

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 37

AN ACT

To repeal sections 135.305, 135.686, 208.018, 266.355, 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 348.436, 348.500, 643.050, 643.079, and 643.245, RSMo, and to enact in lieu thereof thirty new sections relating to agriculture, with an effective date for certain sections.

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

Section A. Sections 135.305, 135.686, 208.018, 266.355,
 2 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038,
 3 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065,
 4 281.070, 281.075, 281.085, 281.101, 348.436, 348.500, 643.050,
 5 643.079, and 643.245, RSMo, are repealed and thirty new sections
 6 enacted in lieu thereof, to be known as sections 135.305,
 7 135.686, 135.755, 135.775, 208.018, 281.015, 281.020, 281.025,
 8 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048,
 9 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075,
 10 281.085, 281.101, 301.033, 348.436, 348.500, 643.050, 643.079,
 11 and 643.245, to read as follows:

135.305. A Missouri wood energy producer shall be
 2 eligible for a tax credit on taxes otherwise due under
 3 chapter 143, except sections 143.191 to 143.261, as a
 4 production incentive to produce processed wood products in a
 5 qualified wood-producing facility using Missouri forest
 6 product residue. The tax credit to the wood energy producer
 7 shall be five dollars per ton of processed material. The
 8 credit may be claimed for a period of five years and is to
 9 be a tax credit against the tax otherwise due. No new tax

10 credits, provided for under sections 135.300 to 135.311,
11 shall be authorized after June 30, ~~[2020]~~ 2026. In no event
12 shall the aggregate amount of all tax credits allowed under
13 sections 135.300 to 135.311 exceed six million dollars in
14 any given fiscal year. There shall be no tax credits
15 authorized under sections 135.300 to 135.311 unless an
16 appropriation is made for such tax credits.

135.686. 1. This section shall be known and may be
2 cited as the "Meat Processing Facility Investment Tax Credit
3 Act".

4 2. As used in this section, the following terms mean:

5 (1) "Authority", the agricultural and small business
6 development authority established in chapter 348;

7 (2) "Meat processing facility", any commercial plant,
8 as defined under section 265.300, at which livestock are
9 slaughtered or at which meat or meat products are processed
10 for sale commercially and for human consumption;

11 (3) "Meat processing modernization or expansion",
12 constructing, improving, or acquiring buildings or
13 facilities, or acquiring equipment for meat processing
14 including the following, if used exclusively for meat
15 processing and if acquired and placed in service in this
16 state during tax years beginning on or after January 1,
17 2017, but ending on or before December 31, ~~[2021]~~ 2026:

18 (a) Building construction including livestock
19 handling, product intake, storage, and warehouse facilities;

20 (b) Building additions;

21 (c) Upgrades to utilities including water, electric,
22 heat, refrigeration, freezing, and waste facilities;

23 (d) Livestock intake and storage equipment;

24 (e) Processing and manufacturing equipment including
25 cutting equipment, mixers, grinders, sausage stuffers, meat

26 smokers, curing equipment, cooking equipment, pipes, motors,
27 pumps, and valves;

28 (f) Packaging and handling equipment including
29 sealing, bagging, boxing, labeling, conveying, and product
30 movement equipment;

31 (g) Warehouse equipment including storage and curing
32 racks;

33 (h) Waste treatment and waste management equipment
34 including tanks, blowers, separators, dryers, digesters, and
35 equipment that uses waste to produce energy, fuel, or
36 industrial products;

37 (i) Computer software and hardware used for managing
38 the claimant's meat processing operation including software
39 and hardware related to logistics, inventory management,
40 production plant controls, and temperature monitoring
41 controls; and

42 (j) Construction or expansion of retail facilities or
43 the purchase or upgrade of retail equipment for the
44 commercial sale of meat products if the retail facility is
45 located at the same location as the meat processing facility;

46 (4) "Tax credit", a credit against the tax otherwise
47 due under chapter 143, excluding withholding tax imposed
48 under sections 143.191 to 143.265, or otherwise due under
49 chapter 147;

50 (5) "Taxpayer", any individual or entity who:

51 (a) Is subject to the tax imposed under chapter 143,
52 excluding withholding tax imposed under sections 143.191 to
53 143.265, or the tax imposed under chapter 147;

54 (b) In the case of an individual, is a resident of
55 this state as verified by a 911 address or, in the absence
56 of a 911 system, a physical address; and

57 (c) Owns a meat processing facility located in this
58 state;

59 (6) "Used exclusively", used to the exclusion of all
60 other uses except for use not exceeding five percent of
61 total use.

62 3. For all tax years beginning on or after January 1,
63 2017, but ending on or before December 31, [2021] 2026, a
64 taxpayer shall be allowed a tax credit for meat processing
65 modernization or expansion related to the taxpayer's meat
66 processing facility. The tax credit amount shall be equal
67 to twenty-five percent of the amount the taxpayer paid in
68 the tax year for meat processing modernization or expansion.

69 4. The amount of the tax credit claimed shall not
70 exceed the amount of the taxpayer's state tax liability for
71 the tax year for which the credit is claimed. No tax credit
72 claimed under this section shall be refundable. The tax
73 credit shall be claimed in the tax year in which the meat
74 processing modernization or expansion expenses were paid,
75 but any amount of credit that the taxpayer is prohibited by
76 this section from claiming in a tax year may be carried
77 forward to any of the taxpayer's four subsequent tax years.
78 The total amount of tax credits that any taxpayer may claim
79 shall not exceed seventy-five thousand dollars per year. If
80 two or more persons own and operate the meat processing
81 facility, each person may claim a credit under this section
82 in proportion to his or her ownership interest; except that,
83 the aggregate amount of the credits claimed by all persons
84 who own and operate the meat processing facility shall not
85 exceed seventy-five thousand dollars per year. The amount
86 of tax credits authorized in this section and section
87 135.679 in a calendar year shall not exceed two million
88 dollars. Tax credits shall be issued on an as-received
89 application basis until the calendar year limit is reached.
90 Any credits not issued in any calendar year shall expire and
91 shall not be issued in any subsequent year.

92 5. To claim the tax credit allowed under this section,
93 the taxpayer shall submit to the authority an application
94 for the tax credit on a form provided by the authority and
95 any application fee imposed by the authority. The
96 application shall be filed with the authority at the end of
97 each calendar year in which a meat processing modernization
98 or expansion project was completed and for which a tax
99 credit is claimed under this section. The application shall
100 include any certified documentation, proof of meat
101 processing modernization or expansion, and any other
102 information required by the authority. All required
103 information obtained by the authority shall be confidential
104 and not disclosed except by court order, subpoena, or as
105 otherwise provided by law. If the taxpayer and the meat
106 processing modernization or expansion meet all criteria
107 required by this section and approval is granted by the
108 authority, the authority shall issue a tax credit
109 certificate in the appropriate amount. Tax credit
110 certificates issued under this section may be assigned,
111 transferred, sold, or otherwise conveyed, and the new owner
112 of the tax credit certificate shall have the same rights in
113 the tax credit as the original taxpayer. If a tax credit
114 certificate is assigned, transferred, sold, or otherwise
115 conveyed, a notarized endorsement shall be filed with the
116 authority specifying the name and address of the new owner
117 of the tax credit certificate and the value of the tax
118 credit.

119 6. Any information provided under this section shall
120 be confidential information, to be shared with no one except
121 state and federal animal health officials, except as
122 provided in subsection 5 of this section.

123 7. The authority shall promulgate rules establishing a
124 process for verifying that a facility's modernization or

125 expansion for which tax credits were allowed under this
126 section has in fact expanded the facility's production
127 within three years of the issuance of the tax credit and if
128 not, the authority shall promulgate through rulemaking a
129 process by which the taxpayer shall repay the authority an
130 amount equal to that of the tax credit allowed.

131 8. The authority shall, at least annually, submit a
132 report to the Missouri general assembly reviewing the costs
133 and benefits of the program established under this section.

134 9. The authority may promulgate rules to implement the
135 provisions of this section. Any rule or portion of a rule,
136 as that term is defined in section 536.010, that is created
137 under the authority delegated in this section shall become
138 effective only if it complies with and is subject to all of
139 the provisions of chapter 536 and, if applicable, section
140 536.028. This section and chapter 536 are nonseverable and
141 if any of the powers vested with the general assembly
142 pursuant to chapter 536 to review, to delay the effective
143 date, or to disapprove and annul a rule are subsequently
144 held unconstitutional, then the grant of rulemaking
145 authority and any rule proposed or adopted after August 28,
146 2016, shall be invalid and void.

147 10. This section shall not be subject to the Missouri
148 sunset act, sections 23.250 to 23.298.

135.755. 1. For the purposes of this section, the
2 following terms shall mean:

3 (1) "Department", the Missouri department of revenue;

4 (2) "Higher ethanol blend", a fuel capable of being
5 dispensed directly into motor vehicle fuel tanks for
6 consumption that is comprised of at least fifteen percent
7 but not more than eighty-five percent ethanol;

8 (3) "Retail dealer", a person that owns or operates a
9 retail service station;

10 (4) "Retail service station", a location from which
11 higher ethanol blend is sold to the general public and is
12 dispensed directly into motor vehicle fuel tanks for
13 consumption.

14 2. For all tax years beginning on or after January 1,
15 2022, a retail dealer that sells higher ethanol blend at
16 such retail dealer's retail service station shall be allowed
17 a tax credit to be taken against the retail dealer's state
18 income tax liability. The amount of the credit shall equal
19 five cents per gallon of higher ethanol blend sold by the
20 retail dealer and dispensed through metered pumps at the
21 retail dealer's retail service station during the tax year
22 in which the tax credit is claimed. Tax credits authorized
23 pursuant to this section shall not be transferred, sold, or
24 assigned. If the amount of the tax credit exceeds the
25 taxpayer's state tax liability, the difference shall not be
26 refundable, but may be carried forward to any of the five
27 subsequent tax years. The total amount of tax credits
28 authorized pursuant to this section for any given fiscal
29 year shall not exceed four million dollars.

30 3. The tax credit allowed by this section shall be
31 claimed by such taxpayer at the time such taxpayer files a
32 return and shall be applied against the income tax liability
33 imposed by chapter 143 after reduction for all other credits
34 allowed thereon. The department may require any
35 documentation it deems necessary to implement the provisions
36 of this section.

37 4. Nothing in this section shall be construed to
38 mandate the sale of higher ethanol blends in Missouri.

39 5. The department shall promulgate rules to implement
40 the provisions of this section. Any rule or portion of a
41 rule, as that term is defined in section 536.010, that is
42 created under the authority delegated in this section shall

43 become effective only if it complies with and is subject to
44 all of the provisions of chapter 536 and, if applicable,
45 section 536.028. This section and chapter 536 are
46 nonseverable and if any of the powers vested with the
47 general assembly pursuant to chapter 536 to review, to delay
48 the effective date, or to disapprove and annul a rule are
49 subsequently held unconstitutional, then the grant of
50 rulemaking authority and any rule proposed or adopted after
51 August 28, 2021, shall be invalid and void.

52 6. Pursuant to section 23.253 of the Missouri sunset
53 act:

54 (1) The provisions of this section shall automatically
55 sunset on December 31, 2026, unless reauthorized by an act
56 of the general assembly; and

57 (2) If such program is reauthorized, the program
58 authorized under this section shall automatically sunset
59 twelve years after the effective date of the reauthorization
60 of this section; and

61 (3) This section shall terminate on September first of
62 the calendar year immediately following the calendar year in
63 which the program authorized under this section is sunset.

135.775. 1. For the purposes of this section, the
2 following terms shall mean:

3 (1) "Biodiesel blend", a blend of diesel fuel and
4 biodiesel fuel between five percent and twenty percent for
5 on-road and off-road diesel-fueled vehicle use. Biodiesel
6 blend shall comply with the ASTM International specification
7 D7467-19, or the most recent specifications;

8 (2) "Biodiesel fuel", a renewable, biodegradable, mono
9 alkyl ester combustible liquid fuel that is derived from
10 agricultural and other plant oils or animal fats and that
11 meets the ASTM International specification D6751-19, or the
12 most recent specification, for Biodiesel Fuel (B100) or

13 (B99) Blend Stock for Distillate Fuels. Biodiesel produced
14 from palm oil is not biodiesel fuel for the purposes of this
15 section, unless the palm oil is contained within waste oil
16 and grease collected within the United States;

17 (3) "Department", the Missouri department of revenue;

18 (4) "Retail dealer", a person that owns or operates a
19 retail service station;

20 (5) "Retail service station", a location from which
21 biodiesel blend is sold to the general public and is
22 dispensed directly into motor vehicle fuel tanks for
23 consumption.

24 2. For all tax years beginning on or after January 1,
25 2022, a retail dealer that sells a biodiesel blend at a
26 retail service station shall be allowed a tax credit to be
27 taken against the retail dealer's state income tax
28 liability. The amount of the tax credit shall be as follows:

29 (1) Two cents per gallon of biodiesel blend of at
30 least five percent but not more than ten percent sold by a
31 retail dealer at a retail service station during the tax
32 year for which the tax credit is claimed; or

33 (2) Five cents per gallon of biodiesel blend in excess
34 of ten percent sold by a retail dealer at a retail service
35 station during the tax year for which the tax credit is
36 claimed.

37 Tax credits authorized pursuant to this section shall not be
38 transferred, sold, or assigned. If the amount of the tax
39 credit exceeds the taxpayer's state tax liability, the
40 difference shall be refundable. The total amount of tax
41 credits authorized pursuant to this section for any given
42 fiscal year shall not exceed sixteen million dollars.

43 3. In the event the total amount of tax credits
44 claimed under this section exceeds the amount of available
45 tax credits, the tax credits shall be apportioned equally to

46 all eligible retail dealers claiming the credit by April
47 fifteenth of the fiscal year in which the tax credit is
48 claimed.

49 4. The tax credit allowed by this section shall be
50 claimed by such taxpayer at the time such taxpayer files a
51 return and shall be applied against the income tax liability
52 imposed by chapter 143 after reduction for all other credits
53 allowed thereon. The department may require any
54 documentation it deems necessary to implement the provisions
55 of this section.

56 5. The department may work with the division of
57 weights and measures within the department of agriculture to
58 validate that the biodiesel blend a retail dealer claims for
59 the tax credit authorized under this section contains a
60 sufficient percentage of biodiesel fuel.

61 6. The department shall promulgate rules to implement
62 the provisions of this section. Any rule or portion of a
63 rule, as that term is defined in section 536.010, that is
64 created under the authority delegated in this section shall
65 become effective only if it complies with and is subject to
66 all of the provisions of chapter 536 and, if applicable,
67 section 536.028. This section and chapter 536 are
68 nonseverable and if any of the powers vested with the
69 general assembly pursuant to chapter 536 to review, to delay
70 the effective date, or to disapprove and annul a rule are
71 subsequently held unconstitutional, then the grant of
72 rulemaking authority and any rule proposed or adopted after
73 August 28, 2021, shall be invalid and void.

74 7. Nothing in this section shall be construed to
75 mandate the sale of biodiesel blends in Missouri.

76 8. Pursuant to section 23.253 of the Missouri sunset
77 act:

78 (1) The provisions of this section shall automatically
79 sunset on December 31, 2026, unless reauthorized by an act
80 of the general assembly; and

81 (2) If such program is reauthorized, the program
82 authorized under this section shall automatically sunset
83 twelve years after the effective date of the reauthorization
84 of this section; and

85 (3) This section shall terminate on September first of
86 the calendar year immediately following the calendar year in
87 which the program authorized under this section is sunset.

208.018. 1. Subject to federal approval, the
2 department of social services shall establish a pilot
3 program for the purpose of providing Supplemental Nutrition
4 Assistance Program (SNAP) participants with access and the
5 ability to afford fresh food when purchasing fresh food at
6 farmers' markets. The pilot program shall be established in
7 at least one rural area and one urban area. Under the pilot
8 program, such participants shall be able to:

9 (1) Purchase fresh fruit, vegetables, meat, fish,
10 poultry, eggs, and honey with SNAP benefits with an
11 electronic benefit transfer (EBT) card; and

12 (2) Receive a dollar-for-dollar match for every SNAP
13 dollar spent at a participating farmers' market or vending
14 urban agricultural zone as defined in section 262.900 in an
15 amount up to ten dollars per week whenever the participant
16 purchases fresh food with an EBT card.

17 2. For purposes of this section, the term "farmers'
18 market" shall mean a market with multiple stalls at which
19 farmer-producers sell agricultural products, particularly
20 fresh fruit and vegetables, directly to the general public
21 at a central or fixed location.

22 3. Purchases of approved fresh food by SNAP
23 participants under this section shall automatically trigger

24 matching funds reimbursement into the central farmers'
25 market vendor accounts by the department.

26 4. The funding of this pilot program shall be subject
27 to appropriation. In addition to appropriations from the
28 general assembly, the department may apply for available
29 grants and shall be able to accept other gifts, grants, and
30 donations to develop and maintain the program.

31 5. The department shall promulgate rules setting forth
32 the procedures and methods of implementing this section.
33 Any rule or portion of a rule, as that term is defined in
34 section 536.010, that is created under and pursuant to the
35 authority delegated in this section shall become effective
36 only if it complies with and is subject to all of the
37 provisions of chapter 536 and, if applicable, section
38 536.028. This section and chapter 536 are nonseverable and
39 if any of the powers vested with the general assembly
40 pursuant to chapter 536 to review, to delay the effective
41 date, or to disapprove and annul a rule are subsequently
42 held unconstitutional, then the grant of rulemaking
43 authority and any rule proposed or adopted after August 28,
44 2014, shall be invalid and void.

45 6. Under and pursuant to section 23.253 of the
46 Missouri sunset act:

47 (1) The provisions of this section shall [sunset
48 automatically six years after the effective date of this
49 section unless reauthorized by an act of the general
50 assembly; and

51 (2) If such program is reauthorized, the program
52 authorized under this section shall sunset automatically
53 twelve years after the effective date of the reauthorization
54 of this section] expire on August 28, 2033; and

55 [(3)] (2) This section shall terminate on September
56 [first of the calendar year immediately following the

57 calendar year in which the program authorized under this
58 section is sunset] 1, 2034.

281.015. Sections 281.005 to 281.115 shall be
2 administered by the director of the department of
3 agriculture of the state of Missouri[, hereafter referred to
4 as the "director"].

281.020. As used in sections 281.010 to 281.115, the
2 following terms mean:

3 (1) "Animal", all vertebrate and invertebrate species,
4 including but not limited to man and other mammals, birds,
5 fish, and shellfish;

6 (2) "Applicator, operator or technician":

7 (a) "Certified applicator", any certified commercial
8 applicator, certified noncommercial applicator, certified
9 private applicator, certified provisional private
10 applicator, or certified public operator;

11 (b) "Certified commercial applicator", any individual,
12 whether or not [he] the individual is a private applicator
13 with respect to some uses, who is certified by the director
14 as authorized to use, supervise the use of, [or] determine
15 the need for the use of, or supervise the determination of
16 need for any pesticide, whether classified for restricted
17 use or for general use, while [he] the individual is engaged
18 in the business of using pesticides on the lands of another
19 as a direct service to the public in exchange for a fee or
20 compensation;

21 [(b)] (c) "Certified noncommercial applicator", any
22 individual, whether or not [he] the individual is a private
23 applicator with respect to some uses, who is certified by
24 the director as authorized to use, or to supervise the use
25 of, any pesticide which is classified for restricted use
26 only on lands owned or rented by [him] the individual or
27 [his] the individual's employer;

28 [(c)] (d) "Certified private applicator", any
29 individual who is certified by the director as authorized to
30 use[, or to supervise the use of,] any pesticide [which]
31 that is classified for restricted use for purposes of
32 producing any agricultural commodity on property owned or
33 rented by [him] the individual or [his] the individual's
34 employer or on the property of another person, if used
35 without compensation other than trading of personal services
36 between producers of agricultural commodities[, on the
37 property of another person];

38 (e) "Certified provisional private applicator", any
39 individual who is sixteen or seventeen years of age, an
40 immediate family member of a certified private applicator,
41 and certified by the director to use any pesticide that is
42 classified for restricted use for purposes of producing any
43 agricultural commodity on property owned or rented by the
44 individual's immediate family member, as long as the
45 following requirements are met:

46 a. The restricted use pesticide is not a fumigant;

47 b. The restricted use pesticide does not contain
48 sodium cyanide or sodium fluoroacetate;

49 c. The individual does not apply any restricted use
50 pesticide using aerial application equipment;

51 d. The individual does not supervise the use of any
52 restricted use pesticide; and

53 e. The individual does not purchase any restricted use
54 pesticide;

55 [(d)] (f) "Certified public operator", any individual
56 who is certified by the director as authorized to use, or to
57 supervise the use of, any pesticide classified for
58 restricted use in the performance of [his] the individual's
59 duties as an official or employee of any agency of the state

60 of Missouri or any political subdivision thereof, or any
61 other governmental agency;

62 (g) "Noncertified restricted use pesticide
63 applicator", any person who is not certified in accordance
64 with sections 281.010 to 281.115 who uses or determines the
65 need for the use of restricted use pesticides under the
66 direct supervision of a certified commercial applicator or
67 uses restricted use pesticides under the direct supervision
68 of a certified noncommercial applicator or certified public
69 operator;

70 ~~[(e)]~~ (h) "Private applicator", any person not holding
71 a certified private applicator's license or certified
72 provisional private applicator's license who [shall be
73 required to obtain a permit for the use of any restricted
74 use pesticide] uses general use pesticides or minimum risk
75 pesticides for the purposes of producing any agricultural
76 commodity on property owned or rented by [him] the person or
77 [his] the person's employer or on the property of another
78 person, if used without compensation other than trading of
79 personal services between producers of agricultural
80 commodities[, such permit shall authorize the one-time
81 emergency purchase of a restricted use pesticide for the
82 purpose of a one-time emergency use of that pesticide];

83 ~~[(f)]~~ (i) "Pesticide technician", any individual
84 working under the direct supervision of a commercial
85 applicator certified in categories as specified by
86 regulation, and who having met the competency requirements
87 of [this chapter] sections 281.010 to 281.115, is authorized
88 by the director to determine the need for the use of any
89 pesticide as well as to the use of any pesticide;

90 ~~[(g)]~~ (j) "Pesticide technician trainee", any
91 individual working in the physical presence and under the
92 direct supervision of a certified commercial applicator to

93 gain the required on-the-job training in preparation for
94 obtaining a pesticide technician's license;

95 (3) "Beneficial insects", those insects ~~[which]~~ that,
96 during their life cycle, are effective pollinators of
97 plants, are parasites or predators of pests, or are
98 otherwise beneficial;

99 (4) "Defoliant", any substance or mixture of
100 substances intended for causing the leaves or foliage to
101 drop from a plant, with or without causing abscission;

102 (5) "Department" or "department of agriculture", the
103 state department of agriculture, and when by sections
104 281.010 to 281.115 the department of agriculture is charged
105 to perform a duty, the director of the department of
106 agriculture is authorized to perform such duty;

107 ~~[(5)]~~ (6) "Desiccant", any substance or mixture of
108 substances intended for artificially accelerating the drying
109 of plant tissue;

110 ~~[(6)]~~ (7) "Determining the need for the use of any
111 pesticide", the act of inspecting land for the presence of
112 pests for the purpose of contracting for their control or
113 prevention through the use of pesticides in categories as
114 specified by regulation;

115 ~~[(7)]~~ (8) "Device", any instrument or contrivance,
116 other than a firearm, ~~[which]~~ that is intended for trapping,
117 destroying, repelling, or mitigating any pest or any other
118 form of plant or animal life, other than man and other than
119 bacteria, viruses, or other microorganisms on or in living
120 man or other living animals, but not including equipment
121 used for the application of pesticides when sold separately
122 therefrom;

123 (9) "Director", the director of the department of
124 agriculture or the director's designee;

125 (10) "Distribute", to sell, offer for sale, hold for
126 sale, deliver for transportation in intrastate commerce, or
127 transport in intrastate commerce;

128 [(8)] (11) "Environment" includes, but is not limited
129 to, water, air, land, and all plants and man and other
130 animals living therein, and the interrelationships [which]
131 that exist among these;

132 [(9)] (12) "Equipment" [means], any type of ground,
133 water, or aerial equipment or contrivance using motorized,
134 mechanical, or pressurized power and used to apply any
135 pesticide on land and anything that may be growing,
136 habitating, or stored on or in such land, but shall not
137 include any pressurized hand-sized household apparatus used
138 to apply any pesticide, or any equipment or contrivance of
139 which the person who is applying the pesticide is the source
140 of power or energy in making such pesticide application;

141 [(10)] (13) "Fungus", any nonchlorophyll-bearing
142 thallophyte, [that] which is[,] any nonchlorophyll-bearing
143 plant of a lower order than mosses and liverworts, such as[,
144 for example,] rust, smut, mildew, mold, yeast, and bacteria,
145 except those on or in living man or other living animals,
146 and except those on or in processed food, beverages, or
147 pharmaceuticals;

148 (14) "General use pesticide", any pesticide, when
149 applied in accordance with its directions for use, warnings,
150 and cautions, and for the uses for which it is registered,
151 or for one or more of such uses, or in accordance with a
152 widespread and commonly recognized practice, that will not
153 generally cause unreasonable adverse effects on the
154 environment;

155 (15) "Immediate family", familial relationships
156 limited to the spouse, parents, stepparents, foster parents,
157 father-in-law, mother-in-law, children, stepchildren, foster

158 children, sons-in-law, daughters-in-law, grandparents,
159 brothers, sisters, brothers-in-law, sisters-in-law, aunts,
160 uncles, nieces, nephews, and first cousins. As used in this
161 subdivision, "first cousin" means the child of a parent's
162 sibling, i.e., the child of an aunt or uncle;

163 [(11)] (16) "Individual", any responsible, natural
164 human being;

165 [(12)] (17) "Insect", any of the numerous small
166 invertebrate animals generally having the body more or less
167 obviously segmented, for the most part belonging to the
168 class Insecta, comprising six-legged, usually winged forms,
169 such as [, for example,] beetles, bugs, bees, flies, and to
170 other allied classes of arthropods whose members are
171 wingless and usually have more than six legs, such as [, for
172 example,] spiders, mites, ticks, centipedes, and wood lice;

173 [(13)] (18) "Land", all land and water areas,
174 including airspace, and all plants, animals, structures,
175 buildings, contrivances and machinery, appurtenant thereto
176 or situated thereon, fixed or mobile, including any used for
177 transportation;

178 (19) "Minimum risk pesticide", any pesticide product
179 exempted under 40 C.F.R. 152.25(f) from registration
180 requirements under the Federal Insecticide, Fungicide, and
181 Rodenticide Act (FIFRA), as amended;

182 [(14)] (20) "Misuse of a pesticide", a use of any
183 [registered] pesticide in a manner inconsistent with its
184 labeling; provided, that the use of a lesser concentration
185 than provided on the label shall not be considered the
186 misuse of a pesticide when used strictly for agricultural
187 purposes, and when requested in writing by the person on
188 whose behalf a pesticide is used;

189 [(15)] (21) "Nematode", invertebrate animals of the
190 phylum Nemathelminthes and class Nematoda, that is,

191 unsegmented round worms with elongated, fusiform, or sac-
192 like bodies covered with cuticle, and inhabiting soil,
193 water, plants, or plant parts; may also be called nemas or
194 eelworms;

195 (22) "Nontarget organism", any plant, animal, or
196 organism other than the target pests that a pesticide is
197 intended to affect;

198 [(16)] (23) "Person", any individual, partnership,
199 association, fiduciary, corporation, or any organized group
200 of persons whether incorporated or not;

201 [(17)] (24) "Pest":

202 (a) Any insect, snail, slug, rodent, nematode, fungus,
203 weed; or

204 (b) Any other form of terrestrial or aquatic plant or
205 animal life or virus, bacterium, or other microorganism,
206 except viruses, bacteria, or other microorganisms on or in
207 living man or other living animals, [which] that is normally
208 considered to be a pest;

209 [(18)] (25) "Pesticide":

210 (a) Any substance or mixture of substances intended
211 for preventing, destroying, repelling, or mitigating any
212 pest; or

213 (b) Any substance or mixture of substances intended
214 for use as a plant regulator, defoliant, or desiccant;

215 [(19)] (26) "Pesticide dealer", any individual who is
216 engaged in the business of distributing, selling, offering
217 for sale, or holding for sale at retail, or direct wholesale
218 to the end user, any pesticide classified for restricted use;

219 (27) "Pesticide dealership", any location or outlet
220 where restricted use pesticides are held for sale,
221 distributed, or sold;

222 [(20)] (28) "Plant regulator", any substance or
223 mixture of substances, intended, through physiological

224 action, for accelerating or retarding the rate of growth or
225 rate of maturation, or for otherwise altering the behavior
226 of plants or the produce thereof, but shall not include
227 substances to the extent that they are intended as plant
228 nutrients, trace elements, nutritional chemicals, plant
229 inoculants, or soil amendments. The term "plant regulator"
230 does not include any of those nutrient mixtures or soil
231 amendments [which] that are commonly known as vitamin-
232 hormone horticultural products, intended for improvement,
233 maintenance, survival, health and propagation of plants, and
234 [which] that are not for pest destruction and are nontoxic,
235 nonpoisonous in the undiluted package concentration;

236 [(21) "Private applicator permit", a written
237 certificate, issued by the director or his authorized agent,
238 authorizing the purchase, possession or use of certain
239 restricted use pesticides by a private applicator. Such
240 permit shall authorize the one-time emergency purchase of a
241 restricted use pesticide for the purpose of a one-time
242 emergency use of such pesticide;

243 [(22)] (29) "Restricted use pesticide" or "RUP", any
244 pesticide when applied in accordance with its directions for
245 use, warnings and cautions and for the uses for which it is
246 registered, or for one or more of such uses, or in
247 accordance with a widespread and commonly recognized
248 practice, the director determines may cause, without
249 additional regulatory restrictions, unreasonable adverse
250 effects on the environment, including injury to the
251 applicator;

252 [(23)] (30) "Sale", selling or offering for sale any
253 pesticide;

254 [(24)] (31) "Snails" or "slugs" includes all harmful
255 mollusks;

256 [(25)] (32) "Unreasonable adverse effects on the
257 environment", any unreasonable risk to man or the
258 environment, taking into account the economic, social, and
259 environmental costs and benefits of the use of any pesticide;

260 [(26)] (33) "Under the direct supervision of a
261 certified applicator", when a pesticide is used by a
262 competent person acting under the instructions and control
263 of a certified applicator who is available if and when
264 needed, even though such certified applicator is not
265 physically present at the time and place the pesticide is
266 used;

267 [(27)] (34) "Use", mixing, loading, or applying [,
268 storing or disposing of a] any pesticide; cleaning pesticide
269 equipment; or storing or disposing of pesticide containers,
270 pesticides, spray mix, equipment wash waters, or other
271 pesticide-containing materials;

272 [(28)] (35) "Weed", any plant [which] that grows where
273 not wanted; [and

274 (29)] (36) "Wildlife", all living things that are
275 neither human, domesticated, or pests, including, but not
276 limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce
2 the provisions of sections 281.010 to 281.115 and shall have
3 authority to issue regulations after a public hearing
4 following due notice of not less than thirty days to all
5 interested persons, in conformance with the provisions of
6 chapter 536, to carry out the provisions of sections 281.010
7 to 281.115. Where the director finds that such regulations
8 are needed to carry out the purpose and intent of sections
9 281.010 to 281.115, such regulations may relate to, but need
10 not be limited to, prescribing the time, place, manner,
11 methods, materials, and amounts and concentrations, in
12 connection with the use of the pesticide, and may restrict

13 or prohibit use of pesticides in designated areas during
14 specified periods of time and shall encompass all reasonable
15 factors [which] that the director deems necessary to prevent
16 damage or injury. In issuing such regulations, the director
17 may give consideration to pertinent research findings and
18 recommendations of other agencies of this state, the federal
19 government, or other reliable sources. The director may by
20 regulation require that notice of a proposed application of
21 a pesticide be given to landowners adjoining the property to
22 be treated or in the immediate vicinity thereof, if [he] the
23 director finds that such notice is necessary to carry out
24 the purpose of sections 281.010 to 281.115. [The director
25 may, by regulation, provide for the one-time emergency
26 purchase and one-time emergency use of a restricted use
27 pesticide by a private applicator.]

28 2. The pesticides on the list of restricted use
29 pesticides, as determined by the federal agency having
30 jurisdiction over the classification of pesticides, shall be
31 so restricted in the state of Missouri. The director shall
32 publish, at least annually, a list of pesticides [which]
33 that have restricted uses. Such publication shall be made
34 available to the public upon request. If the director
35 determines that a pesticide, when used in accordance with
36 its directions for use, warnings, and cautions, and for uses
37 for which it is registered, may cause, without additional
38 regulatory restrictions, unreasonable adverse effects on the
39 environment, including injury to the applicator or other
40 persons, the pesticide shall be used only by or under the
41 direct supervision of a certified applicator[, or a private
42 applicator with a permit]. Such pesticides may be subject
43 to other restrictions as determined by the director, to
44 include the time and conditions of possession and use.

45 3. No regulation, or any amendment or repeal thereof,
46 provided for in sections 281.010 to 281.115 shall be
47 adopted, except after public hearing giving an opportunity
48 to the public to be heard, to be held after no less than
49 thirty days' prior notice of the date, time, and place of
50 hearing, to be given by regular mail to any person who has
51 registered with the director for purposes of notice of such
52 public hearings, in accordance with procedures prescribed by
53 the director.

54 4. At any hearing, opportunity to be heard shall be
55 afforded to any interested person upon written request
56 received not later than twenty-four hours prior to the
57 hearing, and may also be afforded to other persons. In
58 addition, any interested person, whether or not heard, may
59 submit within seven days subsequent to the hearing a written
60 statement of views. The director may solicit the views in
61 writing of persons who may be affected by, or interested in
62 any proposed regulation. Any person heard or represented at
63 the hearing, or making written request for notice, shall be
64 given written notice of the action of the director with
65 respect to the subject thereof.

66 5. No rule or portion of a rule promulgated under the
67 authority of this chapter shall become effective unless it
68 has been promulgated pursuant to the provisions of section
69 536.024.

281.030. 1. The director may, by regulation, classify
2 [certified applicator, operator or technician] licenses to
3 be issued under sections 281.010 to 281.115. Such
4 classifications may include but not be limited to commercial
5 applicators, noncommercial applicators, private applicators,
6 provisional private applicators, public operators [or],
7 pesticide technicians, or noncertified RUP applicators.
8 Separate classifications may be specified as to ground,

9 aerial, or manual methods used by any licensee to apply
10 pesticides or to the use of pesticides for the control of
11 pests.

12 2. The director may, by regulation, establish
13 certification categories to be provided under each license
14 classification. Each certification category shall be
15 subject to separate testing procedures and requirements;
16 provided, that no individual shall be required to pay an
17 additional fee if [he] the individual is certified in one or
18 all of the certification categories provided under the
19 license for which [he] the individual has applied. The
20 director may, by regulation, establish certification
21 categories limited to the use of certain pesticides and
22 issue a license therefor. Each certification category shall
23 be subject to separate testing procedures covering only
24 those pesticides for which the applicant seeks to be
25 licensed.

26 3. The director may by regulation establish fees for
27 identification documents.

281.035. 1. No individual shall engage in the
2 business of determining the need for the use of, supervising
3 the use of, supervising the determination of the need for
4 the use of, or using any pesticide, in categories as
5 specified by regulation, on the lands of another at any time
6 without a certified commercial applicator's license issued
7 by the director. A certified commercial applicator shall
8 not determine the need for the use of, supervise the use of,
9 supervise the determination of the need for the use of, or
10 use any pesticide for any particular purpose unless [he or
11 she] the certified commercial applicator has demonstrated
12 [his or her] such certified commercial applicator's
13 competence to use pesticides for that purpose by being
14 certified by the director in the proper certification

15 category. The director shall require an annual fee of sixty-
16 five dollars for each certified commercial applicator's
17 license issued. No certified commercial applicator shall
18 knowingly authorize, direct, or instruct any individual to
19 engage in determining the need for the use of or using any
20 general use pesticide or minimum risk pesticide on the land
21 of another at any time unless such individual is a pesticide
22 technician or pesticide technician trainee in such
23 categories as specified by regulation or is working under
24 the direct supervision of a certified commercial applicator
25 so authorizing, directing or instructing, in which case the
26 certified commercial applicator shall be liable for any use
27 of a general use pesticide or minimum risk pesticide by an
28 individual operating under [his or her] the certified
29 commercial applicator's direct supervision. The certified
30 commercial applicator or the employer shall assure that the
31 director is informed in writing within ten [working] days of
32 the employment of any person as a pesticide technician or
33 pesticide technician trainee.

34 2. No certified commercial applicator shall knowingly
35 authorize, direct, or instruct any individual to engage in
36 determining the need for the use of or using any restricted
37 use pesticide on the land of another at any time unless such
38 individual is licensed as a noncertified RUP applicator
39 while working under the direct supervision of a certified
40 commercial applicator so authorizing, directing, or
41 instructing, in which case the certified commercial
42 applicator shall be liable for any use of a restricted use
43 pesticide by an individual operating under the certified
44 commercial applicator's direct supervision

45 3. Application for a certified commercial applicator's
46 license shall be [made in writing] submitted to the director
47 on a designated form obtained from the [director's office]

48 department. Each application shall include such information
49 as prescribed by the director by regulation.

50 [3.] 4. The director shall not issue a certified
51 commercial applicator's license until the applicant is
52 certified by passing an examination provided by the director
53 to demonstrate to the director [his or her] the applicant's
54 competence and knowledge of the proper use of pesticides
55 under the classifications [he or she] the applicant had
56 applied for, and [his or her] the applicant's knowledge of
57 the standards prescribed by regulations for the
58 certification of commercial applicators.

59 [4.] 5. The director may renew any certified
60 commercial applicator's license under the classification for
61 which such applicant is licensed, [subject to] upon
62 successful completion of approved recertification training
63 or reexamination for additional knowledge that may be
64 required to use pesticides safely and properly either
65 manually or with equipment the applicant has been licensed
66 to operate.

67 [5.] 6. If the director finds the applicant qualified
68 to use pesticides in the classification for which
69 application has been made, and if the applicant files
70 evidence that the requirement for bonds or insurance has
71 been met as required under section 281.065, the director
72 shall issue a certified commercial applicator's license
73 limited to the classifications for which [he or she] the
74 applicant is qualified, which shall expire one year from
75 date of issuance unless [it] the license has been revoked or
76 suspended prior thereto by the director for cause; provided,
77 such financial responsibility required under section 281.065
78 does not expire at an earlier date, in which case [said] the
79 license shall expire upon the expiration date of the
80 financial responsibility. The director may limit the

81 license of the applicant to the use of certain [restricted
82 use] pesticides, or to certain areas, or to certain types of
83 equipment if the applicant is only so qualified. If a
84 license is not issued as applied for, the director shall
85 inform the applicant in writing of the reasons therefor.

86 [6.] 7. The director shall require each certified
87 commercial applicator or [his or her] the certified
88 commercial applicator's employer to maintain records with
89 respect to applications of any pesticide, including
90 pesticides used under direct supervision by licensed
91 pesticide technicians, pesticide technician trainees, and
92 licensed noncertified RUP applicators. Such relevant
93 information as the director may deem necessary may be
94 specified by regulation. Such records shall be kept for a
95 period of three years from the date of the application of
96 the pesticide to which such records refer, and the director
97 shall, upon request in writing, be furnished with a copy of
98 such records by any certified commercial applicator or [his
99 or her] the certified commercial applicator's employer.

100 [7.] 8. A person or individual engaged in the business
101 of using pesticides on the lands of another, who is deprived
102 of [his or her] such person's or individual's sole certified
103 commercial applicator by reason of death, illness,
104 incapacity, or any absence which the director determines is
105 unavoidable, is authorized to continue business operations
106 without the services of a certified commercial applicator
107 for a period of time deemed appropriate by the director, but
108 not to exceed sixty days; except that, no restricted-use
109 pesticide shall be used, or caused to be used, by such
110 person or individual. Any such person or individual shall
111 immediately notify the director as to the absence of [his or
112 her] such person's or individual's sole certified commercial
113 applicator.

114 [8.] 9. Every certified commercial applicator shall
115 display [his or her] the certified commercial applicator's
116 license in a prominent place at the site, location, or
117 office from which [he or she] the certified commercial
118 applicator will operate as a certified commercial
119 applicator; that place, location or office being at the
120 address printed on the license.

121 [9.] 10. Every certified commercial applicator who
122 changes the address from which [he or she] the certified
123 commercial applicator will operate as a certified commercial
124 applicator shall immediately notify the director. The
125 director shall immediately issue a revised license upon
126 which shall be printed the changed address. The director
127 shall not collect a fee for the issuance of a revised
128 license. The expiration date of the revised license shall
129 be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified
2 pursuant to section 281.035, 281.040, or 281.045[, or has
3 not been issued a private applicator permit pursuant to
4 subsection 5 of section 281.040] shall not use, or supervise
5 the use of, any [restricted-use] restricted use pesticide
6 without a certified noncommercial applicator license. A
7 certified noncommercial applicator shall not use, or
8 supervise the use of, any restricted use pesticide for any
9 purpose unless [he or she] the certified noncommercial
10 applicator has demonstrated [his or her] the certified
11 noncommercial applicator's competence to use pesticides for
12 that purpose by being certified by the director in the
13 proper certification category.

14 2. No certified noncommercial applicator shall
15 knowingly authorize, direct, or instruct any individual to
16 engage in using any restricted use pesticide on lands or
17 structures owned, leased, or rented by the certified

18 noncommercial applicator or the certified noncommercial
19 applicator's employer unless such individual is licensed as
20 a noncertified RUP applicator while working under the direct
21 supervision of a certified noncommercial applicator so
22 authorizing, directing, or instructing, in which case the
23 certified noncommercial applicator shall be liable for any
24 use of a restricted use pesticide by an individual operating
25 under the certified noncommercial applicator's direct
26 supervision.

27 3. Application for a certified noncommercial
28 applicator license shall be [made in writing] submitted to
29 the director on a designated form obtained from the
30 [director's office] department. Each application shall
31 include such information as prescribed by the director by
32 regulation.

33 [3.] 4. The director shall not issue a certified
34 noncommercial applicator license until the applicant is
35 certified by passing an examination provided by the director
36 to demonstrate to the director [his or her] the applicant's
37 competence and knowledge of the proper use of pesticides
38 under the classifications for which [he or she] the
39 applicant has applied, and [his or her] the applicant's
40 knowledge of the standards prescribed by regulations for the
41 certification of noncommercial applicators.

42 [4.] 5. If the director finds the applicant qualified
43 to use restricted use pesticides in the classification for
44 which [he or she] the applicant has applied, the director
45 shall issue a certified noncommercial applicator license
46 limited to the applicator categories in which [he or she]
47 the applicant is certified. The license shall expire one
48 year from the date of issuance unless [it] the license has
49 been revoked or suspended prior thereto by the director for
50 cause. The director may limit the license of the applicant

51 to the use of certain restricted use pesticides, or to
52 certain areas, or to certain types of equipment if the
53 applicant is only so qualified. If a license is not issued
54 as applied for, the director shall inform the applicant in
55 writing of the reasons therefor.

56 [5.] 6. The director may renew any certified
57 noncommercial applicator license under the classification
58 for which the license is issued [subject to] upon successful
59 completion of approved recertification training or
60 reexamination for additional knowledge [which] that may be
61 required to apply pesticides safely and properly.

62 [6.] 7. The director shall collect a fee of thirty-
63 five dollars for each certified noncommercial applicator
64 license issued.

65 [7.] 8. Any certified noncommercial applicator may
66 use, or supervise the use of, restricted use pesticides only
67 to or on lands or structures owned, leased or rented by
68 [himself or herself] the certified noncommercial applicator
69 or [his or her] the certified noncommercial applicator's
70 employer.

71 [8.] 9. The director shall require the certified
72 noncommercial applicator or [his or her] the certified
73 noncommercial applicator's employer to maintain records with
74 respect to applications of restricted use pesticides. Any
75 relevant information [which] that the director may deem
76 necessary may be required by regulation. Such records shall
77 be kept for a period of three years from the date of the
78 application of the pesticide to which such records refer,
79 and the director shall, upon request in writing, be
80 furnished with a copy of such records by any certified
81 noncommercial applicator or [his or her] the certified
82 noncommercial applicator's employer.

83 [9.] 10. Every certified noncommercial applicator
84 shall display [his or her] the certified noncommercial
85 applicator's license in a prominent place at the site,
86 location, or office from which [he or she] the certified
87 noncommercial applicator will operate as a certified
88 noncommercial applicator; that place, location, or office
89 being at the address printed on the license.

90 [10.] 11. Every certified noncommercial applicator who
91 changes the address from which [he or she] the certified
92 noncommercial applicator will operate as a certified
93 noncommercial applicator shall immediately notify the
94 director. The director shall immediately issue a revised
95 license upon which shall be printed the changed address.
96 The director shall not collect a fee for the issuance of a
97 revised license. The expiration date of the revised license
98 shall be the same as the expiration date for the original
99 license.

 281.038. 1. [After July 1, 1990,] No individual
2 working under the direct supervision of a certified
3 commercial applicator shall determine the need for the use
4 of or use any general use pesticide [nor use any] or minimum
5 risk pesticide in categories as specified by regulation,
6 unless and until the individual has met the requirements of
7 [this chapter] sections 281.010 to 281.115.

8 2. Application for a pesticide technician's license
9 shall be [made in writing] submitted to the director on a
10 designated form obtained from the [director's office]
11 department. Each application shall include such information
12 as prescribed by the director by regulation and shall be
13 received by the director within forty-five days of
14 employment of the pesticide technician or pesticide
15 technician trainee.

16 3. The director shall not issue a pesticide
17 technician's license until the individual has demonstrated
18 [his or her] the applicant's competence by completion of an
19 approved training program to the satisfaction of the
20 director.

21 4. The director may renew any pesticide technician's
22 license under the classification for which that applicant is
23 licensed subject to completion of an additional approved
24 training program to the satisfaction of the director as
25 prescribed by regulation.

26 5. The director shall collect a fee of thirty-five
27 dollars for each pesticide technician license issued.

28 6. If the director finds the applicant qualified to
29 use pesticides in the classification for which application
30 has been made, the director shall issue a pesticide
31 technician's license limited to the classifications for
32 which [he or she] the applicant is qualified, which shall
33 expire one year from date of issuance unless [it] the
34 license has been revoked or suspended prior thereto by the
35 director for cause. The director may limit the license of
36 the applicant to the use of certain pesticides, or to
37 certain areas, or to certain types of equipment if the
38 applicant is only so qualified. If a license is not issued
39 as applied for, the director shall inform the applicant in
40 writing of the reasons for such denial of license.

41 7. In order for pesticide technicians to use or
42 determine the need for the use of any general use pesticide:

43 (1) A certified commercial applicator shall be
44 licensed to work from the same physical location as the
45 pesticide technician; and

46 (2) The licensed certified commercial applicator shall
47 be certified in the same use categories as the pesticide
48 technician as specified by regulation.

49 8. A pesticide technician may complete retraining
50 requirements and renew the technician's license without a
51 certified commercial applicator working from the same
52 physical location.

 281.040. 1. No private applicator shall use any
2 [restricted-use] restricted use pesticide unless [he] the
3 private applicator first complies with the requirements
4 determined pursuant to subsection [2 or 5] 3 of this
5 section, as necessary to prevent unreasonable adverse
6 effects on the environment, including injury to the
7 applicator or other persons, for that specific pesticide use.

8 2. No certified private applicator shall knowingly
9 authorize, direct, or instruct any individual to engage in
10 using any restricted use pesticide on lands or structures
11 owned, leased, or rented by the certified private applicator
12 or the certified applicator's employer unless such
13 individual is licensed as a certified private applicator or
14 a certified provisional private applicator.

15 3. The private applicator shall qualify for a
16 certified private applicator's license or a certified
17 provisional private applicator's license by [either]
18 attending [a course or completing an online course of
19 instruction] an approved certification training program
20 provided by University of Missouri Extension, completing an
21 online certification training program provided by University
22 of Missouri Extension, or by passing the required private
23 applicator certification examination provided by the
24 director on the use, handling, storage, and application of
25 [restricted-use] restricted use pesticides in the proper
26 certification categories as specified by regulation. The
27 content of the instruction shall be determined and revised
28 as necessary by the director. Upon completion of the
29 [course] certification training program, completion of the

30 online certification training program, or passage of the
31 required private applicator certification examination, the
32 director shall issue a certified private applicator's
33 license or certified provisional private applicator's
34 license to the applicant. The director shall not collect a
35 fee for the issuance of such license[, but the]. University
36 of Missouri Extension [service may] shall collect [a fee for
37 the actual cost of the materials necessary to complete the
38 course of instruction] reasonable fees for study materials
39 and for enrollment in certification or recertification
40 programs administered in-person or online. [However, no
41 fee] Such fees shall be assessed [or collected from an
42 individual completing an online course of instruction. Both
43 the director of the department and of the University of
44 Missouri Extension service shall review such costs
45 annually.] based on the majority decision of a review
46 committee convened every five years or as needed by the
47 director. Such fees shall not exceed seventy-five dollars
48 per program per applicant unless the members of the review
49 committee representing statewide agricultural organizations
50 vote unanimously in favor of setting the fee in an amount in
51 excess of seventy-five dollars. Such committee shall be
52 provided revenue and expense information for the training
53 program from the University of Missouri Extension and
54 information on the content of the instruction and method of
55 delivery from the director. The review committee shall also
56 determine a maximum in-seat training time limit for the
57 training programs. The committee shall report its minutes,
58 fee decisions, time limitation decisions, and its evaluation
59 of the training provided to the chairs of the House of
60 Representatives and Senate agriculture or equivalent
61 committees. The review committee shall be composed of five
62 members including:

- 63 (1) The director;
64 (2) The director of the University of Missouri
65 Extension, or such director's designee;
66 (3) The president of a statewide corn producers
67 organization who actively grows corn, or such president's
68 designee;
69 (4) The president of a statewide soybean producers
70 organization who actively grows soybeans, or such
71 president's designee; and
72 (5) The president of the state's largest general farm
73 membership organization, or such president's designee.

74 [3.] 4. A certified private applicator's license shall
75 expire five years from date of issuance and may then be
76 renewed without charge or additional fee. Any certified
77 private applicator holding a valid license may renew that
78 license for the next five years [without additional training
79 unless the director determines that additional knowledge
80 related to the use of agricultural pesticides makes
81 additional training necessary.] upon successful completion
82 of approved recertification training or by passing the
83 required private applicator certification examination.

84 5. On the date of the certified provisional private
85 applicator's eighteenth birthday, such certified provisional
86 private applicator's license shall automatically be
87 converted to a certified private applicator license
88 reflecting the original expiration date from issuance. A
89 certified provisional private applicator's license shall
90 expire five years from date of issuance and may be renewed
91 as a certified private applicator's license without charge
92 or additional fee.

93 [4.] 6. If the director does not qualify the private
94 applicator under this section [he], the director shall
95 inform the applicant in writing of the reasons therefor.

96 [5. The private applicator may apply to the director,
97 or his designated agent, for a private applicator permit for
98 the one-time emergency purchase and use of restricted use
99 pesticides. When the private applicator has demonstrated
100 his competence in the use of the pesticides to be purchased
101 and used on a one-time emergency basis, he shall be issued a
102 permit for the one-time emergency purchase and use of
103 restricted use pesticides. The director or his designated
104 agent shall not collect a fee for the issuance of such
105 permit.]

281.045. 1. All agencies of the state of Missouri and
2 the political subdivisions thereof, and any other
3 governmental agency shall be subject to the provisions of
4 sections 281.010 to 281.115 and rules adopted thereunder
5 concerning the use of restricted use pesticides.

6 2. Public operators for agencies listed in subsection
7 1 of this section shall not use, or supervise the use of,
8 any restricted use pesticides on any land or structure
9 without a certified public operator license issued by the
10 director. The certified public operator shall not use or
11 supervise the use of any restricted use pesticide for any
12 purpose unless [he] the certified public operator has
13 demonstrated [his] the certified public operator's
14 competence to use pesticides for that purpose by being
15 certified by the director in the proper certification
16 category. [Any employee of any agency listed in subsection
17 1 of this section who is not licensed as a certified public
18 operator may use restricted use pesticides only under the
19 direct supervision of a certified public operator.]

20 3. No certified public operator shall knowingly
21 authorize, direct, or instruct any individual to engage in
22 using any restricted use pesticide on lands or structures
23 unless such individual is licensed as a noncertified RUP

24 applicator while working under the direct supervision of a
25 certified public operator so authorizing, directing, or
26 instructing, in which case the certified public operator
27 shall be liable for any use of a restricted use pesticide by
28 an individual operating under the certified public
29 operator's direct supervision.

30 4. Application for a certified public operator license
31 shall be [made in writing] submitted to the director on a
32 designated form obtained from the [director's office]
33 department. Each application shall include all information
34 prescribed by the director by regulation.

35 [4.] 5. The director shall not issue a certified
36 public operator license until the applicant is certified by
37 passing an examination provided by the director to
38 demonstrate to the director [his] the applicant's competence
39 and knowledge of the proper use of pesticides under the
40 classifications for which [he] the applicant has applied,
41 and [his] the applicant's knowledge of the standards
42 prescribed by regulations for the certification of public
43 operators.

44 [5.] 6. If the director finds the applicant qualified
45 to use pesticides in the classification for which [he] the
46 applicant has applied, the director shall issue a license,
47 without a fee, to the certified public operator who has so
48 qualified. The certified public operator license shall be
49 valid only when the operator is acting as an operator using,
50 or supervising the use of, restricted use pesticides in the
51 course of [his] the operator's employment. A certified
52 public operator license shall expire three years from the
53 date of issuance unless [it] the license has been revoked or
54 suspended prior thereto by the director for cause. The
55 director may limit the license of the applicant to the use
56 of certain restricted use pesticides, or to certain areas,

57 or to certain types of equipment if the applicant is only so
58 qualified. If a license is not issued as applied for, the
59 director shall inform the applicant in writing of the
60 reasons therefor.

61 [6.] 7. The director may renew any certified public
62 operator license under the classification for which that
63 applicant is licensed[, subject to] upon successful
64 completion of approved recertification training or
65 reexamination for additional knowledge [which] that may be
66 required to use pesticides safely and properly either
67 manually or with equipment the applicant has been licensed
68 to operate.

69 [7.] 8. The director shall require the certified
70 public operator, or [his] the certified public operator's
71 employer, to maintain records with respect to applications
72 of restricted use pesticides. Any relevant information
73 which the director may deem necessary may be required by
74 regulation. Such records shall be kept for a period of
75 three years from the date of the application of the
76 pesticide to which such records refer, and the director
77 shall, upon request in writing, be furnished with a copy of
78 such records by any certified public operator or [his] the
79 certified public operator's employer.

80 [8.] 9. Agencies listed in subsection 1 of this
81 section shall be subject to a legal action by any person
82 damaged by any use of any pesticide, which may be brought in
83 the county where the damage or any part thereof occurred.

84 [9.] 10. Every certified public operator shall display
85 [his] the certified public operator's license in a prominent
86 place at the site, location, or office from which [he] the
87 certified public operator will operate as a certified public
88 operator, that place, location, or office being at the
89 address printed on the license.

90 [10.] 11. Every certified public operator who changes
91 the address from which [he] the certified public operator
92 will operate as a certified public operator shall
93 immediately notify the director. The director shall
94 immediately issue a revised license upon which shall be
95 printed the changed address. The director shall not collect
96 a fee for the issuance of a revised license. The expiration
97 date of the revised license shall be the same as the
98 expiration date for the original license.

99 12. Any person who volunteers to work for a public
100 agency may use general use pesticides without a license
101 under the supervision of the public agency on lands owned or
102 managed by the state agency, political subdivision, or
103 governmental agency.

281.048. 1. No individual shall use or determine the
2 need for the use of any restricted use pesticide while
3 working under the direct supervision of a certified
4 commercial applicator until the individual has met the
5 requirements of this section.

6 2. No individual shall use restricted use pesticides
7 while working under the direct supervision of a certified
8 noncommercial applicator or certified public operator until
9 the individual has met the requirements of this section.

10 3. Application for a noncertified RUP applicator's
11 license shall be submitted to the director on a designated
12 form obtained from the department. Each application shall
13 include such information as prescribed by the director by
14 regulation.

15 4. The director shall issue or renew a noncertified
16 RUP applicator license once an individual has met the
17 requirements set forth in 40 C.F.R. 171.201(c)(1) or (3).
18 The director shall collect an annual fee of thirty-five
19 dollars for each noncertified RUP applicator license

20 issued. The license shall be valid for one year unless
21 revoked or suspended by the department prior to its
22 expiration. Any individual whose application is denied
23 shall receive a written explanation as to the determination
24 of the denial.

25 5. Individuals holding a valid noncertified RUP
26 applicator license may use and determine the need for the
27 use of restricted use pesticides, general use pesticides,
28 and minimum risk pesticides under the direct supervision of
29 a certified commercial applicator and only for the
30 categories in which the commercial applicator is certified.
31 The director may limit the license of the applicant to the
32 use of certain pesticides, to certain areas, or to certain
33 types of equipment if the applicant is only so qualified.

34 6. Every certified commercial applicator, certified
35 noncommercial applicator, or certified public operator
36 providing direct supervision to a licensed noncertified RUP
37 applicator shall immediately notify the director when the
38 licensed noncertified RUP applicator has changed address
39 from which the applicator or operator will operate as a
40 licensed noncertified RUP applicator or when the
41 noncertified RUP applicator's employment has been
42 terminated. The director shall immediately issue a revised
43 license upon which shall be printed the change of address.
44 The director shall not collect a fee for the issuance of a
45 revised license. The expiration date of the revised license
46 shall be the same as the expiration date for the original
47 license.

48 7. A noncertified RUP applicator may complete
49 retraining requirements and renew the applicator's license
50 without a certified commercial applicator, certified
51 noncommercial applicator, or certified public operator
52 working from the same physical location.

53 8. Every licensed noncertified RUP applicator shall
54 display the applicator's license in a prominent place at the
55 site, location, or office from which the applicator will
56 operate as a noncertified RUP applicator, that place,
57 location, or office being at the address printed on the
58 license.

281.050. 1. No individual shall act in the capacity
2 of a pesticide dealer or shall engage in the business of,
3 advertise as, or assume to act as a pesticide dealer unless
4 [he or she] the individual has obtained a license from the
5 director [which] that shall expire one year from date of
6 issuance. [An individual shall be required to obtain a
7 license for] Each pesticide dealership location or outlet
8 from which [such] restricted use pesticides are distributed,
9 sold, held for sale, or offered for sale at retail or
10 wholesale direct to the end user[. Pesticide dealers may be
11 designated by the director as agents of the state for the
12 purpose of issuing permits for restricted use pesticides to
13 private applicators] shall have at least one individual
14 licensed as a pesticide dealer. Any individual possessing
15 restricted use pesticides and selling or holding and
16 offering for sale restricted use pesticides at retail or
17 wholesale from a motor vehicle shall be licensed as a
18 pesticide dealer. For the purposes of this subsection,
19 "selling or holding and offering for sale" shall not include
20 solely transporting product in commerce. No individual
21 shall be issued more than one pesticide dealer license.

2. Application for a pesticide dealer's license shall
23 be made on a designated form obtained from the [director's
24 office] department. The director shall collect a fee of
25 thirty-five dollars for the issuance of each license. The
26 provisions of this section shall not apply to a pesticide
27 applicator who sells pesticides only as an integral part of

28 [his or her] the applicator's pesticide application service
29 when such pesticides are dispensed only through apparatuses
30 used for such pesticide applications. The provisions of
31 this section shall not apply to any federal, state, or
32 county agency [which] that provides pesticides for its own
33 programs.

34 3. Each applicant shall satisfy the director as to
35 [his or her] the applicant's knowledge of the laws and
36 regulations governing the use and sale of pesticides and
37 [his or her] the applicant's responsibility in carrying on
38 the business of a pesticide dealer by passing a pesticide
39 dealer examination provided by the director. Each licensed
40 pesticide dealer shall be responsible for insuring that all
41 of [his or her] the dealer's employees and agents who sell
42 or recommend restricted use pesticides have adequate
43 knowledge of the laws and regulations governing the use and
44 sale of such restricted use pesticides.

45 4. Each pesticide dealer shall be responsible for the
46 acts of each person employed by [him or her] the dealer in
47 the solicitation and sale of pesticides and all claims and
48 recommendations for use of pesticides. The dealer's license
49 shall be subject to denial, suspension, or revocation after
50 a hearing for any violation of sections 281.010 to 281.115
51 whether committed by the dealer, or by the dealer's officer,
52 agent or employee.

53 5. No pesticide dealer shall sell, give away, or
54 otherwise make available any restricted use pesticides to
55 anyone but certified commercial applicators, certified
56 noncommercial applicators [or], certified public operators,
57 or to certified private applicators [who have met the
58 requirements of subsection 5 of section 281.040,] holding
59 valid certifications in proper certification categories or
60 to licensed other pesticide dealers, except that pesticide

61 dealers may allow the designated representative of such
62 certified applicators, operators or private applicators to
63 take possession of restricted use pesticides when those
64 restricted use pesticides are purchased by and for use by or
65 under the direct supervision of such certified applicator,
66 operator or private applicator.

67 6. The director shall require the pesticide dealer, or
68 [his or her] the dealer's employer, to maintain books and
69 records with respect to sales of restricted use pesticides
70 at each dealership location or outlet. Such relevant
71 information as the director may deem necessary may be
72 specified by regulation. Such records shall be kept for a
73 period of three years from the date of sale of the
74 restricted use pesticide to which such records refer, and
75 the director shall upon request in writing be furnished with
76 a copy of such records by any licensed pesticide dealer or
77 [his or her] the dealer's employer.

78 7. Every licensed pesticide dealer who changes [his or
79 her] the dealer's address or place of business shall
80 immediately notify the director.

281.055. 1. If the [application for] renewal of any
2 license[,] or certification [or permit] provided for in
3 [this chapter] sections 281.010 to 281.115 is not filed
4 prior to the expiration date in any year, a penalty of
5 twenty-five percent shall be assessed and added to the
6 original fee and shall be paid by the applicant before the
7 license[,] or certification [or permit] shall be renewed[;
8 provided, that such penalty shall not apply if the applicant
9 furnishes an affidavit certifying that he has not engaged in
10 the business subsequent to the expiration of his license,
11 certification or permit]. Any person holding a current
12 valid license[,] or certification [or permit] may renew the
13 license[,] or certification [or permit] for the next year

14 without taking another examination unless the director
15 determines that additional knowledge related to
16 classifications for which the applicant has applied makes a
17 new examination necessary. However, if the license is not
18 renewed within sixty days following the date of expiration
19 [then], the license shall be cancelled and the licensee
20 shall be required to satisfy all the requirements of
21 licensure as if such person was never licensed.

22 2. The director may promulgate reasonable regulations
23 requiring additional training and instruction on the part of
24 any applicant for a license issued under sections 281.010 to
25 281.115.

26 3. The director shall have prepared for prospective
27 licensee's use[,] a book of guidelines of factual necessary
28 information related to the requirements of sections 281.010
29 to 281.115. A reasonable fee may be collected for [said]
30 the publication.

281.060. 1. The director, after inquiry, and after
2 opportunity for a hearing, may deny, suspend, revoke, or
3 modify the provisions of any license[, permit,] or
4 certification issued under sections 281.010 to 281.115, if
5 [he] the director finds that the applicant or the holder of
6 a license[, permit,] or certification has violated any
7 provision of sections 281.010 to 281.115, or any regulation
8 issued thereunder, or has been convicted or subject to a
9 final order imposing a civil or criminal penalty pursuant to
10 the Federal Insecticide, Fungicide and Rodenticide Act
11 (FIFRA), as amended, or has been convicted, or is the
12 subject of prosecution, in [another] this state or in any
13 state or protectorate of the United States, or has had a
14 pesticide applicator license[,] or certificate [or permit]
15 denied, suspended, revoked or modified by [another] any
16 state or protectorate of the United States, or the person

17 has been finally adjudicated and found guilty, or entered a
18 plea of guilty or nolo contendere, in a criminal prosecution
19 under the laws of any state or of the United States, for any
20 offense reasonably related to the qualifications, functions,
21 or duties of any profession licensed or regulated under
22 [this chapter] sections 281.010 to 281.115, for any offense
23 an essential element of which is fraud, dishonesty, or an
24 act of violence, or for any offense involving moral
25 turpitude, whether or not sentence is imposed. Licensed
26 certified applicators, licensed noncertified RUP
27 applicators, licensed pesticide technicians, and licensed
28 pesticide dealers shall notify the department within ten
29 days of any conviction of or plea to any offense listed in
30 this section.

31 2. If the director determines, after inquiry and
32 opportunity for a hearing, that any [individual] person is
33 in violation of any provision of sections 281.010 to
34 281.115, or any regulations issued thereunder, the director
35 shall have the authority to assess a civil penalty of not
36 more than one thousand dollars for each violation, and in
37 addition, may order that restitution be made to any person.

38 3. In the event that a person penalized or ordered to
39 pay restitution under this section fails to pay the penalty
40 or restitution, the director may apply to the circuit court
41 of Cole County for, and the court is authorized to enter, an
42 order enforcing the assessed penalty or restitution.

281.063. The director may subpoena witnesses and
2 compel the production of books, documents, and records
3 anywhere in the state in any hearing affecting the authority
4 or privilege granted by a license[,] or certificate [or
5 permit] issued under the provisions of sections 281.010 to
6 281.115.

281.065. 1. The director shall not issue a certified
2 commercial applicator's license until the applicant or the
3 employer of the applicant has furnished evidence of
4 financial responsibility with the director consisting either
5 of a surety bond or a liability insurance policy or
6 certification thereof, protecting persons who may suffer
7 legal damages as a result of [the operations of] pesticide
8 use by the applicant; except that, such surety bond or
9 liability insurance policy need not apply to damages or
10 injury to crops, plants or land being worked upon by the
11 applicant. Following the receipt of the initial license,
12 the certified commercial applicator shall not be required to
13 furnish evidence of financial responsibility to the
14 department for the purpose of license renewal unless upon
15 request. Annual renewals for surety bonds or liability
16 insurance shall be maintained at the business location from
17 which the certified commercial applicator is licensed.
18 Valid surety bonds or liability insurance certificates shall
19 be available for inspection by the director [or his or her
20 designee] at a reasonable time during regular business hours
21 or, upon a request in writing, the director shall be
22 furnished a copy of the surety bond or liability insurance
23 certificate within ten [working] days of receipt of the
24 request.

25 2. The amount of the surety bond or liability
26 insurance required by this section shall be not less than
27 fifty thousand dollars for each occurrence. Such surety
28 bond or liability insurance shall be maintained at not less
29 than that sum at all times during the licensed period. The
30 director shall be notified by the surety or insurer within
31 twenty days prior to any cancellation or reduction of the
32 surety bond or liability insurance. If the surety bond or
33 liability insurance policy which provides the financial

34 responsibility for the certified commercial applicator is
35 provided by the employer of the certified commercial
36 applicator, the employer of the certified commercial
37 applicator shall immediately notify the director upon the
38 termination of the employment of the certified commercial
39 applicator or when a condition exists under which the
40 certified commercial applicator is no longer provided bond
41 or insurance coverage by the employer. The certified
42 commercial applicator shall then immediately execute and
43 submit to the director a surety bond or an insurance policy
44 to cover the financial responsibility requirements of this
45 section and the certified commercial applicator or the
46 applicator's employer shall maintain the surety bond or
47 liability insurance certificate at the business location
48 from which the certified commercial applicator is licensed.
49 The director may accept a liability insurance policy or
50 surety bond in the proper sum which has a deductible clause
51 in an amount not exceeding one thousand dollars; except
52 that, if the bond- or policyholder has not satisfied the
53 requirement of the deductible amount in any prior legal
54 claim, such deductible clause shall not be accepted by the
55 director unless the bond- or policyholder executes and
56 maintains a surety bond or liability insurance which shall
57 satisfy the amount of the deductible as to all claims that
58 may arise in [his or her] the bond- or policyholder's
59 application of pesticides.

60 3. If the surety becomes unsatisfactory, the
61 commercial applicator license shall expire and become
62 invalid and the bond- or policyholder shall immediately
63 execute and submit to the director a new bond or insurance
64 policy and maintain the surety bond or liability insurance
65 certificate at the business location from which the
66 certified commercial applicator is licensed, and if [he or

67 she] the bond- or policyholder fails to do so, the director
68 shall cancel [his or her] the bond- or policyholder license,
69 or deny the license of an applicant, and give [him or her]
70 the bond- or policyholder notice of cancellation or denial,
71 and it shall be unlawful thereafter for the applicant to
72 engage in the business of using pesticides until the bond or
73 insurance is brought into compliance with the requirements
74 of subsection 1 of this section. If the bond- or
75 policyholder does not execute a new bond or insurance policy
76 within sixty days of expiration of such bond or policy, the
77 licensee shall be required to satisfy all the requirements
78 for licensure as if never before licensed.

79 4. Nothing in sections 281.010 to 281.115 shall be
80 construed to relieve any person from liability for any
81 damage to the person or lands of another caused by the use
82 of pesticides even though such use conforms to the rules and
83 regulations of the director.

281.070. 1. The director may investigate the use of
2 any pesticide or claims of damages [which] that result from
3 the use of any pesticide.

4 2. Any person who claims to have been damaged as a
5 result of a pesticide use and who requests an investigation
6 of that damage by the director shall file with the director,
7 on a form provided by the director, a written statement
8 claiming that [he] the person has been damaged. Damage
9 statements shall be filed within thirty days after the date
10 the damage is alleged to have occurred, unless a growing
11 crop is alleged to have been damaged. If a growing crop is
12 alleged to have been damaged, the damage statement shall be
13 filed at least two weeks prior to the time that twenty-five
14 percent of that crop has been harvested. The director
15 shall, upon receipt of the statement, notify the person
16 alleged to have caused the damage and the owner or lessee of

17 the land, or other person who may be charged with the
18 responsibility of the damages claimed, and furnish copies of
19 any statements which may be requested. The director shall
20 inspect damages whenever possible and [he] the director
21 shall make [his] the director's inspection reports available
22 to the person claiming damage and to the person who is
23 alleged to have caused the damage. Where damage is alleged
24 to have occurred, the claimant shall permit the director,
25 the licensee, and [his] the licensee's representatives, such
26 as the bondsman or insurer, to observe, within reasonable
27 hours, the lands or nontarget organism alleged to have been
28 damaged.

29 3. The filing of or the failure to file need not be
30 alleged in any complaint which might be filed in a court of
31 law, and the failure to file a damage claim shall not be
32 considered any bar to the maintenance of any criminal or
33 civil action. The failure to file such a report shall not
34 be a violation of sections 281.010 to 281.115. However, if
35 the person failing to file such report is the only one
36 injured from such use or application of a pesticide by
37 others, the director may, when in the public interest,
38 refuse to hold a hearing for the denial, suspension, or
39 revocation of a license [or permit] issued under sections
40 281.010 to 281.115 until such report is filed.

41 4. The director may in the conduct of any
42 investigation or hearing authorized or held by [him] the
43 director:

44 (1) Examine, or cause to be examined, under oath, any
45 person;

46 (2) Examine, or cause to be examined, books and
47 records of the sale or use of any pesticide directly related
48 to the investigation;

49 (3) Hear such testimony and take such evidence as will
50 assist [him] the director in the discharge of [his] the
51 director's duties under [this chapter] sections 281.010 to
52 281.115;

53 (4) Administer or cause to be administered [oath]
54 oaths; and

55 (5) Issue subpoenas to require the attendance of
56 witnesses and the production of books and records directly
57 related to the investigation.

 281.075. [1.] The director may issue a [license or]
2 pesticide applicator certification on a reciprocal basis
3 with other states without examination to a nonresident who
4 is licensed [or] as a certified [in another state
5 substantially] applicator in accordance with the
6 reciprocating state's requirements and is a resident of the
7 reciprocating state. A pesticide applicator certification
8 shall be issued in accordance with the provisions of
9 sections 281.010 to 281.115; except that, financial
10 responsibility [must] shall be filed pursuant to section
11 281.065. Fees collected shall be the same as for resident
12 licenses or certification.

13 [2. Any nonresident applying for any license under
14 section 281.035, 281.037, 281.038 or 281.050 to operate in
15 the state of Missouri shall designate in writing the
16 secretary of state as the agent of such nonresident upon
17 whom process may be served as provided by law; except that,
18 any such nonresident who has designated a resident agent
19 upon whom process may be served as provided by law shall not
20 be required to designate the secretary of state as such
21 agent. The secretary of state shall be allowed such fees
22 therefor as provided by law for designating resident
23 agents. The director shall be furnished with a copy of such

24 designation of the secretary of state or of a resident
25 agent, such copy to be certified by the secretary of state.]

281.085. No person shall discard, transport, or store
2 any pesticide or pesticide containers in such a manner that
3 is inconsistent with label directions or as to cause injury
4 to humans, vegetation, crops, livestock, wildlife,
5 beneficial insects, or to pollute any waterway. The
6 director may promulgate rules and regulations governing the
7 discarding and storing of such pesticide or pesticide
8 containers. In determining these rules and regulations the
9 director shall take into consideration any regulations
10 issued by the federal Environmental Protection Agency.

281.101. 1. It shall be unlawful for any [individual]
2 person to violate any provision of sections 281.010 to
3 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

5 (1) It shall be unlawful to recommend for use, [to]
6 cause to use, use, or [to] supervise the use of any
7 pesticide in a manner inconsistent with its labeling
8 required by labeling requirements of FIFRA, the Missouri
9 pesticide use act or the Missouri pesticide registration act;

10 (2) It shall be unlawful for any [individual] person
11 to misuse any pesticide;

12 (3) It shall be unlawful for any person to use or
13 supervise the use of pesticides that are cancelled or
14 suspended;

15 (4) It shall be unlawful for any person not holding a
16 valid certified applicator license in proper certification
17 categories or a valid pesticide dealer license to purchase
18 or acquire restricted use pesticides;

19 (5) It shall be unlawful to make any false or
20 misleading statements during the course of an investigation
21 into the sale, distribution, use, or misuse of any pesticide;

22 [(4)] (6) It shall be unlawful to make any false or
23 misleading statement on any application, form, or document
24 submitted to the director concerning licensing pursuant to
25 sections 281.010 to 281.115 or any regulations issued
26 thereunder;

27 [(5)] (7) It shall be unlawful to make any false,
28 misleading, or fraudulent statement or claim, through any
29 media, [which] that misrepresents the effects of any
30 pesticide, the methods to be utilized in the application of
31 any pesticide, or the qualifications of the person
32 determining the need for the use of any pesticide or using
33 any pesticide;

34 [(6)] (8) It shall be unlawful to make any false or
35 misleading statement specifying[,] or inferring that a
36 person or [his] the person's methods are recommended by any
37 branch of government or that any pesticide work done will be
38 inspected by any branch of government;

39 [(7)] (9) It shall be unlawful to aid or abet any
40 licensed or unlicensed individual in evading the provisions
41 of sections 281.010 to 281.115 or any regulation issued
42 thereunder, or to conspire with any licensed or unlicensed
43 individual in evading the provisions of sections 281.010 to
44 281.115 or any regulation issued thereunder; and

45 (10) It shall be unlawful for any person to steal or
46 attempt to steal pesticide certification examinations or
47 examination materials, cheat on pesticide certification
48 examinations, evade completion of recertification or
49 retraining requirements, or to aid or abet any person in
50 stealing or attempting to steal examinations or examination
51 materials, cheating on examinations, or evading
52 recertification or retraining requirements.

53 3. Other acts [which] that are not specified, but
54 [which] that violate sections 281.010 to 281.115 or

55 regulations issued thereunder, shall nevertheless be
56 unlawful.

301.033. 1. Notwithstanding the provisions of
2 sections 301.030 and 301.035 to the contrary, the director
3 of revenue shall establish a system of registration on a
4 calendar year basis of all farm vehicles, as defined in
5 section 302.700, owned or purchased by a farm vehicle fleet
6 owner registered under this section. The director of
7 revenue shall prescribe the forms for such farm vehicle
8 fleet registration and the forms and procedures for the
9 registration updates prescribed in this section. Any owner
10 of more than one farm vehicle which is required to be
11 registered under this chapter may, at his or her option,
12 register a fleet of farm vehicles on a calendar year or
13 biennial basis under this section in lieu of the
14 registration periods provided in sections 301.030, 301.035,
15 and 301.147. The director shall issue an identification
16 number to each registered owner of a fleet of farm vehicles
17 registered under this section.

18 2. All farm vehicles included in the fleet of a
19 registered farm vehicle fleet owner shall be registered
20 during April of the corresponding year or on a prorated
21 basis as provided in subsection 3 of this section. Fees of
22 all vehicles in the farm vehicle fleet to be registered on a
23 calendar year basis or on a biennial basis shall be payable
24 not later than the last day of April of the corresponding
25 year, with two years' fees due for biennially-registered
26 vehicles. Notwithstanding the provisions of section
27 307.355, an application for registration of a farm vehicle
28 fleet shall be accompanied by a certificate of inspection
29 and approval issued no more than one hundred twenty days
30 prior to the date of application. The fees for vehicles
31 added to the farm vehicle fleet which are required to be

32 licensed at the time of registration shall be payable at the
33 time of registration, except that when such vehicle is
34 licensed between July first and September thirtieth the fee
35 shall be three-fourths the annual fee, when licensed between
36 October first and December thirty-first the fee shall be one-
37 half the annual fee, and when licensed on or after January
38 first the fee shall be one-fourth the annual fee. If
39 biennial registration is sought for vehicles added to a farm
40 vehicle fleet, an additional year's annual fee shall be
41 added to the partial year's prorated fee.

42 3. At any time during the calendar year in which an
43 owner of a farm vehicle fleet purchases or otherwise
44 acquires a farm vehicle which is to be added to the farm
45 vehicle fleet or transfers plates to a fleet vehicle, the
46 owner shall present to the director of revenue the
47 identification number as a fleet number and may register the
48 vehicle for the partial year as provided in subsection 2 of
49 this section. The farm vehicle fleet owner shall also be
50 charged a transfer fee of two dollars for each vehicle so
51 transferred under this subsection.

52 4. Except as specifically provided in this subsection,
53 all farm vehicles registered under this section shall be
54 issued a special license plate which shall have the words
55 "Farm Fleet Vehicle" and shall meet the requirements
56 prescribed by section 301.130. Farm fleet vehicles shall be
57 issued multiyear license plates as provided in this section
58 which shall not require issuance of a renewal tab. Upon
59 payment of appropriate registration fees, the director of
60 revenue shall issue a registration certificate or other
61 suitable evidence of payment of the annual or biennial fee,
62 and such evidence of payment shall be carried at all times
63 in the vehicle for which it is issued.

64 5. The director shall make all necessary rules and
65 regulations for the administration of this section and shall
66 design all necessary forms required by this section. Any
67 rule or portion of a rule, as that term is defined in
68 section 536.010, that is created under the authority
69 delegated in this section shall become effective only if it
70 complies with and is subject to all the provisions of
71 chapter 536 and, if applicable, section 536.028. This
72 section and chapter 536 are nonseverable, and if any of the
73 powers vested with the general assembly under chapter 536 to
74 review, to delay the effective date, or to disapprove and
75 annul a rule are subsequently held unconstitutional, then
76 the grant of rulemaking authority and any rule proposed or
77 adopted after August 28, 2021, shall be invalid and void.

 348.436. The provisions of sections 348.430 to 348.436
2 shall expire December 31, ~~[2021]~~ 2026.

 348.500. 1. This section shall be known and may be
2 cited as the "Family Farms Act".

3 2. As used in this section, "small farmer" means a
4 farmer who is a Missouri resident and who has less than ~~[two~~
5 ~~hundred fifty]~~ five hundred thousand dollars in gross sales
6 per year.

7 3. The agricultural and small business development
8 authority shall establish a family farm breeding livestock
9 loan program for small farmers for the purchase of beef
10 cattle, dairy cattle, sheep and goats, and swine only.

11 4. To participate in the loan program, a small farmer
12 shall first obtain approval for a family farm livestock loan
13 from a lender as defined in section 348.015. ~~[Each small~~
14 ~~farmer shall be eligible for only one family farm livestock~~
15 ~~loan per family and for only one type of livestock.]~~

16 5. The maximum amount of the family farm livestock
17 loan for each type of livestock shall be as follows:

18 (1) ~~Seventy-five~~ One hundred fifty thousand dollars
19 for beef cattle;

20 (2) ~~Seventy-five~~ One hundred fifty thousand dollars
21 for dairy cattle;

22 (3) ~~Thirty-five~~ Seventy thousand dollars for swine;
23 and

24 (4) ~~Thirty~~ Sixty thousand dollars for sheep and
25 goats.

26 6. Eligible borrowers under the program:

27 (1) Shall use the proceeds of the family farm loan to
28 acquire breeding livestock;

29 (2) Shall not finance more than ninety percent of the
30 anticipated cost of the purchase of such livestock through
31 the family farm livestock loan; and

32 (3) Shall not be charged interest by the lender, as
33 defined in section 348.015, for the first year of the
34 qualified family farm livestock loan.

35 7. Upon approval of the family farm livestock loan by
36 a lender under subsection 4 of this section, the loan shall
37 be submitted for approval by the agricultural and small
38 business development authority. The authority shall
39 promulgate rules establishing eligibility under this
40 section, taking into consideration:

41 (1) The eligible borrower's ability to repay the
42 family farm livestock loan;

43 (2) The general economic conditions of the area in
44 which the farm is located;

45 (3) The prospect of a financial return for the small
46 farmer for the type of livestock for which the family farm
47 livestock loan is sought; and

48 (4) Such other factors as the authority may establish.

49 8. For eligible borrowers participating in the
50 program, the authority shall be responsible for reviewing

51 the purchase price of any livestock to be purchased by an
52 eligible borrower under the program to determine whether the
53 price to be paid is appropriate for the type of livestock
54 purchased. The authority may impose a one-time loan review
55 fee of one percent which shall be collected by the lender at
56 the time of the loan and paid to the authority.

57 9. Nothing in this section shall preclude a small
58 farmer from participating in any other agricultural program.

59 10. Any rule or portion of a rule, as that term is
60 defined in section 536.010, that is created under the
61 authority delegated in this section shall become effective
62 only if it complies with and is subject to all of the
63 provisions of chapter 536 and, if applicable, section
64 536.028. This section and chapter 536 are nonseverable and
65 if any of the powers vested with the general assembly
66 pursuant to chapter 536 to review, to delay the effective
67 date, or to disapprove and annul a rule are subsequently
68 held unconstitutional, then the grant of rulemaking
69 authority and any rule proposed or adopted after August 28,
70 2006, shall be invalid and void.

643.050. 1. In addition to any other powers vested in
2 it by law the commission shall have the following powers:

3 (1) Adopt, promulgate, amend and repeal rules and
4 regulations consistent with the general intent and purposes
5 of sections 643.010 to 643.355, chapter 536, [and] Titles V
6 and VI of the federal Clean Air Act, as amended, 42 U.S.C.
7 7661, et seq., and 42 U.S.C. 7412(r), as amended, for
8 covered processes of agricultural stationary sources that
9 use, store, or sell anhydrous ammonia, including but not
10 limited to:

11 (a) Regulation of use of equipment known to be a
12 source of air contamination;

13 (b) Establishment of maximum quantities of air
14 contaminants that may be emitted from any air contaminant
15 source; [and]

16 (c) Regulations necessary to enforce the provisions of
17 Title VI of the Clean Air Act, as amended, 42 U.S.C. 7671,
18 et seq., regarding any Class I or Class II substances as
19 defined therein; and

20 (d) Regulations necessary to implement and enforce the
21 risk management plans under 42 U.S.C. 7412(r) for
22 agricultural facilities that use, store, or sell anhydrous
23 ammonia;

24 (2) After holding public hearings in accordance with
25 section 643.070, establish areas of the state and prescribe
26 air quality standards for such areas giving due recognition
27 to variations, if any, in the characteristics of different
28 areas of the state which may be deemed by the commission to
29 be relevant;

30 (3) (a) To require persons engaged in operations
31 which result in air pollution to monitor or test emissions
32 and to file reports containing information relating to rate,
33 period of emission and composition of effluent;

34 (b) Require submission to the director for approval of
35 plans and specifications for any article, machine,
36 equipment, device, or other contrivance specified by
37 regulation the use of which may cause or control the
38 issuance of air contaminants; but any person responsible for
39 complying with the standards established under sections
40 643.010 to 643.355 shall determine, unless found by the
41 director to be inadequate, the means, methods, processes,
42 equipment and operation to meet the established standards;

43 (4) Hold hearings upon appeals from orders of the
44 director or from any other actions or determinations of the
45 director hereunder for which provision is made for appeal,

46 and in connection therewith, issue subpoenas requiring the
47 attendance of witnesses and the production of evidence
48 reasonably relating to the hearing;

49 (5) Enter such order or determination as may be
50 necessary to effectuate the purposes of sections 643.010 to
51 643.355. In making its orders and determinations hereunder,
52 the commission shall exercise a sound discretion in weighing
53 the equities involved and the advantages and disadvantages
54 to the person involved and to those affected by air
55 contaminants emitted by such person as set out in section
56 643.030. If any small business, as defined by section
57 643.020, requests information on what would constitute
58 compliance with the requirements of sections 643.010 to
59 643.355 or any order or determination of the department or
60 commission, the department shall respond with written
61 criteria to inform the small business of the actions
62 necessary for compliance. No enforcement action shall be
63 undertaken by the department or commission until the small
64 business has had a period of time, negotiated with the
65 department, to achieve compliance;

66 (6) Cause to be instituted in a court of competent
67 jurisdiction legal proceedings to compel compliance with any
68 final order or determination entered by the commission or
69 the director;

70 (7) Settle or compromise in its discretion, as it may
71 deem advantageous to the state, any suit for recovery of any
72 penalty or for compelling compliance with the provisions of
73 any rule;

74 (8) Develop such facts and make such investigations as
75 are consistent with the purposes of sections 643.010 to
76 643.355, and, in connection therewith, to enter or authorize
77 any representative of the department to enter at all
78 reasonable times and upon reasonable notice in or upon any

79 private or public property for the purpose of inspecting or
80 investigating any condition which the commission or director
81 shall have probable cause to believe to be an air
82 contaminant source or upon any private or public property
83 having material information relevant to said air contaminant
84 source. The results of any such investigation shall be
85 reduced to writing, and a copy thereof shall be furnished to
86 the owner or operator of the property. No person shall
87 refuse entry or access, requested for purposes of inspection
88 under this provision, to an authorized representative of the
89 department who presents appropriate credentials, nor
90 obstruct or hamper the representative in carrying out the
91 inspection. A suitably restricted search warrant, upon a
92 showing of probable cause in writing and upon oath, shall be
93 issued by any judge having jurisdiction to any such
94 representative for the purpose of enabling him to make such
95 inspection;

96 (9) Secure necessary scientific, technical,
97 administrative and operational services, including
98 laboratory facilities, by contract or otherwise, with any
99 educational institution, experiment station, or any board,
100 department, or other agency of any political subdivision or
101 state or the federal government;

102 (10) Classify and identify air contaminants; and

103 (11) Hold public hearings as required by sections
104 643.010 to 643.355.

105 2. No rule or portion of a rule promulgated under the
106 authority of this chapter shall become effective unless it
107 has been promulgated pursuant to the provisions of section
108 536.024.

109 3. The commission shall have the following duties with
110 respect to the prevention, abatement and control of air
111 pollution:

112 (1) Prepare and develop a general comprehensive plan
113 for the prevention, abatement and control of air pollution;

114 (2) Encourage voluntary cooperation by persons or
115 affected groups to achieve the purposes of sections 643.010
116 to 643.355;

117 (3) Encourage political subdivisions to handle air
118 pollution problems within their respective jurisdictions to
119 the extent possible and practicable and provide assistance
120 to political subdivisions;

121 (4) Encourage and conduct studies, investigations and
122 research;

123 (5) Collect and disseminate information and conduct
124 education and training programs;

125 (6) Advise, consult and cooperate with other agencies
126 of the state, political subdivisions, industries, other
127 states and the federal government, and with interested
128 persons or groups;

129 (7) Represent the state of Missouri in all matters
130 pertaining to interstate air pollution including the
131 negotiations of interstate compacts or agreements.

132 4. Nothing contained in sections 643.010 to 643.355
133 shall be deemed to grant to the commission or department any
134 jurisdiction or authority with respect to air pollution
135 existing solely within commercial and industrial plants,
136 works, or shops or to affect any aspect of employer-employee
137 relationships as to health and safety hazards.

138 5. Any information relating to secret processes or
139 methods of manufacture or production discovered through any
140 communication required under this section shall be kept
141 confidential.

643.079. 1. Any air contaminant source required to
2 obtain a permit issued under sections 643.010 to 643.355
3 shall pay annually beginning April 1, 1993, a fee as

4 provided herein. For the first year the fee shall be twenty-
5 five dollars per ton of each regulated air contaminant
6 emitted. Thereafter, the fee shall be set every three years
7 by the commission by rule and shall be at least twenty-five
8 dollars per ton of regulated air contaminant emitted but not
9 more than forty dollars per ton of regulated air contaminant
10 emitted in the previous calendar year. If necessary, the
11 commission may make annual adjustments to the fee by rule.
12 The fee shall be set at an amount consistent with the need
13 to fund the reasonable cost of administering sections
14 643.010 to 643.355, taking into account other moneys
15 received pursuant to sections 643.010 to 643.355. For the
16 purpose of determining the amount of air contaminant
17 emissions on which the fees authorized under this section
18 are assessed, a facility shall be considered one source
19 under the definition of subsection 2 of section 643.078,
20 except that a facility with multiple operating permits shall
21 pay the emission fees authorized under this section
22 separately for air contaminants emitted under each
23 individual permit.

24 2. A source which produces charcoal from wood shall
25 pay an annual emission fee under this subsection in lieu of
26 the fee established in subsection 1 of this section. The
27 fee shall be based upon a maximum fee of twenty-five dollars
28 per ton and applied upon each ton of regulated air
29 contaminant emitted for the first four thousand tons of each
30 contaminant emitted in the amount established by the
31 commission pursuant to subsection 1 of this section, reduced
32 according to the following schedule:

33 (1) For fees payable under this subsection in the
34 years 1993 and 1994, the fee shall be reduced by one hundred
35 percent;

36 (2) For fees payable under this subsection in the
37 years 1995, 1996 and 1997, the fee shall be reduced by
38 eighty percent;

39 (3) For fees payable under this subsection in the
40 years 1998, 1999 and 2000, the fee shall be reduced by sixty
41 percent.

42 3. The fees imposed in subsection 2 of this section
43 shall not be imposed or collected after the year 2000 unless
44 the general assembly reimposes the fee.

45 4. Each air contaminant source with a permit issued
46 under sections 643.010 to 643.355 shall pay the fee for the
47 first four thousand tons of each regulated air contaminant
48 emitted each year but no air contaminant source shall pay
49 fees on total emissions of regulated air contaminants in
50 excess of twelve thousand tons in any calendar year. A
51 permitted air contaminant source which emitted less than one
52 ton of all regulated pollutants shall pay a fee equal to the
53 amount per ton set by the commission. An air contaminant
54 source which pays emission fees to a holder of a certificate
55 of authority issued pursuant to section 643.140 may deduct
56 such fees from any amount due under this section. The fees
57 imposed in this section shall not be applied to carbon oxide
58 emissions. The fees imposed in subsection 1 and this
59 subsection shall not be applied to sulfur dioxide emissions
60 from any Phase I affected unit subject to the requirements
61 of Title IV, Section 404, of the federal Clean Air Act, as
62 amended, 42 U.S.C. Section 7651, et seq., any sooner than
63 January 1, 2000. The fees imposed on emissions from Phase I
64 affected units shall be consistent with and shall not exceed
65 the provisions of the federal Clean Air Act, as amended, and
66 the regulations promulgated thereunder. Any such fee on
67 emissions from any Phase I affected unit shall be reduced by
68 the amount of the service fee paid by that Phase I affected

69 unit pursuant to subsection 8 of this section in that year.
70 Any fees that may be imposed on Phase I sources shall follow
71 the procedures set forth in subsection 1 and this subsection
72 and shall not be applied retroactively.

73 5. Moneys collected under this section shall be
74 transmitted to the director of revenue for deposit in
75 appropriate subaccounts of the natural resources protection
76 fund created in section 640.220. A subaccount shall be
77 maintained for fees paid by air contaminant sources which
78 are required to be permitted under Title V of the federal
79 Clean Air Act, as amended, 42 U.S.C. Section 7661, et seq.,
80 and used, upon appropriation, to fund activities by the
81 department to implement the operating permits program
82 authorized by Title V of the federal Clean Air Act, as
83 amended. Another subaccount shall be maintained for fees
84 paid by air contaminant sources which are not required to be
85 permitted under Title V of the federal Clean Air Act as
86 amended, and used, upon appropriation, to fund other air
87 pollution control program activities. Another subaccount
88 shall be maintained for service fees paid under subsection 8
89 of this section by Phase I affected units which are subject
90 to the requirements of Title IV, Section 404, of the federal
91 Clean Air Act Amendments of 1990, as amended, 42 U.S.C.
92 Section 7651, and used, upon appropriation, to fund air
93 pollution control program activities. The provisions of
94 section 33.080 to the contrary notwithstanding, moneys in
95 the fund shall not revert to general revenue at the end of
96 each biennium. Interest earned by moneys in the subaccounts
97 shall be retained in the subaccounts. The per-ton fees
98 established under subsection 1 of this section may be
99 adjusted annually, consistent with the need to fund the
100 reasonable costs of the program, but shall not be less than
101 twenty-five dollars per ton of regulated air contaminant nor

102 more than forty dollars per ton of regulated air
103 contaminant. The first adjustment shall apply to moneys
104 payable on April 1, 1994, and shall be based upon the
105 general price level for the twelve-month period ending on
106 August thirty-first of the previous calendar year.

107 6. The department may initiate a civil action in
108 circuit court against any air contaminant source which has
109 not remitted the appropriate fees within thirty days. In
110 any judgment against the source, the department shall be
111 awarded interest at a rate determined pursuant to section
112 408.030 and reasonable attorney's fees. In any judgment
113 against the department, the source shall be awarded
114 reasonable attorney's fees.

115 7. The department shall not suspend or revoke a permit
116 for an air contaminant source solely because the source has
117 not submitted the fees pursuant to this section.

118 8. Any Phase I affected unit which is subject to the
119 requirements of Title IV, Section 404, of the federal Clean
120 Air Act, as amended, 42 U.S.C. Section 7651, shall pay
121 annually beginning April 1, 1993, and terminating December
122 31, 1999, a service fee for the previous calendar year as
123 provided herein. For the first year, the service fee shall
124 be twenty-five thousand dollars for each Phase I affected
125 generating unit to help fund the administration of sections
126 643.010 to 643.355. Thereafter, the service fee shall be
127 annually set by the commission by rule, following public
128 hearing, based on an annual allocation prepared by the
129 department showing the details of all costs and expenses
130 upon which such fees are based consistent with the
131 department's reasonable needs to administer and implement
132 sections 643.010 to 643.355 and to fulfill its
133 responsibilities with respect to Phase I affected units, but
134 such service fee shall not exceed twenty-five thousand

135 dollars per generating unit. Any such Phase I affected unit
136 which is located on one or more contiguous tracts of land
137 with any Phase II generating unit that pays fees under
138 subsection 1 or subsection 2 of this section shall be exempt
139 from paying service fees under this subsection. A
140 "contiguous tract of land" shall be defined to mean adjacent
141 land, excluding public roads, highways and railroads, which
142 is under the control of or owned by the permit holder and
143 operated as a single enterprise.

144 9. The department of natural resources shall determine
145 the fees due pursuant to this section by the state of
146 Missouri and its departments, agencies and institutions,
147 including two- and four-year institutions of higher
148 education. The director of the department of natural
149 resources shall forward the various totals due to the joint
150 committee on capital improvements and the directors of the
151 individual departments, agencies and institutions. The
152 departments, as part of the budget process, shall annually
153 request by specific line item appropriation funds to pay
154 said fees and capital funding for projects determined to
155 significantly improve air quality. If the general assembly
156 fails to appropriate funds for emissions fees as
157 specifically requested, the departments, agencies and
158 institutions shall pay said fees from other sources of
159 revenue or funds available. The state of Missouri and its
160 departments, agencies and institutions may receive
161 assistance from the small business technical assistance
162 program established pursuant to section 643.173.

163 10. Each retail agricultural facility that uses,
164 stores, or sells anhydrous ammonia that is an air
165 contaminant source subject to the risk management plan under
166 42 U.S.C. 7412(r) shall pay an annual registration fee of
167 two hundred dollars. In addition, each retail agricultural

168 facility that uses, stores, or sells anhydrous ammonia shall
169 pay an annual tonnage fee calculated on the number of tons
170 of anhydrous ammonia sold. The initial retail tonnage fee
171 is set at one dollar and twenty-five cents per ton of
172 anhydrous ammonia used or sold. Each distributor or
173 terminal agricultural facility that uses, stores, or sells
174 anhydrous ammonia that is an air contaminant source subject
175 to the risk management plan program 3 under 40 CFR Part 68
176 shall pay an annual registration fee of five thousand
177 dollars and shall not pay a tonnage fee. The annual
178 registration fees and tonnage fee may be periodically
179 revised pursuant to subsection 11 of this section. However,
180 the fees collected shall be used exclusively for the
181 purposes of administering the provisions of 42 U.S.C.
182 7412(r) for such agricultural facilities. Fees paid by
183 agricultural air contaminant sources that use, store, or
184 sell anhydrous ammonia for the purposes of implementing the
185 requirements of 42 U.S.C. 7412(r) shall be deposited into
186 the anhydrous ammonia risk management plan subaccount within
187 the natural resources protection fund created in section
188 643.245. If the funding exceeds the reasonable costs to
189 administer the programs as set forth in this section, the
190 department of natural resources shall reduce fees for all
191 registrants if the fees derived exceed the reasonable cost
192 of administering the risk management plan under 42 U.S.C.
193 7412(r).

194 11. Notwithstanding any statutory fee amounts or
195 maximums to the contrary, the department of natural
196 resources may conduct a comprehensive review and propose
197 changes to the fee structure authorized by sections 643.073,
198 643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and
199 643.242 after holding stakeholder meetings in order to
200 solicit stakeholder input from each of the following

201 groups: the asbestos industry, electric utilities, mineral
202 and metallic mining and processing facilities, cement kiln
203 representatives, and any other interested industrial or
204 business entities or interested parties. The department
205 shall submit a proposed fee structure with stakeholder
206 agreement to the air conservation commission. The
207 commission shall review such recommendations at the
208 forthcoming regular or special meeting, but shall not vote
209 on the fee structure until a subsequent meeting. If the
210 commission approves, by vote of two-thirds majority or five
211 of seven commissioners, the fee structure recommendations,
212 the commission shall authorize the department to file a
213 notice of proposed rulemaking containing the recommended fee
214 structure, and after considering public comments, may
215 authorize the department to file the order of rulemaking for
216 such rule with the joint committee on administrative rules
217 pursuant to sections 536.021 and 536.024 no later than
218 December first of the same year. If such rules are not
219 disapproved by the general assembly in the manner set out
220 below, they shall take effect on January first of the
221 following calendar year and the previous fee structure shall
222 expire upon the effective date of the commission-adopted fee
223 structure. Any regulation promulgated under this subsection
224 shall be deemed to be beyond the scope and authority
225 provided in this subsection, or detrimental to permit
226 applicants, if the general assembly, within the first sixty
227 calendar days of the regular session immediately following
228 the filing of such regulation, by concurrent resolution
229 disapproves the regulation by concurrent resolution. If the
230 general assembly so disapproves any regulation filed under
231 this subsection, the commission shall continue to use the
232 previous fee structure. The authority of the commission to

233 further revise the fee structure as provided by this
234 subsection shall expire on August 28, 2024.

643.245. 1. All moneys received pursuant to sections
2 643.225 to 643.245 and any other moneys so designated shall
3 be placed in the state treasury and credited to the "Natural
4 Resources Protection Fund – Air Pollution Asbestos Fee
5 Subaccount", which is hereby created. Such moneys received
6 pursuant to sections 643.225 to 643.245 shall, subject to
7 appropriation, be used solely for the purpose of
8 administering this chapter. Any unexpended balance in such
9 fund at the end of any appropriation period shall not be
10 transferred to the general revenue fund of the state
11 treasury and shall be exempt from the provisions of section
12 33.080.

13 2. All moneys received pursuant to subsection 10 of
14 section 643.079 and any other moneys so designated shall be
15 placed in the "Natural Resources Protection Fund - Anhydrous
16 Ammonia Risk Management Plan Subaccount", which is hereby
17 created. Such moneys received pursuant to subsection 10 of
18 section 643.079 shall, subject to appropriation, be used
19 solely for the purpose of administering the provisions of
20 section 643.079. Any unexpended balance in such fund at the
21 end of any appropriation period shall not be transferred to
22 the general revenue fund of the state treasury and shall be
23 exempt from the provisions of section 33.080.

24 3. The state treasurer, with the approval of the board
25 of fund commissioners, is authorized to deposit all of the
26 moneys in any of the qualified state depositories. All such
27 deposits shall be secured in such manner and shall be made
28 upon such terms and conditions as are now and may hereafter
29 be approved by law relative to state deposits. Any interest
30 received on such deposits shall be credited to the natural

31 resources protection fund – air pollution asbestos fee
32 subaccount.

2 [266.355. Unless provided for by federal
3 law, rule or regulation, the director of the
4 department of agriculture shall promulgate,
5 pursuant to chapter 536, and enforce regulations
6 setting forth minimum general standards covering
7 the design, construction, location,
8 installation, and operation of equipment for
9 storing, handling, transporting by tank truck,
10 tank trailer, tank car and utilizing anhydrous
11 ammonia. The provisions of this section shall
12 not apply to equipment which is in use for
13 storing anhydrous ammonia as of August 28, 2010,
14 and which is found by the department to be in
15 substantial compliance with generally accepted
16 standards of safety regarding life and
17 property. The department shall adopt the
18 minimum general safety standards for the storage
19 and handling of anhydrous ammonia set forth in
20 ANSI Standard K61.1-1999, Safety Requirements
21 for the Storage and Handling of Anhydrous
22 Ammonia; except that, ANSI Standard K61.1-1999
23 shall not be adopted by the department prior to
24 December 1, 2012. For purposes of this section,
25 "ANSI" means the American National Standards
Institute.]

Section B. The repeal and reenactment of sections
2 281.015, 281.020, 281.025, 281.030, 281.035, 281.037,
3 281.038, 281.040, 281.045, 281.050, 281.055, 281.060,
4 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of
5 this act and the enactment of section 281.048 shall become
6 effective on January 1, 2024.

✓

Mike Bernskoetter

Jeff Knight