manufacturer's label instructions when chemical herbicides are
19 used for such purposes; and

20 (3) To control the spread of spotted knapweed (*Centaurea*
21 *stoebe* ssp. *micranthos*, including all subspecies), which is hereby
22 designated as a noxious and dangerous weed to agriculture, by
23 methods in compliance and conformity with the manufacturer's
24 label instructions when chemical herbicides are used for such
25 purposes.]

[263.241. The plant, purple loosestrife (*Lythrum salicaria*),
2 and any hybrids thereof, is hereby designated a noxious weed. No
3 person shall buy, sell, offer for sale, distribute or plant seeds,
4 plants or parts of plants of purple loosestrife without a permit

5 issued by the Missouri department of conservation. Such permits
6 shall be issued only for experiments to control and eliminate
7 nuisance weeds. Any person who violates the provisions of this
8 section shall be guilty of a class A misdemeanor.]

[263.450. As used in sections 263.450 to 263.474, the term
2 "noxious weed" includes bindweed (*Convolvulus arvensis*), Johnson
3 grass (*Sorghum halepense*), multiflora rose (*Rosa multiflora*) except
4 when cultivated for or used as understock for cultivated roses,
5 Canada thistle (*Cirsium arvense*), musk thistle (*Carduus nutans*
6 L.), Scotch thistle (*Onoprodium acanthium* L.), purple loosestrife
7 (*Lythrum salicaria*), and any other weed designated as noxious by
8 rules and regulations promulgated by the director of the
9 department of agriculture.]

[276.416. In the event that the applicant has been engaged
2 in business as a grain dealer for at least one year, the application
3 shall set forth the aggregate dollar amount paid for grain
4 purchased in Missouri and those states with whom Missouri has
5 entered into contracts or agreements as authorized by section
6 276.566 during the last completed fiscal period of the applicant. In
7 the event the applicant has been engaged in business for less than
8 one year or has not previously engaged in business as a grain
9 dealer, the application shall set forth the estimated aggregate
10 dollar amount to be paid for grain purchased in Missouri and those
11 states with whom Missouri has entered into contracts or
12 agreements as authorized by section 276.566 during the applicant's
13 initial fiscal period.]

[276.446. Any grain dealer whose total purchases of grain
2 within Missouri and those states with whom Missouri has entered
3 into contracts or agreements as authorized by section 276.566
4 during any fiscal year, do not exceed an aggregate dollar amount
5 of four hundred thousand dollars may satisfy the bonding
6 requirements of sections 276.401 to 276.581 by filing with the
7 director a bond at the rate of one thousand dollars for each twenty
8 thousand dollars or fraction thereof of the dollar amount to be
9 purchased, with a minimum bond of ten thousand dollars required.]

Section B. Because immediate action is necessary to have continuity in

2 the study of urban farming issues, the repeal and reenactment of section 21.801
3 of section A of this act is deemed necessary for the immediate preservation of the
4 public health, welfare, peace, and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the repeal and
6 reenactment of section 21.801 of section A of this act shall be in full force and
7 effect upon its passage and approval.

✓

Unofficial

Bill

Copy