

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 622
95TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 1, 2010, with recommendation that the Senate Committee Substitute do pass.

3562S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 196.316, 281.260, and 311.550, RSMo, and to enact in lieu thereof four new sections relating to fee funding for programs administered by the department of agriculture, with penalty provisions.

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

Section A. Sections 196.316, 281.260, and 311.550, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 196.316,
3 261.200, 281.260, and 311.550, to read as follows:

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

7 (1) A "retailer's license" shall be required of any person defined as a
8 retailer in section 196.311. A holder of a retailer's license shall not, by virtue of
9 such license, be permitted or authorized to buy eggs from any person other than
10 a licensed dealer, and any retailer desiring to buy eggs from persons other than
11 licensed dealers, shall obtain a dealer's license in addition to a retailer's license.

12 (2) A "dealer's license" shall be required of any person defined as a dealer
13 in section 196.311. A holder of a dealer's license shall not, by virtue of such
14 license, be authorized or permitted to sell eggs to consumers, and any dealer
15 desiring to sell eggs to consumers shall obtain a retailer's license in addition to
16 a dealer's license.

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

17 (3) A "processor's license" shall be required of any person defined as a
18 processor in section 196.311. A holder of a processor's license shall not, by virtue
19 of such license, be authorized or permitted to sell eggs in the shell to other
20 persons, and any person desiring to sell eggs in the shell to other persons, shall
21 obtain a dealer's license in addition to a processor's license.

22 2. The annual license fee shall be:

23 (1) Retailers \$ 5.00

24 (2) Dealers--License fees for dealers shall be determined on the basis of
25 cases (30 dozen per case) of eggs sold in the shell in any one week, as follows:

26 (a) 1 to 25 cases \$ 5.00

27 (b) 26 to 50 cases 12.50

28 (c) 51 to 100 cases 25.00

29 (d) more than 100 cases 50.00

30 (3) Processors--License fees for processors shall be determined on the
31 basis of cases (30 dozen per case) of eggs, or the equivalent in liquid or frozen
32 eggs, processed in any one day, as follows:

33 (a) Less than 50 cases\$ 25.00

34 (b) More than 50 and less than 250 cases 50.00

35 (c) More than 250 and less than 1000 cases 75.00

36 (d) More than 1000 cases 100.00

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

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

42 5. All moneys received from license fees collected hereunder shall be
43 deposited in the state treasury to the credit of the [agricultural fees] **agriculture**
44 **protection fund created in section 261.200.**

261.200. 1. Any laws to the contrary notwithstanding, there is
2 **hereby created in the state treasury the "Agriculture Protection Fund",**
3 **which shall consist of any monies or fees appropriated to the fund as**
4 **well as all fees assessed and collected by the department of agriculture**
5 **which are not otherwise placed in the state treasury to the credit of the**
6 **particular purpose or fund for which the fees are collected. The state**
7 **treasurer shall be custodian of the fund. In accordance with sections**
8 **30.170 and 30.180, the state treasurer may approve disbursements of the**

9 **fund. Upon appropriation by the general assembly, money in the fund**
10 **shall be used solely by the department of agriculture for the purposes**
11 **of carrying out its functions and responsibilities, in accordance with**
12 **the provisions of subsection 2 of this section.**

13 **2. No money shall be paid out of the fund created under this**
14 **section except by appropriation of the general assembly for the**
15 **administration of the program or supporting programs from which the**
16 **fee was collected.**

17 **3. Notwithstanding the provisions of section 33.080 to the**
18 **contrary, any moneys remaining in the fund at the end of the biennium**
19 **shall not revert to the credit of the general revenue fund.**

20 **4. The state treasurer shall invest moneys in the fund in the**
21 **same manner as other funds are invested. Any interest and moneys**
22 **earned on such investments shall be credited to the fund.**

281.260. 1. Every pesticide which is distributed, sold, offered for sale or
2 held for sale within this state, or which is delivered for transportation or
3 transported in intrastate commerce or between points within this state through
4 any point outside of this state, shall be registered in the office of the director, and
5 the registration shall be renewed annually.

6 **2. The registrant shall file with the director a statement including:**

7 (1) The name and address of the registrant and the name and address of
8 the person whose name will appear on the label, if other than the registrant;

9 (2) The name of the pesticide;

10 (3) Classification of the pesticide; and

11 (4) A complete copy of the labeling accompanying the pesticide and a
12 statement of all claims to be made for it, including directions for use.

13 **3. The registrant shall pay an annual fee of [fifteen] one hundred fifty**
14 **dollars for each product registered in any calendar year or part thereof. The fee**
15 **shall be deposited in the state treasury to the credit of the [general revenue fund]**
16 **agriculture protection fund created in section 261.200. All such**
17 **registrations shall expire on December thirty-first of any one year, unless sooner**
18 **canceled. A registration for a special local need pursuant to subsection 6 of this**
19 **section, which is disapproved by the federal government, shall expire on the**
20 **effective date of the disapproval.**

21 **4. Any registration approved by the director and in effect on the**
22 **thirty-first day of December for which a renewal application has been made and**

23 the proper fee paid shall continue in full force and effect until such time as the
24 director notifies the applicant that the registration has been renewed, or
25 otherwise denied, in accord with the provisions of subsection 8 of this
26 section. Forms for reregistration shall be mailed to registrants at least ninety
27 days prior to the expiration date.

28 5. If the renewal of a pesticide registration is not filed prior to January
29 first of any one year, an additional fee of [five] **fifty** dollars shall be assessed and
30 added to the original fee and shall be paid by the applicant before the registration
31 renewal for that pesticide shall be issued; provided, that, such additional fee shall
32 not apply if the applicant furnishes an affidavit certifying that he did not
33 distribute such unregistered pesticide during the period of nonregistration. The
34 payment of such additional fee is not a bar to any prosecution for doing business
35 without proper registry. **The fee shall be credited to the agriculture**
36 **protection fund created under section 261.200.**

37 6. Provided the state complies with requirements of the federal
38 government to register pesticides to meet special local needs, the director shall
39 require that registrants comply with sections 281.210 to 281.310 and pertinent
40 federal laws and regulations. Where two or more pesticides meet the
41 requirements of this subsection, one shall not be registered in preference to the
42 other.

43 7. The director may require the submission of the complete formula of any
44 pesticide to approve or deny product registration. If it appears to the director
45 that the composition and efficacy of the pesticide is such as to warrant the
46 proposed claims for it and if the pesticide and its labeling and other material
47 required to be submitted comply with the requirements of sections 281.210 to
48 281.310, he shall register the pesticide.

49 8. Provided the state is authorized to issue experimental use permits, the
50 director may:

51 (1) Issue an experimental use permit to any person applying for an
52 experimental use permit if he determines that the applicant needs such permit
53 in order to accumulate information necessary to register a pesticide under
54 sections 281.210 to 281.310. An application for an experimental use permit may
55 be filed at the time of or before or after an application for registration is filed;

56 (2) Prescribe terms, conditions, and period of time for the experimental
57 permit which shall be under the supervision of the director;

58 (3) Revoke any experimental permit, at any time, if he finds that its terms

59 or conditions are being violated, or that its terms and conditions are inadequate
60 to avoid unreasonable adverse effects on the environment.

61 9. If it does not appear to the director that the pesticide is such as to
62 warrant the proposed claims for it or if the pesticide and its labeling and other
63 material required to be submitted do not comply with the provisions of sections
64 281.210 to 281.310 or with federal laws, he shall notify the registrant of the
65 manner in which the pesticide, labeling, or other material required to be
66 submitted fail to comply with sections 281.210 to 281.310 or with federal laws so
67 as to afford the registrant an opportunity to make the necessary corrections. If,
68 upon receipt of such notice, the registrant insists that such corrections are not
69 necessary and requests in writing that the pesticide be registered or, in the case
70 of a pesticide that is already registered, that it not be canceled, the director,
71 within ninety days, shall hold a public hearing to determine if the pesticide in
72 question should be registered or canceled. If, after such hearing, it is determined
73 that the pesticide should not be registered or that its registration should be
74 canceled, the director may refuse registration or cancel an existing registration
75 until the required label changes are accomplished. If the pesticide is shown to
76 be in compliance with sections 281.210 to 281.310 and federal laws, the pesticide
77 will be registered. Any appeals resulting from administrative decisions by the
78 director will be taken in accordance with sections 536.100 to 536.140, RSMo.

79 10. Notwithstanding any other provision of sections 281.210 to 281.310,
80 registration is not required in the case of a pesticide shipped from one plant or
81 warehouse within this state to another plant or warehouse within this state when
82 such plants are operated by the same persons.

83 11. The director shall not make any lack of essentiality a criterion for
84 denying registration of a pesticide except where none of the labeled uses are
85 present in the state. Where two or more pesticides meet the requirements of
86 sections 281.210 to 281.310, one shall not be registered in preference to the other.

87 12. Notwithstanding any other provision of law to the contrary, the
88 director may allow a reasonable period of time for the retailer to dispose of
89 existing stocks of pesticides after the manufacturer or distributor has ceased to
90 register the product with the state. The method of disposal shall be determined
91 by the director.

311.550. 1. In addition to all other licenses and charges, there shall be
2 paid to and collected by the director of revenue charges as follows:

3 (1) For the privilege of selling in the state of Missouri spirituous liquors,

4 including brandy, rum, whiskey, and gin, and other spirituous liquors and alcohol
5 for beverage purposes, there shall be paid, and the director of revenue shall be
6 entitled to receive, the sum of two dollars per gallon or fraction thereof;

7 (2) For the privilege of selling wines, the sum of thirty cents per gallon
8 **to the credit of the agriculture protection fund created under section**
9 **261.200.**

10 2. The person who shall first sell such liquor to any person in this state
11 shall be liable for the payment, except that no refund of any tax collected and
12 remitted to the director of revenue by a retail seller upon gross receipts from a
13 sale of beer, liquor or wine subject to the charges contained in sections 311.520,
14 311.550 and 311.554 shall be claimed for refund under chapter 144, RSMo, for
15 any amount illegally or erroneously overcharged or overcollected as a result of
16 imposition of sales tax by the retail seller upon amounts representing the charges
17 imposed under this chapter.

18 3. Any person who sells to any person within this state any intoxicating
19 liquors mentioned in subdivision (1) of subsection 1, unless the charge hereby
20 imposed is paid, is guilty of a felony and shall be punished by imprisonment by
21 the state department of corrections for a term of not less than two years nor more
22 than five years, or by imprisonment in the county jail for a term of not less than
23 one month nor more than one year, or by a fine of not less than fifty dollars nor
24 more than one thousand dollars, or by both such fine and imprisonment.

25 4. It shall be unlawful for any person to remove the contents of any
26 container containing any of the intoxicating liquors mentioned in subdivision (1)
27 of subsection 1 without destroying such container, or to refill any such container,
28 in whole or in part, with any of the liquors mentioned in subdivision (1) of
29 subsection 1. Any person violating the provisions of this subsection shall be
30 guilty of a misdemeanor.

31 5. Every manufacturer, out-state solicitor and wholesale dealer licensed
32 under this chapter shall make a true duplicate invoice of the same, showing the
33 date, amount and value of each class of such liquors shipped or delivered, and
34 retain a duplicate thereof, subject to the use and inspection of the supervisor of
35 liquor control and his representatives for two years.

36 6. Any person who shall sell in this state any intoxicating liquor without
37 first having procured a license from the supervisor of liquor control authorizing
38 him to sell such intoxicating liquor is guilty of a felony and upon conviction shall
39 be punished by imprisonment by the state department of corrections for a term

40 of not less than two years nor more than five years, or by imprisonment in the
41 county jail for a term of not less than three months nor more than one year, or
42 by a fine of not less than one hundred dollars nor more than one thousand
43 dollars, or by both such fine and imprisonment.

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Unofficial

Bill

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