

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 458

AN ACT

To repeal sections 263.190, 263.200, 263.205, 263.220, 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo, and to enact in lieu thereof twelve new sections relating to agriculture, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 263.190, 263.200, 263.205, 263.220,  
2 263.230, 263.232, 263.240, 263.241, 263.450, 268.121, 276.401,  
3 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280, RSMo,  
4 are repealed and twelve new sections enacted in lieu thereof, to  
5 be known as sections 262.815, 263.190, 263.200, 263.220, 263.240,  
6 263.241, 268.121, 276.401, 276.421, 276.436, 276.441, and  
7 411.280, to read as follows:

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

17           2. There is hereby created the "Missouri Farmland Trust"

1 which shall be implemented in a manner to accomplish the  
2 following objectives:

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

4 (2) Link new generations of prospective farmers with  
5 present farmers; and

6 (3) Promote best practices in environmental, livestock, and  
7 land stewardship.

8 3. (1) There is hereby created within the department of  
9 agriculture the "Missouri Farmland Trust Advisory Board" which  
10 shall be comprised of five members appointed by the director of  
11 the department of agriculture. Members shall serve without  
12 compensation but, subject to appropriations, may be reimbursed  
13 for actual and necessary expenses.

14 (2) The board shall make recommendations to the director on  
15 the appropriate uses of farmland in the trust, criteria to be  
16 used to select applicants for the program, and review and make  
17 recommendations regarding applications to lease farmland in the  
18 trust.

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

28 4. The department of agriculture is authorized to accept or

1 acquire by purchase, lease, donation, or agreement any  
2 agricultural lands, easements, real and personal property, or  
3 rights in lands, easements, or real and personal property,  
4 including but not limited to buildings, structures, improvements,  
5 equipment, or facilities subject to preservation and improvement.  
6 Such lands shall be properties of the Missouri farmland trust for  
7 purposes of this section and shall be governed by the provisions  
8 of this section and rules promulgated thereunder.

9 5. (1) There is hereby created in the state treasury the  
10 "Missouri Farmland Trust Fund", which shall consist of all gifts,  
11 bequests, donations, transfers, and moneys appropriated by the  
12 general assembly under this section. The state treasurer shall  
13 be custodian of the fund. In accordance with sections 30.170 and  
14 30.180, the state treasurer may approve disbursements. Upon  
15 appropriation, money in the fund shall be used for the  
16 administration of this section and may be used to make payments  
17 to counties for the value of land as payment in lieu of real and  
18 personal property taxes for privately owned land acquired after  
19 the effective date of this section in such amounts as determined  
20 by the department; except that, the amount determined shall not  
21 be less than the real property tax paid at the time of  
22 acquisition. The department of agriculture may require  
23 applicants who are awarded leases to pay the property taxes owed  
24 under this section for such property.

25 (2) Notwithstanding the provisions of section 33.080 to the  
26 contrary, any moneys remaining in the fund at the end of the  
27 biennium shall not revert to the credit of the general revenue  
28 fund.

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

4 6. The department of agriculture is authorized to accept  
5 all moneys, appropriations, gifts, bequests, donations, or other  
6 contributions of moneys or other real or personal property to be  
7 expended or used for any of the purposes of this section. The  
8 department may improve, maintain, operate, and regulate any such  
9 lands, easements, or real or personal property to promote  
10 agriculture and the general welfare using moneys in the fund.  
11 Property acquired by the department under this section shall be  
12 used for agricultural purposes. The director shall establish by  
13 rule guidelines for leasing farmland to the trust to beginning  
14 farmers for a period not to exceed twenty years. All property  
15 acquired by the department under this section shall be farmed and  
16 maintained using the best environmental, conservation, and  
17 stewardship practices as outlined by the department. The  
18 department may charge an administrative fee for lease application  
19 processing under this section.

20 7. The department, in consultation with the Missouri  
21 farmland advisory board, shall promulgate rules to implement the  
22 provisions of this section, including but not limited to  
23 requirements for lessees, selection process for granting leases,  
24 and the terms of the lease, including requirements for  
25 applicants, renewal process, requirements for the maintenance of  
26 real and personal property by the lessee, and conditions for the  
27 termination of leases.

28 8. Any person or entity donating land to or leasing land

1 from the department shall forever release the state of Missouri,  
2 the Missouri department of agriculture, the department's  
3 director, officers, employees, volunteers, agents, contractors,  
4 servants, heirs, successors, assigns, persons, firms,  
5 corporations, representatives, and other entities who are or who  
6 will be acting in concert or privity with or on behalf of the  
7 state from any and all actions, claims, or demands that he or  
8 she, family members, heirs, successors, assigns, agents,  
9 servants, employees, distributees, guardians, next-of-kin,  
10 spouse, and legal representatives now have or may have in the  
11 future for any injury, death, property damage related to:

12 (1) Participation in such activities;

13 (2) The negligence, intentional acts, or other acts,  
14 whether directly connected to such activities or not, and however  
15 caused; and

16 (3) The condition of the premises where such activities  
17 occur.

18 9. Any rule or portion of a rule, as that term is defined  
19 in section 536.010, that is created under the authority delegated  
20 in this section shall become effective only if it complies with  
21 and is subject to all of the provisions of chapter 536 and, if  
22 applicable, section 536.028. This section and chapter 536 are  
23 nonseverable and if any of the powers vested with the general  
24 assembly pursuant to chapter 536 to review, to delay the  
25 effective date, or to disapprove and annul a rule are  
26 subsequently held unconstitutional, then the grant of rulemaking  
27 authority and any rule proposed or adopted after August 28, 2011,  
28 shall be invalid and void.

1           263.190. 1. [The plants musk thistle (Carduus nutans L.),  
2 Scotch thistle (Onoprodum acanthium L.) and Canada thistle  
3 (Cirsium arvense) are hereby designated as noxious weeds. All  
4 owners of land shall control all such plants growing upon their  
5 land] As used in sections 263.190 to 263.474, "noxious weed"  
6 means any weed designated as noxious by rules promulgated by the  
7 director of the department of agriculture. The department shall  
8 maintain a list of such noxious weeds and shall make such list  
9 available to the public. The department of agriculture shall  
10 promulgate rules necessary to implement the provisions of this  
11 subsection.

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

1 associate circuit judge of the county in which the offense is  
2 committed. All sums recovered by virtue of this section shall be  
3 paid to the use of the county control fund.

4 3. Before initiating any civil action under this section,  
5 the prosecuting attorney of the county in which the land, or the  
6 greater part thereof, is located shall notify the owner of the  
7 land of the requirements of this law, by certified mail, return  
8 receipt requested, from a list supplied by the officer who  
9 prepares the tax list, and shall allow the owner of the land  
10 fifteen days from acknowledgment date of return receipt, or date  
11 of refusal of acceptance, as the case may be, to initiate control  
12 of all such plants growing upon **[his]** the owner's land. Failure  
13 of the owner to initiate control of such plants within the  
14 fifteen-day period shall be prima facie evidence of the owner's  
15 knowledge that **[he]** the owner is in violation of this law, and  
16 each fifteen days the violation continues after the initial  
17 fifteen-day period shall, for the purpose of forfeiture and  
18 penalty herein, be considered a separate offense.

19 4. All sales of noxious weed species are prohibited.

20 263.200. 1. In addition to the remedies provided in  
21 section 263.190, when **[Canada, musk, or Scotch thistles]** noxious  
22 weeds are discovered growing on any lands in the county, it shall  
23 be the duty of the county commission to control such **[thistles]**  
24 noxious weeds so as to prevent the seed from ripening, and for  
25 that purpose the county commission, or its agents, servants, or  
26 employees shall have authority to enter on such lands without  
27 being liable to an action of trespass therefor, and shall have  
28 such official immunity as exists at common law for any

1 misfeasance or damages occurring in connection with the attempt  
2 to control [Canada, musk, or Scotch thistles] noxious weeds.  
3 Notwithstanding any provision of law to the contrary, the county  
4 shall be liable for any misfeasance or actual damages caused by  
5 its agents, servants, or employees in connection with the attempt  
6 to control [Canada, musk, or Scotch thistles] noxious weeds. The  
7 landowner shall owe no duty of care to such persons, except that  
8 which the landowner owes to trespassers. The county commission  
9 shall keep an accurate account of the expenses incurred in  
10 controlling the [thistles] noxious weeds, and shall verify such  
11 statement under seal of the county commission, and transmit the  
12 same to the officer whose duty it is or may be to extend state  
13 and county taxes on tax books or bills against real estate; and  
14 such officer shall extend the aggregate expenses so charged  
15 against each tract of land as a special tax, which shall then  
16 become a lien on the lands, and be collected as state and county  
17 taxes are collected by law and paid to the county commission and  
18 credited to the county control fund.

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

1           3. Any land or properties that are owned solely by a  
2 political subdivision in a city not within a county shall be  
3 subject to all provisions of sections 263.190, 263.200, and  
4 263.240.

5           263.220. It shall be the duty of the prosecuting attorney  
6 of the county to prosecute all actions brought under [sections  
7 263.190 to 263.240] section 263.190.

8           263.240. [Any person who shall violate any of the  
9 provisions of sections 263.210 to 263.240 shall, upon conviction,  
10 be guilty of] A violation of section 263.190 is a misdemeanor.

11           263.241. [The plant, purple loosestrife (*Lythrum*  
12 *salicaria*), and any hybrids thereof, is hereby designated a  
13 noxious weed. No person shall buy, sell, offer for sale,  
14 distribute or plant seeds, plants or parts of plants of purple  
15 loosestrife without a permit issued by the Missouri department of  
16 conservation. Such permits shall be issued only for experiments  
17 to control and eliminate nuisance weeds. Any person who violates  
18 the provisions of this section shall be guilty of a class A  
19 misdemeanor] The department of agriculture shall promulgate rules  
20 necessary to implement the provisions of sections 263.190 to  
21 263.241. Any rule or portion of a rule, as that term is defined  
22 in section 536.010, that is created under the authority delegated  
23 in this section shall become effective only if it complies with  
24 and is subject to all of the provisions of chapter 536 and, if  
25 applicable, section 536.028. This section and chapter 536 are  
26 nonseverable and if any of the powers vested with the general  
27 assembly pursuant to chapter 536 to review, to delay the  
28 effective date, or to disapprove and annul a rule are

1 subsequently held unconstitutional, then the grant of rulemaking  
2 authority and any rule proposed or adopted after August 28, 2011,  
3 shall be invalid and void.

4 268.121. It shall be the duty of the director from time to  
5 time to [cause to be published in book form] create a list of all  
6 brands on record at [the time of the publication] that time and  
7 make such list available to the public on a publicly-accessible  
8 website. The [lists may be supplemented] list shall be updated  
9 from time to time. The [publication] list shall contain a  
10 facsimile of all brands recorded and the owner's name and  
11 post-office address. The records shall be arranged in convenient  
12 form for reference. [It shall be the duty of the director to  
13 send one copy of the brand book and supplements to the county  
14 recorder of deeds of each county and to each licensed livestock  
15 market and slaughter plant in the state. The books and  
16 supplements shall be furnished without cost to the livestock  
17 market or slaughter plant or to the county and shall be kept as a  
18 matter of public record.] The [books and supplements] list may be  
19 sold to the general public at the cost of its printing and  
20 mailing [each book].

21 276.401. 1. Sections 276.401 to 276.582 shall be known as  
22 the "Missouri Grain Dealer Law".

23 2. The provisions of the Missouri grain dealer law shall  
24 apply to grain purchases where title to the grain transfers from  
25 the seller to the buyer within the state of Missouri.

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

28 (1) On freight on board (FOB) origin or freight on board

1 (FOB) basing point contracts, title transfers at time and place  
2 of shipment;

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

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

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

13 (1) "Auditor", a person appointed under sections 276.401 to  
14 276.582 by the director to assist in the administration of  
15 sections 276.401 to 276.582, and whose duties include making  
16 inspections, audits and investigations authorized under sections  
17 276.401 to 276.582;

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

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

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

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

27 (6) "Credit sales contracts", a conditional grain sales  
28 contract wherein payment and/or pricing of the grain is deferred

1 to a later date. Credit sales contracts include, but are not  
2 limited to, all contracts meeting the definition of deferred  
3 payment contracts, and/or delayed price contracts;

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

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

15 (9) "Deferred payment agreement", a conditional grain sales  
16 transaction establishing an agreed upon price for the grain and  
17 delaying payment to an agreed upon later date or time period.  
18 Ownership of the grain, and the right to sell it, transfers from  
19 seller to buyer so long as the conditions specified in section  
20 276.461 and section 411.325 are met;

21 (10) "Deferred pricing agreement", a conditional grain  
22 sales transaction wherein no price has been established on the  
23 grain, the seller retains the right to price the grain later at a  
24 mutually agreed upon method of price determination. Deferred  
25 pricing agreements include, but are not limited to, contracts  
26 commonly known as no price established contracts, price later  
27 contracts, and basis contracts on which the purchase price is not  
28 established at or before delivery of the grain. Ownership of the

1 grain, and the right to sell it, transfers from seller to buyer  
2 so long as the conditions specified in section 276.461 and  
3 section 411.325 are met;

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

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

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

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

13 (15) "Generally accepted accounting principles", the  
14 conventions, rules and procedures necessary to define accepted  
15 accounting practice, which include broad guidelines of general  
16 application as well as detailed practices and procedures  
17 generally accepted by the accounting profession, and which have  
18 substantial authoritative support from the American Institute of  
19 Certified Public Accountants;

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

25 (17) "Grain dealer" or "dealer", any person engaged in the  
26 business of, or as a part of his business participates in, buying  
27 grain where title to the grain transfers from the seller to the  
28 buyer within the state of Missouri. "Grain dealer" or "dealer"

1 shall not be construed to mean or include:

2 (a) Any person or entity who is a member of a recognized  
3 board of trade or futures exchange and whose trading in grain is  
4 limited solely to trading with other members of a recognized  
5 board of trade or futures exchange; provided, that grain  
6 purchases from a licensed warehouseman, farmer/producer or any  
7 other individual or entity in a manner other than through the  
8 purchase of a grain futures contract on a recognized board of  
9 trade or futures exchange shall be subject to sections 276.401 to  
10 276.582. Exempted herein are all futures transactions;

11 (b) A producer or feeder of grain for livestock or poultry  
12 buying grain for his own farming or feeding purposes who  
13 purchases grain exclusively from licensed grain dealers or whose  
14 total grain purchases from producers during his or her fiscal  
15 year do not exceed [one hundred thousand dollars] fifty thousand  
16 bushels;

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

19 (d) A manufacturer or processor of registered or  
20 unregistered feed whose total grain purchases from producers  
21 during his or her fiscal year does not exceed one hundred  
22 thousand dollars and who pays for all grain purchases from  
23 producers at the time of physical transfer of the grain from the  
24 seller or his or her agent to the buyer or his or her agent and  
25 whose resale of such grain is solely in the form of manufactured  
26 or processed feed or feed by-products or whole feed grains to be  
27 used by the purchaser thereof as feed;

28 (18) "Grain transport vehicle", a truck, tractor-trailer

1 unit, wagon, pup, or any other vehicle or trailer used by a  
2 dealer, whether owned or leased by him, to transport grain which  
3 he has purchased; except that, bulk or bagged feed delivery  
4 trucks which are used principally for the purpose of hauling feed  
5 and any trucks for which the licensed gross weight does not  
6 exceed twenty-four thousand pounds shall not be construed to be a  
7 grain transport vehicle;

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

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

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

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

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

28 (24) "Producer", any owner, tenant or operator of land who

1 has an interest in and receives all or any part of the proceeds  
2 from the sale of grain or livestock produced thereon;

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

4 (26) "Sale", the passing of title from the seller to the  
5 buyer in consideration of the payment or promise of payment of a  
6 certain price in money, or its equivalent;

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

9 276.421. 1. All applications shall be accompanied by a  
10 true and accurate financial statement of the applicant, prepared  
11 within six months of the date of application, setting forth all  
12 the assets, liabilities and net worth of the applicant. In the  
13 event that the applicant has been engaged in business as a grain  
14 dealer for at least one year, the financial statement shall set  
15 forth the aggregate dollar amount paid for grain purchased in  
16 Missouri and those states with whom Missouri has entered into  
17 contracts or agreements as authorized by section 276.566 during  
18 the last completed fiscal period of the applicant. In the event  
19 the applicant has been engaged in business for less than one year  
20 or has not previously engaged in business as a grain dealer, the  
21 financial statement shall set forth the estimated aggregate  
22 dollar amount to be paid for grain purchased in Missouri and  
23 those states with whom Missouri has entered into contracts or  
24 agreements as authorized by section 276.566 during the  
25 applicant's initial fiscal period. All applications shall also  
26 be accompanied by a true and accurate statement of income and  
27 expenses for the applicant's most recently completed fiscal year.  
28 The financial statements required by this chapter shall be

1 prepared in conformity with generally accepted accounting  
2 principles; except that, the director may promulgate rules  
3 allowing for the valuation of assets by competent appraisal.

4 2. The financial statement required by subsection 1 of this  
5 section shall be audited or reviewed by a certified public  
6 accountant. The financial statement may not be audited or  
7 reviewed by the applicant, or an employee of the applicant, if an  
8 individual, or, if the applicant is a corporation or partnership,  
9 by an officer, shareholder, partner, or a direct employee of the  
10 applicant.

11 3. The director may require any additional information or  
12 verification with respect to the financial resources of the  
13 applicant as he deems necessary for the effective administration  
14 of this chapter. The director may promulgate rules setting forth  
15 minimum standards of acceptance for the various types of  
16 financial statements filed in accordance with the provisions of  
17 this chapter. The director may promulgate rules requiring a  
18 statement of retained earnings, a statement of changes in  
19 financial position, and notes and disclosures to the financial  
20 statements for all licensed grain dealers or all grain dealers  
21 required to be licensed. The additional information or  
22 verification referred to herein may include, but is not limited  
23 to, requiring that the financial statement information be  
24 reviewed or audited in accordance with standards established by  
25 the American Institute of Certified Public Accountants.

26 4. All grain dealers shall provide the director with a copy  
27 of all financial statements and updates to financial statements  
28 utilized to secure the bonds required by sections 276.401 to

1 276.582.

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

10 6. Any person who knowingly prepares or assists in the  
11 preparation of an inaccurate or false financial statement which  
12 is submitted to the director for the purposes of this chapter, or  
13 who during the course of providing bookkeeping services or in  
14 reviewing or auditing a financial statement which is submitted to  
15 the director for the purposes of this chapter, becomes aware of  
16 false information in the financial statement and does not  
17 disclose in notes accompanying the financial statements that such  
18 false information exists, or does not disassociate himself from  
19 the financial statements prior to submission, is guilty of a  
20 class C felony. Additionally, such persons are liable for any  
21 damages incurred by sellers of grain selling to a grain dealer  
22 who is licensed or allowed to maintain his license based upon  
23 inaccuracies or falsifications contained in the financial  
24 statement.

25 7. [Except as set forth in section 276.511 which mandates  
26 higher requirements for class I grain dealers,] Any licensed  
27 grain dealer or applicant for a grain dealer's license [who  
28 purchases less than four hundred thousand dollars worth of grain,

1 during the dealer's last completed fiscal year, in the state of  
2 Missouri and those states with whom Missouri has entered into  
3 contracts or agreements as authorized by section 276.566 must]  
4 shall maintain a minimum net worth equal to [the greater of ten  
5 thousand dollars or] five percent of [such] annual grain  
6 purchases[. If grain purchases during the dealer's last  
7 completed fiscal year are four hundred thousand dollars or more,  
8 the dealer must maintain a net worth equal to the greater of  
9 twenty thousand dollars or one percent of grain purchases] as set  
10 forth in the financial statements required by this chapter. If  
11 the dealer or applicant is deficient in meeting this net worth  
12 requirement, he must post additional bond as required in section  
13 276.436.

14 8. Any licensed grain dealer or applicant for a grain  
15 dealer's license shall have and maintain current assets at least  
16 equal to one hundred percent of current liabilities. The  
17 financial statement required by this chapter shall set forth  
18 positive working capital in the form of a current ratio of the  
19 total adjusted current assets to the total adjusted current  
20 liabilities of at least one to one.

21 (1) The director may allow applicants to offset negative  
22 working capital by increasing the grain dealer surety bond  
23 required by section 276.426 up to the total amount of negative  
24 working capital at the discretion of the director.

25 (2) Adjusted current assets shall be calculated by  
26 deducting from the stated current assets shown on the financial  
27 statement submitted by the applicant any current asset resulting  
28 from notes receivable from related persons, accounts receivable

1 from related persons, stock subscriptions receivable, and any  
2 other related person receivables.

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

6 276.436. 1. The total amount of the surety bond required  
7 of a dealer licensed pursuant to sections 276.401 to 276.582  
8 shall be established by the director by rule, but in no event  
9 shall such bond be less than ~~[twenty]~~ fifty thousand dollars nor  
10 more than ~~[three]~~ six hundred thousand dollars, except as  
11 authorized by other provisions of sections 276.401 to 276.582.

12 2. The formula for determining the amount of bond shall be  
13 established by the director by rule and shall be computed at a  
14 rate of no less than the principal amount to the nearest one  
15 thousand dollars, equal to ~~[not less than one percent and not~~  
16 ~~more than five]~~ two percent of the aggregate dollar amount paid  
17 by the dealer for grain purchased in the state of Missouri and  
18 those states with whom Missouri has entered into contracts or  
19 agreements as authorized by section 276.566 during the dealer's  
20 last completed fiscal year, or, in the case of a dealer who has  
21 been engaged in business as a grain dealer for less than one year  
22 or who has not previously engaged in such business, ~~[not less~~  
23 ~~than one percent and not more than five]~~ two percent of the  
24 estimated aggregate dollar amount to be paid by the dealer for  
25 grain purchased in the state of Missouri and those states with  
26 whom Missouri has entered into contracts or agreements as  
27 authorized by section 276.566 during the applicant's initial  
28 fiscal year.

1           3. Any licensed grain dealer or applicant who has, at any  
2 time, a net worth less than the amount required by subsection 7  
3 of section 276.421, shall be required to obtain a surety bond in  
4 the amount of one thousand dollars for each one thousand dollars  
5 or fraction thereof of the net worth deficiency. Failure to post  
6 such additional bond is grounds for refusal to license or the  
7 suspension or revocation of a license issued under sections  
8 276.401 to 276.582. This additional bond can be in addition to  
9 or greater than or both in addition to and greater than the  
10 maximum bond as set by this section.

11           4. The director may, when the question arises as to a grain  
12 dealer's ability to pay for grain purchased, require a grain  
13 dealer to post an additional bond in a dollar amount deemed  
14 appropriate by the director. Such additional bond can be in  
15 addition to or greater than or both in addition to and greater  
16 than the maximum bond as set by this section. The director must  
17 furnish to the dealer, by certified mail, a written statement of  
18 the reasons for requesting additional bond and the reasons for  
19 questioning the dealer's ability to pay. Failure to post such  
20 additional bond is a ground for modification, suspension or  
21 revocation by the director of a license issued under sections  
22 276.401 to 276.582. The determination of insufficiency of a bond  
23 and of the amount of the additional bond shall be based upon  
24 evidence presented to the director that a dealer:

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

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

1           (3) As a result of his activity, inactivity, or purchasing  
2 and pricing practices and procedures, including, but not limited  
3 to, the dealer's deferred pricing or deferred payment practices  
4 and procedures, is or may be unable to honor his grain purchase  
5 obligations arising out of his dealer business. The amount of  
6 the additional bond required under this subsection shall not  
7 exceed the amount of the dealer's current loss position. Current  
8 loss position shall be the sum of the dealer's current  
9 liabilities less current assets or the amount by which he is  
10 currently unable to meet the grain purchase obligations arising  
11 out of his dealer business.

12           5. One bond, cumulative as to minimum requirements, may be  
13 given where a dealer has multiple licenses; except however, that  
14 in computing the amount of the single bond the grain dealer may  
15 add together the total purchases of grain of all locations to be  
16 covered thereby and use the aggregate total purchases for the  
17 fiscal year for the purpose of computing bond. However, this  
18 single cumulative bond must be at least equal to ~~twenty~~ fifty  
19 thousand dollars per dealer license issued up to the ~~three~~ six  
20 hundred thousand dollar maximum bond amount specified in  
21 subsection 1 of this section. When a grain dealer elects to  
22 provide a single bond for a number of licensed locations, the  
23 total assets of all the licensed locations shall be subject to  
24 liabilities of each individual licensed location.

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

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

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

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

25           411.280. Every warehouseman licensed under the provisions  
26 of this chapter shall have and maintain a net worth equal to the  
27 greater of ten thousand dollars or the amount which results from  
28 multiplying the storage capacity of the warehouse by [fifteen]

1 twenty-five cents per bushel. Capital stock, for the purpose of  
2 determining the net worth, shall not be considered a liability.  
3 Any deficiency in required net worth above the ten thousand  
4 dollar minimum requirement may be met by supplying additional  
5 bond in an amount equal to one thousand dollars for each one  
6 thousand dollars or fraction thereof of deficiency.

7 [263.205. 1. The plant multiflora rose (rosa  
8 multiflora) is hereby declared to be a noxious weed;  
9 except, notwithstanding any other provision of this  
10 section, multiflora rose (rosa multiflora) shall not be  
11 considered a noxious weed when cultivated for or used  
12 as understock for cultivated roses.

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

18 3. Any county opting to establish a county  
19 noxious weed fund, shall establish a noxious weed  
20 control program. No resident or owner of land of any  
21 county shall be required to participate in a county  
22 noxious weed control program; however, any resident or  
23 landowner making application for cost share grants  
24 under this section shall participate in said program.

25 4. For the purpose of administering the county  
26 noxious weed fund, the county governing body shall have  
27 sole discretion of awarding cost share grants under  
28 this section.

29 5. For the purpose of funding the county noxious  
30 weed fund, the county governing body may appropriate  
31 county funds, and/or solicit municipality, state  
32 agency, state general revenue, and federal agency  
33 funds. All such funds shall be deposited in the county  
34 noxious weed fund to be expended for the sole purpose  
35 of controlling noxious weeds so designated under this  
36 section.

37 6. Any county opting to establish a county  
38 noxious weed control program under this section may  
39 make rules and regulations governing said program, and  
40 any county opting to establish a county noxious weed  
41 fund under this section shall establish a cost share  
42 ratio on an annual basis beginning with the creation of  
43 the fund.]

44  
45 [263.230. It shall be the duty of any person or  
46 persons, association of persons, corporations,

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

11  
12 [263.232. It shall be the duty of any person or  
13 persons, association of persons, corporations,  
14 partnerships, the state highways and transportation  
15 commission, any state department, any state agency, the  
16 county commissions, the township boards, school boards,  
17 drainage boards, the governing bodies of incorporated  
18 cities, railroad companies and other transportation  
19 companies or their authorized agents and those  
20 supervising state-owned lands:

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

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

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

41  
42 [263.450. As used in sections 263.450 to 263.474,  
43 the term "noxious weed" includes bindweed (*Convolvulus*  
44 *arvensis*), Johnson grass (*Sorghum halepense*),  
45 multiflora rose (*Rosa multiflora*) except when  
46 cultivated for or used as understock for cultivated  
47 roses, Canada thistle (*Cirsium arvense*), musk thistle  
48 (*Carduus nutans* L.), Scotch thistle (*Onoprodum*  
49 *acanthium* L.), purple loosestrife (*Lythrum salicaria*),  
50 and any other weed designated as noxious by rules and  
51 regulations promulgated by the director of the

1 department of agriculture.]  
2

3 [276.416. In the event that the applicant has  
4 been engaged in business as a grain dealer for at least  
5 one year, the application shall set forth the aggregate  
6 dollar amount paid for grain purchased in Missouri and  
7 those states with whom Missouri has entered into  
8 contracts or agreements as authorized by section  
9 276.566 during the last completed fiscal period of the  
10 applicant. In the event the applicant has been engaged  
11 in business for less than one year or has not  
12 previously engaged in business as a grain dealer, the  
13 application shall set forth the estimated aggregate  
14 dollar amount to be paid for grain purchased in  
15 Missouri and those states with whom Missouri has  
16 entered into contracts or agreements as authorized by  
17 section 276.566 during the applicant's initial fiscal  
18 period.]  
19

20 [276.446. Any grain dealer whose total purchases  
21 of grain within Missouri and those states with whom  
22 Missouri has entered into contracts or agreements as  
23 authorized by section 276.566 during any fiscal year,  
24 do not exceed an aggregate dollar amount of four  
25 hundred thousand dollars may satisfy the bonding  
26 requirements of sections 276.401 to 276.581 by filing  
27 with the director a bond at the rate of one thousand  
28 dollars for each twenty thousand dollars or fraction  
29 thereof of the dollar amount to be purchased, with a  
30 minimum bond of ten thousand dollars required.]  
31  
32