

SECOND REGULAR SESSION

HOUSE BILL NO. 1496

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

3057L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 262.703, 263.070, 265.070, 266.031, and 266.040, RSMo, and to enact in lieu thereof six new sections relating to the agriculture promotion and marketing fund, with penalty provisions.

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

Section A. Sections 262.703, 263.070, 265.070, 266.031, and 266.040, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 261.200, 262.703, 263.070, 265.070, 266.031, and 266.040, to read as follows:

261.200. 1. There is hereby created in the state treasury the "Agriculture Promotion and Marketing Fund", which shall consist of all fines and fees moneys assessed and collected by the department of agriculture which are not otherwise specifically designated in state law for use by the department or for deposit in other funds. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180 the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the purposes of promotion and marketing agricultural products grown, raised, or processed in the state of Missouri.

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

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

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

262.703. 1. No person shall violate the southern dairy compact, or any rules or regulations adopted pursuant to the compact.

2. In addition to any other penalties provided by law, a fine of one thousand dollars may be imposed for each violation, licenses may be revoked or suspended, or an additional fine may be imposed in lieu of revocation or suspension.

3. Each day on which a violation occurs shall be a separate violation.

4. Fines for violating any rule or regulation shall be subject to the provisions of chapter 536, RSMo.

5. Any fines assessed and collected under this section shall be deposited in the state treasury to the credit of the agriculture promotion and marketing fund created in section 261.200.

263.070. 1. A schedule of fees to defray the cost of inspecting greenhouses, nurseries, nursery dealers, nursery stock, plants, plant products and other materials is hereby established and shall be listed in the rules made pursuant to sections 263.010 to 263.180. This fee schedule may be revised from time to time to more accurately reflect the actual cost of these inspections.

2. Greenhouse inspection shall be optional and any grower of greenhouse plants who may desire or find need for a certificate of greenhouse inspection may obtain semiannual inspection of his greenhouse, premises and plants, by making application to the state entomologist. This semiannual inspection and certification of greenhouses shall be performed under the same general provisions as apply to the annual inspection of nurseries. Greenhouse inspection certificates shall expire on November thirtieth of each year.

3. All nurseries in this state shall be inspected at least once each year to ascertain whether they are infested or infected with plant pests. Upon full payment of the fee each nurseryman shall receive a written notice of the findings of such inspection along with a nursery inspection certificate; except that, the state entomologist may withhold certification of a nursery pending eradication of extremely serious or abundant plant pests or weeds of such nature which would prevent the adequate inspection of such nursery. This certificate shall be used in connection with the shipment or movement of any nursery stock shown to be apparently free of harmful and destructive plant pests or other nursery stock from which harmful and destructive plant pests have been eliminated. All nursery inspection certificates shall expire on September thirtieth of each year. Each nursery shall be allowed one retail sales outlet per certificate. Additional outlets shall require separate nursery dealer registration-inspection certificates. When the findings of the annual inspection of a nursery shall in the opinion of the state entomologist warrant such action, additional inspections of the nursery may be made and the nursery may be charged a fee sufficient to cover the cost of such reinspection.

25 4. By notice in writing the state entomologist may require a nurseryman to hold any
26 variety or any amount of nursery stock for inspection or reinspection by quarantining such
27 nursery stock whenever such action is necessary to determine that it is free from pests or to allow
28 time to eradicate any such pests. The state entomologist may further order the removal from sale
29 and the treatment or destruction of any nursery stock infested or infected with especially
30 injurious pests or nursery stock which is not viable or is in such damaged or desiccated condition
31 as to be incapable of reasonable growth. No compensation shall be paid for any stock ordered
32 destroyed.

33 5. (1) Each nursery dealer, before selling or offering for sale or otherwise distributing
34 nursery stock within this state, shall annually obtain a nursery dealers' registration-inspection
35 certificate for each individual location from which the dealer sells or offers for sale nursery
36 stock. Each nursery dealer shall make application on forms to be provided by the state
37 entomologist for each individual location, which shall include:

38 (a) The name and complete address of the nursery dealer's place of business for which
39 such certificate is requested;

40 (b) A declaration that applicant will obtain and distribute only inspected and certified
41 nursery stock; and

42 (c) An up-to-date listing of all sources from which he secures nursery stock.

43 (2) Each nursery dealer shall pay, at the time of making application, the annual
44 registration-inspection fee as set forth in the rules made pursuant to sections 263.010 to 263.180.

45 (3) All nursery dealer registration-inspection certificates shall expire on September
46 thirtieth of each year.

47 (4) The state entomologist may inspect or cause to be inspected the premises of any
48 nursery dealer including any sales yard, packing shed, nursery stock on hand or equipment, for
49 the presence of dangerous and destructive plant pests which may be disseminated on nursery
50 stock.

51 6. By notice in writing the state entomologist may require a nursery dealer to hold any
52 variety or any amount of nursery stock by quarantining such nursery stock whenever such action
53 is necessary to determine that it is free from pests or to allow time to eradicate any such pests.
54 The state entomologist may further order the removal from sale and the treatment or destruction
55 of any nursery stock infested or infected with especially injurious pests, or nursery stock which
56 is not viable or is in such damaged or desiccated condition as to be incapable of reasonable
57 growth. No compensation shall be paid for any stock ordered destroyed.

58 7. Any person in need of a special inspection and certification of nursery stock, other
59 plants or plant products may upon request to the state entomologist have same inspected for plant
60 pests. A fee sufficient to cover the cost of such inspection or certificate, or both, may be

61 charged. Upon completion of the inspection and payment of the fee, a certificate of inspection
62 shall be issued provided the plants or plant products are free of harmful plant pests. The state
63 entomologist may enter into agreements with various persons or companies, to carry out the
64 requirements of this state and importing states or countries.

65 8. All moneys received for any inspection fee or other receipts under this law shall be
66 deposited in the state treasury [and shall be subject to appropriation by the general assembly] to
67 **the credit of the agriculture promotion and marketing fund created in section 261.200.**

265.070. Whenever any quantity of any agricultural product shall have been inspected
2 hereunder and a question arises as to whether the certificate issued therefor shows the true grade,
3 classification, quality or condition of such product, any interested person, subject to such
4 regulations as the director may prescribe, may appeal the question to him and he is authorized
5 to cause such investigation to be made and such tests to be applied as he may deem necessary
6 and to determine and issue a finding of the true grade or classification of the product or of the
7 quality or condition thereof. Whenever an appeal shall be taken to the director under this
8 chapter, he shall charge and assess and collect, or cause to be collected, a reasonable fee, to be
9 fixed by him which shall be refunded if the appeal is sustained. **Any fee moneys assessed and**
10 **collected under this section shall be deposited in the state treasury to the credit of the**
11 **agriculture promotion and marketing fund created in section 261.200.**

266.031. 1. Any person who sells, distributes, offers or exposes for sale any agricultural
2 or vegetable seed in the state of Missouri shall obtain a seed permit from the director of
3 agriculture unless exempted as in section 266.080. Seed dealers must purchase permits for each
4 seed sales classification performed, selling or taking orders for seed from other than an
5 established place of business, selling seed from a retail place of business, selling seed from a
6 wholesale place of business, or negotiating sales as a broker. A separate permit shall be required
7 for each place of business from which seed regulated by this law is sold. A separate permit shall
8 also be required of each person selling or taking orders for seed from other than an established
9 place of business. Seed permit fees will be assessed as follows:

- 10 (1) Place of business selling vegetable seed packets of one pound or less or lawn seed
11 packages to the end user \$5.00
12 (2) Person that sells only labeled seed grown on their own property \$5.00
13 (3) Retail place of business or person not otherwise identified that sells or offers for sale
14 agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user and
15 which does not provide storage facilities \$5.00
16 (4) Retail place of business or person not otherwise identified that sells or offers for sale
17 agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user and

18 which provides storage facilities. A permit to sell agricultural or bulk vegetable seed will suffice
19 for selling seed as listed in (1) and (2) \$15.00

20 (5) Wholesale place of business selling labeled seed for resale, or negotiating sales as
21 a seed broker \$100.00

22 2. Farmers and seed producers shall be classed as seedsmen and must comply with all
23 the provisions of sections 266.011 to 266.111 when the farmers or seed producers:

24 (1) Offer, sell or expose for sale seed not of their own production;

25 (2) Sell and deliver seed to a purchaser by way of common carrier;

26 (3) Sell seed by any public sales service;

27 (4) Advertise or label seed referring to the purity or germination.

28 3. No permit is transferable. All persons holding a Missouri seed permit shall post the
29 permit in a conspicuous place in the place of business to which it applies. The licensing year
30 shall be twelve months, or any fraction thereof, beginning on January first and ending December
31 thirty-first. All permit fees shall be paid to the Missouri department of agriculture and shall be
32 deposited in the state treasury.

33 4. If the application for renewal of any seed permit is not filed prior to expiration date
34 in any year, a penalty of fifty percent shall be assessed and added to the original fee and shall be
35 paid by the applicant before that renewal license shall be issued; provided, that such penalty shall
36 not apply if the applicant furnishes an affidavit certifying that he **or she** has not engaged in
37 selling, distributing, offering or exposing seed for sale, subsequent to the expiration date of his
38 **or her** license.

39 **5. All moneys from fees assessed and collected under this section shall be deposited**
40 **in the state treasury to the credit of the agriculture promotion and marketing fund created**
41 **in section 261.200.**

266.040. Any citizen of this state shall have the privilege of submitting to the director
2 of the department of agriculture samples of agriculture and vegetable seeds for test and analysis,
3 subject to such regulations as may be adopted by the director; provided, that the director may by
4 regulations fix the maximum number of samples that may be tested free of charge for any one
5 citizen in a specified period of time, and fix charges for tests on samples submitted in excess of
6 those tested free of charge. The fees collected for testing seed shall be paid to the Missouri
7 department of agriculture and shall be deposited in the state treasury **to the credit of the**
8 **agriculture promotion and marketing fund created in section 261.200.**

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