

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1588

98TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 28, 2016, with recommendation that the Senate Committee Substitute do pass.

4090S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 351.120 and 640.703, RSMo, and to enact in lieu thereof two new sections relating to agriculture.

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

Section A. Sections 351.120 and 640.703, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 351.120 and 640.703, to
3 read as follows:

351.120. 1. Every corporation organized pursuant to the laws of this
2 state, including corporations organized pursuant to or subject to this chapter, and
3 every foreign corporation licensed to do business in this state, whether such
4 license shall have been issued pursuant to this chapter or not, other than
5 corporations exempted from taxation by the laws of this state, shall file a
6 corporate registration report.

7 2. The corporate registration report shall state the corporate name, the
8 name of its registered agent and such agent's Missouri physical address, giving
9 street and number, or building and number, or both, as the case may require, the
10 name and correct business or residence address of its officers and directors, and
11 the mailing address of the corporation's principal place of business or corporate
12 headquarters.

13 3. The corporate registration report shall be filed annually, except as
14 provided in section 351.122, and shall be due the month that the corporation
15 incorporated or qualified, unless changed by the corporation under subsection 8
16 of this section. Corporations existing prior to July 1, 2003, shall file the corporate
17 registration report on the month indicated on the corporation's last corporate

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

18 registration report. Corporations formed on or after July 1, 2003, shall file a
19 corporate registration report within thirty days of the date of incorporation or
20 qualification and every year thereafter, except as provided in section 351.122, in
21 the month that they were incorporated or qualified, unless such month is changed
22 by the corporation under subsection 8 of this section.

23 4. The corporate registration report shall be signed by an officer or
24 authorized person.

25 5. In the event of any error in the names and addresses of the officers and
26 directors set forth in a corporate registration report, the corporation may correct
27 such information by filing a certificate of correction pursuant to section 351.049.

28 6. A corporation may change the corporation's registered office or
29 registered agent with the filing of the corporation's corporate registration report.
30 To change the corporation's registered agent with the filing of the corporate
31 registration report, the corporation must include the new registered agent's
32 written consent to the appointment as registered agent and a written consent
33 stating that such change in registered agents was authorized by resolution duly
34 adopted by the board of directors. The written consent must be signed by the new
35 registered agent and must include such agent's address. If the corporate
36 registration report is not completed correctly, the secretary of state may reject the
37 filing of such report.

38 7. A corporation's corporate registration report must be filed in a format
39 as prescribed by the secretary of state.

40 8. A corporation may change the month of its corporate registration report
41 in the corporation's initial corporate registration report or a subsequent report.
42 To change its filing month, a corporation shall designate the desired month in its
43 corporate registration report and include with that report an additional fee of
44 twenty dollars. After a corporation registration report designating a new filing
45 month is filed by the secretary of state, the corporation's next corporate
46 registration report shall be filed in the newly designated month in the next year
47 in which a report is due under subsection 3 of this section or under section
48 351.122. This subsection shall become effective January 1, 2010.

49 **9. The requirement to file a corporate registration report under**
50 **this section shall be waived for authorized farm corporations as**
51 **defined by subdivision (2) of section 350.010 and family farm**
52 **corporations as defined by subdivision (5) of section 350.010 if the**
53 **information required by subsection 2 of this section has not changed**

54 **since the corporation's original articles of incorporation or most recent**
55 **corporate registration report was filed, whichever is applicable.**

640.703. For the purposes of sections 640.700 to 640.755, **or rules or**
2 **regulations promulgated under sections 640.700 to 640.755**, the following
3 terms mean:

4 (1) "Animal units", shall be defined by rules of the department in effect
5 as of January 30, 1996;

6 (2) "Animal waste wet handling facility", includes all gravity outfall lines,
7 recycle pump stations, recycle force mains and appurtenances;

8 (3) "Class IA", any concentrated animal feeding operation with a capacity
9 of seven thousand animal units or more;

10 (4) "Class IB", any concentrated animal feeding operation with a capacity
11 between three thousand animal units and six thousand nine hundred and
12 ninety-nine animal units inclusive;

13 (5) "Class IC", any concentrated animal feeding operation with a capacity
14 between one thousand animal units and two thousand nine hundred and
15 ninety-nine animal units inclusive;

16 (6) "Class II", any concentrated animal feeding operation with a capacity
17 of at least three hundred animal units, but less than one thousand animal units;

18 (7) **"Continuing authority", any person as the term is defined in**
19 **section 144.010, legal entity, registered corporate entity, or permanent**
20 **organization that maintains legal responsibility;**

21 (8) "Department", the department of natural resources;

22 [(8)] (9) "Facility", any class IA concentrated animal feeding operation
23 which uses a flush system;

24 [(9)] (10) "Flush system", a system of moving or removing manure
25 utilizing liquid as the primary agent as opposed to a primarily mechanical or
26 automatic device;

27 [(10)] (11) "Sensitive areas", areas in the watershed located within five
28 miles upstream of any stream or river drinking water intake structure, other than
29 those intake structures on the Missouri and Mississippi rivers.

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