

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 161**  
**96TH GENERAL ASSEMBLY**

0993L.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 137.010, 137.080, 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 276.416, 276.421, 276.436, 276.441, 276.446, 348.400, 348.407, 348.412, and 411.280, RSMo, and section 137.115 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 137.115 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 2058 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 711 merged with conference committee substitute for house committee substitute no. 2 for senate substitute for senate committee substitute for senate bill no. 718, ninety-fourth general assembly, second regular session, and to enact in lieu thereof fifteen new sections relating to agriculture, with penalty provisions.

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

Section A. Sections 137.010, 137.080, 263.190, 263.200, 263.205, 263.220, 263.230, 263.232,  
2 263.240, 263.241, 263.450, 268.121, 276.416, 276.421, 276.436, 276.441, 276.446, 348.400,  
3 348.407, 348.412, and 411.280, RSMo, and section 137.115 as enacted by senate committee  
4 substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and  
5 section 137.115 as enacted by senate substitute for senate committee substitute for house  
6 committee substitute for house bill no. 2058 merged with conference committee substitute for  
7 house committee substitute for senate substitute for senate committee substitute for senate bill  
8 no. 711 merged with conference committee substitute for house committee substitute no. 2 for  
9 senate substitute for senate committee substitute for senate bill no. 718, ninety-fourth general  
10 assembly, second regular session, are repealed and fifteen new sections enacted in lieu thereof,  
11 to be known as sections 137.010, 137.080, 137.115, 263.190, 263.200, 263.220, 263.240,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 268.121, 276.421, 276.436, 276.441, 348.400, 348.407, 348.412, and 411.280, to read as  
13 follows:

137.010. The following words, terms and phrases when used in laws governing taxation  
2 and revenue in the state of Missouri shall have the meanings ascribed to them in this section,  
3 except when the context clearly indicates a different meaning:

4 (1) "Grain and other agricultural crops in an unmanufactured condition" shall mean  
5 grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley,  
6 kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and  
7 other elevators and on farms; but excluding such grains and other agricultural crops after being  
8 processed into products of such processing, when packaged or sacked. The term "processing"  
9 shall not include hulling, cleaning, drying, grating, or polishing;

10 (2) **"Hydroelectric power generating equipment", very-low-head turbine**  
11 **generators with a nameplate generating capacity of at least four hundred kilowatts but not**  
12 **more than six hundred kilowatts and related machinery and equipment used in the**  
13 **production, generation, conversion, storage, or conveyance of hydroelectric power to land-**  
14 **based devices and appurtenances used in the transmission of electrical energy;**

15 (3) "Intangible personal property", for the purpose of taxation, shall include all property  
16 other than real property and tangible personal property, as defined by this section;

17 [(3)] (4) "Real property" includes land itself, whether laid out in town lots or otherwise,  
18 and all growing crops, buildings, structures, improvements and fixtures of whatever kind  
19 thereon, the installed poles used in the transmission or reception of electrical energy, audio  
20 signals, video signals or similar purposes, provided the owner of such installed poles is also an  
21 owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is  
22 the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land;  
23 attached wires, transformers, amplifiers, substations, and other such devices and appurtenances  
24 used in the transmission or reception of electrical energy, audio signals, video signals or similar  
25 purposes when owned by the owner of the installed poles, otherwise such items are considered  
26 personal property; and stationary property used for transportation of liquid and gaseous products,  
27 including, but not limited to, petroleum products, natural gas, water, and sewage;

28 [(4)] (5) "Tangible personal property" includes every tangible thing being the subject of  
29 ownership or part ownership whether animate or inanimate, other than money, and not forming  
30 part or parcel of real property as herein defined, **and hydroelectric power generating**  
31 **equipment**, but does not include household goods, furniture, wearing apparel and articles of  
32 personal use and adornment, as defined by the state tax commission, owned and used by a person  
33 in his home or dwelling place.

137.080. Real estate and tangible personal property shall be assessed annually at the  
2 assessment which commences on the first day of January. For purposes of assessing and taxing  
3 tangible personal property, all tangible personal property shall be divided into the following  
4 subclasses:

5 (1) Grain and other agricultural crops in an unmanufactured condition;

6 (2) Livestock;

7 (3) Farm machinery;

8 (4) Vehicles, including recreational vehicles, but not including manufactured homes, as  
9 defined in section 700.010, which are actually used as dwelling units;

10 (5) Manufactured homes, as defined in section 700.010, which are actually used as  
11 dwelling units;

12 (6) Motor vehicles which are eligible for registration and are registered as historic motor  
13 vehicles under section 301.131;

14 (7) **Hydroelectric power generating equipment;**

15 (8) All taxable tangible personal property not included in subclass (1), subclass (2),  
16 subclass (3), subclass (4), subclass (5), [or] subclass (6), **or subclass (7).**

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's  
2 deputies in all counties of this state including the city of St. Louis shall annually make a list of  
3 all real and tangible personal property taxable in the assessor's city, county, town or district.  
4 Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor  
5 shall annually assess all personal property at thirty-three and one-third percent of its true value  
6 in money as of January first of each calendar year. The assessor shall annually assess all real  
7 property, including any new construction and improvements to real property, and possessory  
8 interests in real property at the percent of its true value in money set in subsection 5 of this  
9 section. The true value in money of any possessory interest in real property in subclass (3),  
10 where such real property is on or lies within the ultimate airport boundary as shown by a federal  
11 airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139  
12 certification and owned by a political subdivision, shall be the otherwise applicable true value  
13 in money of any such possessory interest in real property, less the total dollar amount of costs  
14 paid by a party, other than the political subdivision, towards any new construction or  
15 improvements on such real property completed after January 1, 2008, and which are included in  
16 the above-mentioned possessory interest, regardless of the year in which such costs were incurred  
17 or whether such costs were considered in any prior year. The assessor shall annually assess all  
18 real property in the following manner: new assessed values shall be determined as of January  
19 first of each odd-numbered year and shall be entered in the assessor's books; those same assessed  
20 values shall apply in the following even-numbered year, except for new construction and

21 property improvements which shall be valued as though they had been completed as of January  
22 first of the preceding odd-numbered year. The assessor may call at the office, place of doing  
23 business, or residence of each person required by this chapter to list property, and require the  
24 person to make a correct statement of all taxable tangible personal property owned by the person  
25 or under his or her care, charge or management, taxable in the county. On or before January first  
26 of each even-numbered year, the assessor shall prepare and submit a two-year assessment  
27 maintenance plan to the county governing body and the state tax commission for their respective  
28 approval or modification. The county governing body shall approve and forward such plan or  
29 its alternative to the plan to the state tax commission by February first. If the county governing  
30 body fails to forward the plan or its alternative to the plan to the state tax commission by  
31 February first, the assessor's plan shall be considered approved by the county governing body.  
32 If the state tax commission fails to approve a plan and if the state tax commission and the  
33 assessor and the governing body of the county involved are unable to resolve the differences, in  
34 order to receive state cost-share funds outlined in section 137.750, the county or the assessor  
35 shall petition the administrative hearing commission, by May first, to decide all matters in  
36 dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter  
37 may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by  
38 the parties. The final decision of the administrative hearing commission shall be subject to  
39 judicial review in the circuit court of the county involved. In the event a valuation of subclass  
40 (1) real property within any county with a charter form of government, or within a city not within  
41 a county, is made by a computer, computer-assisted method or a computer program, the burden  
42 of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be  
43 on the assessor at any hearing or appeal. In any such county, unless the assessor proves  
44 otherwise, there shall be a presumption that the assessment was made by a computer,  
45 computer-assisted method or a computer program. Such evidence shall include, but shall not be  
46 limited to, the following:

47 (1) The findings of the assessor based on an appraisal of the property by generally  
48 accepted appraisal techniques; and

49 (2) The purchase prices from sales of at least three comparable properties and the address  
50 or location thereof. As used in this subdivision, the word "comparable" means that:

51 (a) Such sale was closed at a date relevant to the property valuation; and

52 (b) Such properties are not more than one mile from the site of the disputed property,  
53 except where no similar properties exist within one mile of the disputed property, the nearest  
54 comparable property shall be used. Such property shall be within five hundred square feet in size  
55 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,  
56 and other relevant characteristics.

57           2. Assessors in each county of this state and the city of St. Louis may send personal  
58 property assessment forms through the mail.

59           3. The following items of personal property shall each constitute separate subclasses of  
60 tangible personal property and shall be assessed and valued for the purposes of taxation at the  
61 following percentages of their true value in money:

62           (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one  
63 percent;

64           (2) Livestock, twelve percent;

65           (3) Farm machinery, twelve percent;

66           (4) Motor vehicles which are eligible for registration as and are registered as historic  
67 motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old  
68 and which are used solely for noncommercial purposes and are operated less than fifty hours per  
69 year or aircraft that are home built from a kit, five percent;

70           (5) Poultry, twelve percent; [and]

71           (6) Tools and equipment used for pollution control and tools and equipment used in  
72 retooling for the purpose of introducing new product lines or used for making improvements to  
73 existing products by any company which is located in a state enterprise zone and which is  
74 identified by any standard industrial classification number cited in subdivision (6) of section  
75 135.200, twenty-five percent;

76           **(7) Hydroelectric power generating equipment, one percent.**

77           4. The person listing the property shall enter a true and correct statement of the property,  
78 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed  
79 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered  
80 to the assessor.

81           5. All subclasses of real property, as such subclasses are established in section 4(b) of  
82 article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the  
83 following percentages of true value:

84           (1) For real property in subclass (1), nineteen percent;

85           (2) For real property in subclass (2), twelve percent; and

86           (3) For real property in subclass (3), thirty-two percent.

87           6. Manufactured homes, as defined in section 700.010, which are actually used as  
88 dwelling units shall be assessed at the same percentage of true value as residential real property  
89 for the purpose of taxation. The percentage of assessment of true value for such manufactured  
90 homes shall be the same as for residential real property. If the county collector cannot identify  
91 or find the manufactured home when attempting to attach the manufactured home for payment  
92 of taxes owed by the manufactured home owner, the county collector may request the county

93 commission to have the manufactured home removed from the tax books, and such request shall  
94 be granted within thirty days after the request is made; however, the removal from the tax books  
95 does not remove the tax lien on the manufactured home if it is later identified or found. For  
96 purposes of this section, a manufactured home located in a manufactured home rental park, rental  
97 community or on real estate not owned by the manufactured home owner shall be considered  
98 personal property. For purposes of this section, a manufactured home located on real estate  
99 owned by the manufactured home owner may be considered real property.

100         7. Each manufactured home assessed shall be considered a parcel for the purpose of  
101 reimbursement pursuant to section 137.750, unless the manufactured home is **deemed to be** real  
102 estate [as defined in] **under** subsection 7 of section 442.015 and assessed as a realty  
103 improvement to the existing real estate parcel.

104         8. Any amount of tax due and owing based on the assessment of a manufactured home  
105 shall be included on the personal property tax statement of the manufactured home owner unless  
106 the manufactured home is **deemed to be** real estate [as defined in] **under** subsection 7 of section  
107 442.015, in which case the amount of tax due and owing on the assessment of the manufactured  
108 home as a realty improvement to the existing real estate parcel shall be included on the real  
109 property tax statement of the real estate owner.

110         9. The assessor of each county and each city not within a county shall use the trade-in  
111 value published in the October issue of the National Automobile Dealers' Association Official  
112 Used Car Guide, or its successor publication, as the recommended guide of information for  
113 determining the true value of motor vehicles described in such publication. In the absence of a  
114 listing for a particular motor vehicle in such publication, the assessor shall use such information  
115 or publications which in the assessor's judgment will fairly estimate the true value in money of  
116 the motor vehicle.

117         10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)  
118 real property by more than fifteen percent since the last assessment, excluding increases due to  
119 new construction or improvements, the assessor shall conduct a physical inspection of such  
120 property.

121         11. If a physical inspection is required, pursuant to subsection 10 of this section, the  
122 assessor shall notify the property owner of that fact in writing and shall provide the owner clear  
123 written notice of the owner's rights relating to the physical inspection. If a physical inspection  
124 is required, the property owner may request that an interior inspection be performed during the  
125 physical inspection. The owner shall have no less than thirty days to notify the assessor of a  
126 request for an interior physical inspection.

127         12. A physical inspection, as required by subsection 10 of this section, shall include, but  
128 not be limited to, an on-site personal observation and review of all exterior portions of the land

129 and any buildings and improvements to which the inspector has or may reasonably and lawfully  
130 gain external access, and shall include an observation and review of the interior of any buildings  
131 or improvements on the property upon the timely request of the owner pursuant to subsection 11  
132 of this section. Mere observation of the property via a drive-by inspection or the like shall not  
133 be considered sufficient to constitute a physical inspection as required by this section.

134 13. The provisions of subsections 11 and 12 of this section shall only apply in any county  
135 with a charter form of government with more than one million inhabitants.

136 14. A county or city collector may accept credit cards as proper form of payment of  
137 outstanding property tax or license due. No county or city collector may charge surcharge for  
138 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,  
139 processor, or issuer for its service. A county or city collector may accept payment by electronic  
140 transfers of funds in payment of any tax or license and charge the person making such payment  
141 a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic  
142 payment.

143 15. Any county or city not within a county in this state may, by an affirmative vote of  
144 the governing body of such county, opt out of the provisions of this section and sections 137.073,  
145 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly,  
146 second regular session and section 137.073 as modified by house committee substitute for senate  
147 substitute for senate committee substitute for senate bill no. 960, ninety-second general  
148 assembly, second regular session, for the next year of the general reassessment, prior to January  
149 first of any year. No county or city not within a county shall exercise this opt-out provision after  
150 implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as  
151 enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and  
152 section 137.073 as modified by house committee substitute for senate substitute for senate  
153 committee substitute for senate bill no. 960, ninety-second general assembly, second regular  
154 session, in a year of general reassessment. For the purposes of applying the provisions of this  
155 subsection, a political subdivision contained within two or more counties where at least one of  
156 such counties has opted out and at least one of such counties has not opted out shall calculate a  
157 single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general  
158 assembly, second regular session. A governing body of a city not within a county or a county  
159 that has opted out under the provisions of this subsection may choose to implement the  
160 provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill  
161 no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as  
162 modified by house committee substitute for senate substitute for senate committee substitute for  
163 senate bill no. 960, ninety-second general assembly, second regular session, for the next year of

164 general reassessment, by an affirmative vote of the governing body prior to December thirty-first  
165 of any year.

166         16. The governing body of any city of the third classification with more than twenty-six  
167 thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located  
168 in any county that has exercised its authority to opt out under subsection 15 of this section may  
169 levy separate and differing tax rates for real and personal property only if such city bills and  
170 collects its own property taxes or satisfies the entire cost of the billing and collection of such  
171 separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax  
172 rate ceiling.

2             [137.115. 1. All other laws to the contrary notwithstanding, the assessor  
3 or the assessor's deputies in all counties of this state including the city of St.  
4 Louis shall annually make a list of all real and tangible personal property taxable  
5 in the assessor's city, county, town or district. Except as otherwise provided in  
6 subsection 3 of this section and section 137.078, the assessor shall annually  
7 assess all personal property at thirty-three and one-third percent of its true value  
8 in money as of January first of each calendar year. The assessor shall annually  
9 assess all real property, including any new construction and improvements to real  
10 property, and possessory interests in real property at the percent of its true value  
11 in money set in subsection 5 of this section. The true value in money of any  
12 possessory interest in real property in subclass (3), where such real property is on  
13 or lies within the ultimate airport boundary as shown by a federal airport layout  
14 plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part  
15 139 certification and owned by a political subdivision, shall be the otherwise  
16 applicable true value in money of any such possessory interest in real property,  
17 less the total dollar amount of costs paid by a party, other than the political  
18 subdivision, towards any new construction or improvements on such real  
19 property completed after January 1, 2008, and which are included in the  
20 above-mentioned possessory interest, regardless of the year in which such costs  
21 were incurred or whether such costs were considered in any prior year. The  
22 assessor shall annually assess all real property in the following manner: new  
23 assessed values shall be determined as of January first of each odd-numbered  
24 year and shall be entered in the assessor's books; those same assessed values shall  
25 apply in the following even-numbered year, except for new construction and  
26 property improvements which shall be valued as though they had been completed  
27 as of January first of the preceding odd-numbered year. The assessor may call  
28 at the office, place of doing business, or residence of each person required by this  
29 chapter to list property, and require the person to make a correct statement of all  
30 taxable tangible personal property owned by the person or under his or her care,  
31 charge or management, taxable in the county. On or before January first of each  
32 even-numbered year, the assessor shall prepare and submit a two-year assessment  
33 maintenance plan to the county governing body and the state tax commission for  
their respective approval or modification. The county governing body shall

34 approve and forward such plan or its alternative to the plan to the state tax  
35 commission by February first. If the county governing body fails to forward the  
36 plan or its alternative to the plan to the state tax commission by February first, the  
37 assessor's plan shall be considered approved by the county governing body. If the  
38 state tax commission fails to approve a plan and if the state tax commission and  
39 the assessor and the governing body of the county involved are unable to resolve  
40 the differences, in order to receive state cost-share funds outlined in section  
41 137.750, the county or the assessor shall petition the administrative hearing  
42 commission, by May first, to decide all matters in dispute regarding the  
43 assessment maintenance plan. Upon agreement of the parties, the matter may be  
44 stayed while the parties proceed with mediation or arbitration upon terms agreed  
45 to by the parties. The final decision of the administrative hearing commission  
46 shall be subject to judicial review in the circuit court of the county involved. In  
47 the event a valuation of subclass (1) real property within any county with a  
48 charter form of government, or within a city not within a county, is made by a  
49 computer, computer-assisted method or a computer program, the burden of proof,  
50 supported by clear, convincing and cogent evidence to sustain such valuation,  
51 shall be on the assessor at any hearing or appeal. In any such county, unless the  
52 assessor proves otherwise, there shall be a presumption that the assessment was  
53 made by a computer, computer-assisted method or a computer program. Such  
54 evidence shall include, but shall not be limited to, the following:

55 (1) The findings of the assessor based on an appraisal of the property by  
56 generally accepted appraisal techniques; and

57 (2) The purchase prices from sales of at least three comparable properties  
58 and the address or location thereof. As used in this subdivision, the word  
59 "comparable" means that:

60 (a) Such sale was closed at a date relevant to the property valuation; and

61 (b) Such properties are not more than one mile from the site of the  
62 disputed property, except where no similar properties exist within one mile of the  
63 disputed property, the nearest comparable property shall be used. Such property  
64 shall be within five hundred square feet in size of the disputed property, and  
65 resemble the disputed property in age, floor plan, number of rooms, and other  
66 relevant characteristics.

67 2. Assessors in each county of this state and the city of St. Louis may  
68 send personal property assessment forms through the mail.

69 3. The following items of personal property shall each constitute separate  
70 subclasses of tangible personal property and shall be assessed and valued for the  
71 purposes of taxation at the following percentages of their true value in money:

72 (1) Grain and other agricultural crops in an unmanufactured condition,  
73 one-half of one percent;

74 (2) Livestock, twelve percent;

75 (3) Farm machinery, twelve percent;

76 (4) Motor vehicles which are eligible for registration as and are registered  
77 as historic motor vehicles pursuant to section 301.131 and aircraft which are at  
78 least twenty-five years old and which are used solely for noncommercial purposes  
79 and are operated less than fifty hours per year or aircraft that are home built from  
80 a kit, five percent;

81 (5) Poultry, twelve percent; and

82 (6) Tools and equipment used for pollution control and tools and  
83 equipment used in retooling for the purpose of introducing new product lines or  
84 used for making improvements to existing products by any company which is  
85 located in a state enterprise zone and which is identified by any standard  
86 industrial classification number cited in subdivision (6) of section 135.200,  
87 twenty-five percent.

88 4. The person listing the property shall enter a true and correct statement  
89 of the property, in a printed blank prepared for that purpose. The statement, after  
90 being filled out, shall be signed and either affirmed or sworn to as provided in  
91 section 137.155. The list shall then be delivered to the assessor.

92 5. All subclasses of real property, as such subclasses are established in  
93 section 4(b) of article X of the Missouri Constitution and defined in section  
94 137.016, shall be assessed at the following percentages of true value:

95 (1) For real property in subclass (1), nineteen percent;

96 (2) For real property in subclass (2), twelve percent; and

97 (3) For real property in subclass (3), thirty-two percent.

98 6. Manufactured homes, as defined in section 700.010, which are actually  
99 used as dwelling units shall be assessed at the same percentage of true value as  
100 residential real property for the purpose of taxation. The percentage of  
101 assessment of true value for such manufactured homes shall be the same as for  
102 residential real property. If the county collector cannot identify or find the  
103 manufactured home when attempting to attach the manufactured home for  
104 payment of taxes owed by the manufactured home owner, the county collector  
105 may request the county commission to have the manufactured home removed  
106 from the tax books, and such request shall be granted within thirty days after the  
107 request is made; however, the removal from the tax books does not remove the  
108 tax lien on the manufactured home if it is later identified or found. A  
109 manufactured home located in a manufactured home rental park, rental  
110 community or on real estate not owned by the manufactured home owner shall  
111 be considered personal property. A manufactured home located on real estate  
112 owned by the manufactured home owner may be considered real property.

113 7. Each manufactured home assessed shall be considered a parcel for the  
114 purpose of reimbursement pursuant to section 137.750, unless the manufactured  
115 home has been converted to real property in compliance with section 700.111 and  
116 assessed as a realty improvement to the existing real estate parcel.

117 8. Any amount of tax due and owing based on the assessment of a  
118 manufactured home shall be included on the personal property tax statement of

119 the manufactured home owner unless the manufactured home has been converted  
120 to real property in compliance with section 700.111, in which case the amount  
121 of tax due and owing on the assessment of the manufactured home as a realty  
122 improvement to the existing real estate parcel shall be included on the real  
123 property tax statement of the real estate owner.

124 9. The assessor of each county and each city not within a county shall use  
125 the trade-in value published in the October issue of the National Automobile  
126 Dealers' Association Official Used Car Guide, or its successor publication, as the  
127 recommended guide of information for determining the true value of motor  
128 vehicles described in such publication. In the absence of a listing for a particular  
129 motor vehicle in such publication, the assessor shall use such information or  
130 publications which in the assessor's judgment will fairly estimate the true value  
131 in money of the motor vehicle.

132 10. Before the assessor may increase the assessed valuation of any parcel  
133 of subclass (1) real property by more than fifteen percent since the last  
134 assessment, excluding increases due to new construction or improvements, the  
135 assessor shall conduct a physical inspection of such property.

136 11. If a physical inspection is required, pursuant to subsection 10 of this  
137 section, the assessor shall notify the property owner of that fact in writing and  
138 shall provide the owner clear written notice of the owner's rights relating to the  
139 physical inspection. If a physical inspection is required, the property owner may  
140 request that an interior inspection be performed during the physical inspection.  
141 The owner shall have no less than thirty days to notify the assessor of a request  
142 for an interior physical inspection.

143 12. A physical inspection, as required by subsection 10 of this section,  
144 shall include, but not be limited to, an on-site personal observation and review  
145 of all exterior portions of the land and any buildings and improvements to which  
146 the inspector has or may reasonably and lawfully gain external access, and shall  
147 include an observation and review of the interior of any buildings or  
148 improvements on the property upon the timely request of the owner pursuant to  
149 subsection 11 of this section. Mere observation of the property via a drive-by  
150 inspection or the like shall not be considered sufficient to constitute a physical  
151 inspection as required by this section.

152 13. The provisions of subsections 11 and 12 of this section shall only  
153 apply in any county with a charter form of government with more than one  
154 million inhabitants.

155 14. A county or city collector may accept credit cards as proper form of  
156 payment of outstanding property tax or license due. No county or city collector  
157 may charge surcharge for payment by credit card which exceeds the fee or  
158 surcharge charged by the credit card bank, processor, or issuer for its service. A  
159 county or city collector may accept payment by electronic transfers of funds in  
160 payment of any tax or license and charge the person making such payment a fee

161 equal to the fee charged the county by the bank, processor, or issuer of such  
 162 electronic payment.

163 15. Any county or city not within a county in this state may, by an  
 164 affirmative vote of the governing body of such county, opt out of the provisions  
 165 of this section and sections 137.073, 138.060, and 138.100 as enacted by house  
 166 bill no. 1150 of the ninety-first general assembly, second regular session and  
 167 section 137.073 as modified by house committee substitute for senate substitute  
 168 for senate committee substitute for senate bill no. 960, ninety-second general  
 169 assembly, second regular session, for the next year of the general reassessment,  
 170 prior to January first of any year. No county or city not within a county shall  
 171 exercise this opt-out provision after implementing the provisions of this section  
 172 and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of  
 173 the ninety-first general assembly, second regular session and section 137.073 as  
 174 modified by house committee substitute for senate substitute for senate  
 175 committee substitute for senate bill no. 960, ninety-second general assembly,  
 176 second regular session, in a year of general reassessment. For the purposes of  
 177 applying the provisions of this subsection, a political subdivision contained  
 178 within two or more counties where at least one of such counties has opted out and  
 179 at least one of such counties has not opted out shall calculate a single tax rate as  
 180 in effect prior to the enactment of house bill no. 1150 of the ninety-first general  
 181 assembly, second regular session. A governing body of a city not within a county  
 182 or a county that has opted out under the provisions of this subsection may choose  
 183 to implement the provisions of this section and sections 137.073, 138.060, and  
 184 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly,  
 185 second regular session, and section 137.073 as modified by house committee  
 186 substitute for senate substitute for senate committee substitute for senate bill no.  
 187 960, ninety-second general assembly, second regular session, for the next year of  
 188 general reassessment, by an affirmative vote of the governing body prior to  
 189 December thirty-first of any year.

190 16. The governing body of any city of the third classification with more  
 191 than twenty-six thousand three hundred but fewer than twenty-six thousand seven  
 192 hundred inhabitants located in any county that has exercised its authority to opt  
 193 out under subsection 15 of this section may levy separate and differing tax rates  
 194 for real and personal property only if such city bills and collects its own property  
 195 taxes or satisfies the entire cost of the billing and collection of such separate and  
 196 differing tax rates. Such separate and differing rates shall not exceed such city's  
 197 tax rate ceiling.]

198

263.190. 1. [The plants musk thistle (*Carduus nutans* L.), Scotch thistle (*Onoprodum*  
 2 *acanthium* L.) and Canada thistle (*Cirsium arvense*) are hereby designated as noxious weeds. All  
 3 owners of land shall control all such plants growing upon their land] **As used in sections**  
 4 **263.190 to 263.474, "noxious weed" means any weed designated as noxious by rules**  
 5 **promulgated by the director of the department of agriculture. The department shall**

6 **maintain a list of such noxious weeds and shall make such list available to the public. The**  
7 **department of agriculture shall promulgate rules necessary to implement this provision.**  
8 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**  
9 **under the authority delegated in this section shall become effective only if it complies with**  
10 **and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**  
11 **This section and chapter 536 are nonseverable and if any of the powers vested with the**  
12 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
13 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
14 **rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be**  
15 **invalid and void.**

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

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

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

263.200. 1. In addition to the remedies provided in section 263.190, when [Canada, musk, or Scotch thistles] **noxious weeds** are discovered growing on any lands in the county, it shall be the duty of the county commission to control such [thistles] **noxious weeds** so as to prevent the seed from ripening, and for that purpose the county commission, or its agents, servants, or employees shall have authority to enter on such lands without being liable to an action of trespass therefor, and shall have such official immunity as exists at common law for any misfeasance or damages occurring in connection with the attempt to control [Canada, musk, or Scotch thistles] **noxious weeds**. Notwithstanding any provision of law to the contrary, the county shall be liable for any misfeasance or actual damages caused by its agents, servants, or employees in connection with the attempt to control [Canada, musk, or Scotch thistles] **noxious weeds**. The landowner shall owe no duty of care to such persons, except that which the landowner owes to trespassers. The county commission shall keep an accurate account of the expenses incurred in controlling the [thistles] **noxious weeds**, and shall verify such statement under seal of the county commission, and transmit the same to the officer whose duty it is or may be to extend state and county taxes on tax books or bills against real estate; and such officer shall extend the aggregate expenses so charged against each tract of land as a special tax, which shall then become a lien on the lands, and be collected as state and county taxes are collected by law and paid to the county commission and credited to the county control fund.

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

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

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

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

268.121. It shall be the duty of the director from time to time to [cause to be published in book form] **create** a list of all brands on record at [the time of the publication] **that time and make such list available to the public on a publicly-accessible website**. The [lists may be supplemented] **list shall be updated** from time to time. The [publication] **list** shall contain a

5 facsimile of all brands recorded and the owner's name and post-office address. The records shall  
6 be arranged in convenient form for reference. [It shall be the duty of the director to send one  
7 copy of the brand book and supplements to the county recorder of deeds of each county and to  
8 each licensed livestock market and slaughter plant in the state. The books and supplements shall  
9 be furnished without cost to the livestock market or slaughter plant or to the county and shall be  
10 kept as a matter of public record.] The [books and supplements] **list** may be sold to the general  
11 public at the cost of **its** printing and mailing [each book].

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

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

22 3. The director may require any additional information or verification with respect to the  
23 financial resources of the applicant as he deems necessary for the effective administration of this  
24 chapter. The director may promulgate rules setting forth minimum standards of acceptance for  
25 the various types of financial statements filed in accordance with the provisions of this chapter.  
26 The director may promulgate rules requiring a statement of retained earnings, a statement of  
27 changes in financial position, and notes and disclosures to the financial statements for all  
28 licensed grain dealers or all grain dealers required to be licensed. The additional information or  
29 verification referred to herein may include, but is not limited to, requiring that the financial

30 statement information be reviewed or audited in accordance with standards established by the  
31 American Institute of Certified Public Accountants.

32 4. All grain dealers shall provide the director with a copy of all financial statements and  
33 updates to financial statements utilized to secure the bonds required by sections 276.401 to  
34 276.582.

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

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

50 7. [Except as set forth in section 276.511 which mandates higher requirements for class  
51 I grain dealers,] Any licensed grain dealer or applicant for a grain dealer's license [who purchases  
52 less than four hundred thousand dollars worth of grain, during the dealer's last completed fiscal  
53 year, in the state of Missouri and those states with whom Missouri has entered into contracts or  
54 agreements as authorized by section 276.566 must] **shall** maintain a minimum net worth equal  
55 to [the greater of ten thousand dollars or] five percent of [such] **annual** grain purchases[. If grain  
56 purchases during the dealer's last completed fiscal year are four hundred thousand dollars or  
57 more, the dealer must maintain a net worth equal to the greater of twenty thousand dollars or one  
58 percent of grain purchases] **as set forth in the financial statements required by this chapter.**  
59 If the dealer or applicant is deficient in meeting this net worth requirement, he must post  
60 additional bond as required in section 276.436.

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

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

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

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

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

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

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

23           4. The director may, when the question arises as to a grain dealer's ability to pay for grain  
24 purchased, require a grain dealer to post an additional bond in a dollar amount deemed  
25 appropriate by the director. Such additional bond can be in addition to or greater than or both  
26 in addition to and greater than the maximum bond as set by this section. The director must  
27 furnish to the dealer, by certified mail, a written statement of the reasons for requesting

28 additional bond and the reasons for questioning the dealer's ability to pay. Failure to post such  
29 additional bond is a ground for modification, suspension or revocation by the director of a license  
30 issued under sections 276.401 to 276.582. The determination of insufficiency of a bond and of  
31 the amount of the additional bond shall be based upon evidence presented to the director that a  
32 dealer:

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

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

35 (3) As a result of his activity, inactivity, or purchasing and pricing practices and  
36 procedures, including, but not limited to, the dealer's deferred pricing or deferred payment  
37 practices and procedures, is or may be unable to honor his grain purchase obligations arising out  
38 of his dealer business. The amount of the additional bond required under this subsection shall  
39 not exceed the amount of the dealer's current loss position. Current loss position shall be the  
40 sum of the dealer's current liabilities less current assets or the amount by which he is currently  
41 unable to meet the grain purchase obligations arising out of his dealer business.

42 5. One bond, cumulative as to minimum requirements, may be given where a dealer has  
43 multiple licenses; except however, that in computing the amount of the single bond the grain  
44 dealer may add together the total purchases of grain of all locations to be covered thereby and  
45 use the aggregate total purchases for the fiscal year for the purpose of computing bond.  
46 However, this single cumulative bond must be at least equal to [twenty] **fifty** thousand dollars  
47 per dealer license issued up to the [three] **six** hundred thousand dollar maximum bond amount  
48 specified in subsection 1 of this section. When a grain dealer elects to provide a single bond for  
49 a number of licensed locations, the total assets of all the licensed locations shall be subject to  
50 liabilities of each individual licensed location.

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

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

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

7 which may include the request for submission of a financial statement audited by a public  
8 accountant.

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

348.400. As used in sections 348.400 to 348.415, the following terms mean:

2         (1) "Agricultural business development loan", a loan for the acquisition, construction,  
3 improvement, or rehabilitation of agricultural property, **or for the expansion, acquisition,**  
4 **construction, improvement, or rehabilitation of a qualifying agribusiness;**

5         (2) "Agricultural product", an agricultural, horticultural, viticultural, or vegetable  
6 product, growing of grapes that will be processed into wine, bees, honey, fish or other  
7 aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or  
8 a poultry product, either in its natural or processed state, that has been produced, processed, or  
9 otherwise had value added to it in this state;

10         (3) "Agricultural property", any land and easements and real and personal property,  
11 including, but not limited to, buildings, structures, improvements, and equipment which is used  
12 in Missouri by Missouri residents or Missouri-based businesses for the purpose of processing,  
13 manufacturing, marketing, exporting or adding value to an agricultural product. Agricultural  
14 property also includes any land and easements and real and personal property, including, but not  
15 limited to, buildings, structures, improvements, equipment and plant stock used for the growing  
16 of grapes which will be processed into wine;

17         (4) "Authority", the Missouri agricultural and small business development authority;

18         (5) "Eligible borrower", as defined in section 348.015;

19         (6) "Eligible lender", lender as defined in section 348.015;

20         (7) "Fund", the agricultural product utilization and business development loan guarantee  
21 fund or the agricultural product utilization grant fund;

22         (8) "Grant fund" the agricultural product utilization grant fund;

23         (9) "Program fund", the agricultural product utilization and business development loan  
24 program fund;

25         **(10) "Qualifying agribusiness", any business whose primary customer base is**  
26 **producers of agricultural goods and products or any business whose function is the**  
27 **support of agricultural production or processing by providing goods and services used for**  
28 **producing or processing agricultural products.**

348.407. 1. The authority shall develop and implement agricultural products utilization  
2 grants as provided in this section.

3           2. The authority may reject any application for grants pursuant to this section.

4           3. The authority shall make grants, and may make loans or guaranteed loans from the  
5 grant fund to persons for the creation, development and operation, for up to three years from the  
6 time of application approval, of rural agricultural businesses whose projects add value to  
7 agricultural products and aid the economy of a rural community.

8           4. **The authority may make loan guarantees to qualified agribusinesses for**  
9 **agricultural business development loans for businesses that aid in the economy of a rural**  
10 **community and support production agriculture or add value to agricultural products by**  
11 **providing necessary products and services for production or processing.**

12           5. The authority may, upon the provision of a fee by the requesting person in an amount  
13 to be determined by the authority, provide for a feasibility study of the person's rural agricultural  
14 business concept.

15           [5.] 6. Upon a determination by the authority that such concept is feasible and upon the  
16 provision of a fee by the requesting person, in an amount to be determined by the authority, the  
17 authority may then provide for a marketing study. Such marketing study shall be designed to  
18 determine whether such concept may be operated profitably.

19           [6.] 7. Upon a determination by the authority that the concept may be operated  
20 profitably, the authority may provide for legal assistance to set up the business. Such legal  
21 assistance shall include, but not be limited to, providing advice and assistance on the form of  
22 business entity, the availability of tax credits and other assistance for which the business may  
23 qualify as well as helping the person apply for such assistance.

24           [7.] 8. The authority may provide or facilitate loans or guaranteed loans for the business  
25 including, but not limited to, loans from the United States Department of Agriculture Rural  
26 Development Program, subject to availability.

27 Such financial assistance may only be provided to feasible projects, and for an amount that is the  
28 least amount necessary to cause the project to occur, as determined by the authority. The  
29 authority may structure the financial assistance in a way that facilitates the project, but also  
30 provides for a compensatory return on investment or loan payment to the authority, based on the  
31 risk of the project.

32           [8.] 9. The authority may provide for consulting services in the building of the physical  
33 facilities of the business.

34           [9.] 10. The authority may provide for consulting services in the operation of the  
35 business.

36           [10.] 11. The authority may provide for such services through employees of the state or  
37 by contracting with private entities.

38           [11.] 12. The authority may consider the following in making the decision:

- 39 (1) The applicant's commitment to the project through the applicant's risk;  
40 (2) Community involvement and support;  
41 (3) The phase the project is in on an annual basis;  
42 (4) The leaders and consultants chosen to direct the project;  
43 (5) The amount needed for the project to achieve the bankable stage; and  
44 (6) The projects planning for long-term success through feasibility studies, marketing  
45 plans and business plans.

46 [12.] 13. The department of agriculture, the department of natural resources, the  
47 department of economic development and the University of Missouri may provide such  
48 assistance as is necessary for the implementation and operation of this section. The authority  
49 may consult with other state and federal agencies as is necessary.

50 [13.] 14. The authority may charge fees for the provision of any service pursuant to this  
51 section.

52 [14.] 15. The authority may adopt rules to implement the provisions of this section.

53 [15.] 16. Any rule or portion of a rule, as that term is defined in section 536.010, that  
54 is created under the authority delegated in sections 348.005 to 348.180 shall become effective  
55 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
56 section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and  
57 effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity  
58 of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable  
59 provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested  
60 with the general assembly pursuant to chapter 536 to review, to delay the effective date or to  
61 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
62 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

348.412. 1. Eligible borrowers:

2 (1) Shall use the proceeds of the agricultural business development loan to acquire  
3 agricultural property **or for the expansion, acquisition, construction, improvement, or**  
4 **rehabilitation of a qualifying agribusiness;** and

5 (2) May not finance more than ninety percent of the anticipated cost of the project  
6 through the agricultural business development loan.

7 2. The project shall have opportunities to succeed in the development, expansion and  
8 operation of businesses involved in adding value to, marketing, exporting, processing, or  
9 manufacturing agricultural products that will benefit the state economically and socially through  
10 direct or indirect job creation or job retention.

11 3. The authority shall promulgate rules establishing eligibility pursuant to the provisions  
12 of sections 348.400 to 348.415, taking into consideration:

- 13 (1) The eligible borrower's ability to repay the agricultural business development loan;  
 14 (2) The general economic conditions of the area in which the agricultural property will  
 15 be located;  
 16 (3) The prospect of success of the particular project for which the loan is sought; and  
 17 (4) Such other factors as the authority may establish.
- 18 4. The authority may promulgate rules to provide for:
- 19 (1) The requirement or nonrequirement of security or endorsement and the nature  
 20 thereof;  
 21 (2) The manner and time of repayment of the principal and interest;  
 22 (3) The maximum rate of interest;  
 23 (4) The right of the eligible borrower to accelerate payments without penalty;  
 24 (5) The amount of the guaranty charge;  
 25 (6) The effective period of the guaranty;  
 26 (7) The percent of the agricultural business development loan, not to exceed fifty  
 27 percent, covered by the guaranty;  
 28 (8) The assignability of agricultural business development loans by the eligible lender;  
 29 (9) Procedures in the event of default on an agricultural business development loan;  
 30 (10) The due diligence effort on the part of eligible lenders for collection of guaranteed  
 31 loans;  
 32 (11) Collection assistance to be provided to eligible lenders; and  
 33 (12) The extension of the guaranty in consideration of duty in the armed forces,  
 34 unemployment, natural disasters, or other hardships.

411.280. Every warehouseman licensed under the provisions of this chapter shall have  
 2 and maintain a net worth equal to the greater of ten thousand dollars or the amount which results  
 3 from multiplying the storage capacity of the warehouse by [fifteen] **twenty-five** cents per bushel.  
 4 Capital stock, for the purpose of determining the net worth, shall not be considered a liability.  
 5 Any deficiency in required net worth above the ten thousand dollar minimum requirement may  
 6 be met by supplying additional bond in an amount equal to one thousand dollars for each one  
 7 thousand dollars or fraction thereof of deficiency.

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

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

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

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

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

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

2                   [263.230. It shall be the duty of any person or persons, association of  
3 persons, corporations, partnerships, the state highways and transportation  
4 commission, the county commissions, the township boards, school boards,  
5 drainage boards, the governing bodies of incorporated cities, railroad companies  
6 and other transportation companies or their authorized agents and those  
7 supervising state-owned lands to control the spread of and to eradicate by  
8 methods approved by the state department of agriculture field bindweed  
9 (*convolvulus arvensis*) hereby designated as a noxious and dangerous weed to  
10 agriculture.]

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

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

13                   (2) To control the spread of kudzu vine (*Pueraria lobata*), which is hereby  
designated as a noxious and dangerous weed to agriculture, by methods in

14 compliance and conformity with the manufacturer's label instructions when  
15 chemical herbicides are used for such purposes; and

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

21

2 [263.241. The plant, purple loosestrife (*Lythrum salicaria*), and any  
3 hybrids thereof, is hereby designated a noxious weed. No person shall buy, sell,  
4 offer for sale, distribute or plant seeds, plants or parts of plants of purple  
5 loosestrife without a permit issued by the Missouri department of conservation.  
6 Such permits shall be issued only for experiments to control and eliminate  
7 nuisance weeds. Any person who violates the provisions of this section shall be  
8 guilty of a class A misdemeanor.]

8

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

8

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

11

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

8