

FIRST REGULAR SESSION

SENATE BILL NO. 438

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 28, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1937S.011

AN ACT

To repeal sections 266.291 and 266.331, RSMo, and to enact in lieu thereof two new sections relating to the use of agricultural fees.

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

Section A. Sections 266.291 and 266.331, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 266.291 and 266.331, to
3 read as follows:

266.291. The following words, terms, and phrases, when used in sections
2 266.291 to 266.351 have the meanings ascribed to them in this section, except
3 where the context clearly indicates a different meaning:

4 (1) "Director" means the director of the Missouri agricultural experiment
5 station at Columbia, Missouri, **except section 266.331 shall refer to the**
6 **director of Missouri department of agriculture;**

7 (2) "Distributor" means any person who imports, consigns, manufactures,
8 produces or compounds fertilizer, or offers for sale, sells, barter, or otherwise
9 supplies fertilizers for consumption or use in this state; provided that this term
10 shall not apply to any person who purchases fertilizer from a distributor
11 registered under sections 266.291 to 266.351 and which fertilizer has been once
12 sold in compliance with sections 266.291 to 266.351;

13 (3) "Essential plant nutrient" includes any element recognized as being
14 directly required by any plant to complete its life cycle;

15 (4) "Fertilizer" includes any organic or inorganic material of natural or
16 synthetic origin which is added to soil, soil mixtures, or solution to supplement
17 nutrients and is claimed to contain one or more essential plant nutrients. The
18 term "fertilizer" does not include unmanipulated animal and vegetable manure

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

19 and agricultural liming materials used to reduce soil acidity;

20 (5) "Person" includes individuals, partnerships, associations, firms,
21 corporations, estates, trusts, receivers, or trustees appointed by any state or
22 federal court;

23 (6) "Sale", "sold", and "sells" include exchanges and consignments for sale
24 and means any transfer or barter;

25 (7) "Variable rate technology" means the method of applying two or more
26 fertilizer materials which are blended at variable rates by a spreading vehicle or
27 device during the application process.

266.331. Every distributor shall, within thirty days after each six-months'
2 period ending June thirtieth and December thirty-first, file with the director on
3 forms supplied by him a sworn certificate setting forth the information required
4 by the director by rule. At the time of filing said certificate, each distributor of
5 fertilizer, excluding manipulated animal or vegetable manure, shall pay to the
6 director the fee prescribed by the director by rule, which fee shall not exceed one
7 dollar per ton and one dollar ten cents per metric ton; except that, sales to
8 fertilizer manufacturers or exchanges between them are hereby exempted. Each
9 distributor of fertilizer consisting of manipulated animal or vegetable manure
10 shall pay to the director a fee paid for each ton of manure as prescribed by the
11 director by rule, which fee shall not exceed two cents for each percent nitrogen
12 for manure containing less than five percent nitrogen; or which fee shall not
13 exceed four cents for each percent nitrogen for manure containing at least five but
14 less than ten percent nitrogen; or which fee shall not exceed six cents for each
15 percent nitrogen for manure containing ten or more percent nitrogen. In the
16 event that the director has not prescribed a fee under this section, each
17 distributor required to pay a fee under this section shall pay a fee of one and
18 one-half cents for each one hundred pounds of fertilizer sold by him during the
19 period covered by the certificate filed under this section. The fees so paid to the
20 director shall be used for defraying the expenses in administering sections
21 266.291 to 266.351 and the rules promulgated under sections 266.291 to 266.351,
22 and for practical and scientific experiments by the Missouri agricultural
23 experiment station **[in] or research through other venues as deemed**
24 **necessary by the director as it relates to** the value and proper use of
25 fertilizers. Such fees may also be used to support such related research and
26 methodology, publications, and educational programs extending the results of the
27 fertilizer experiments as may be of practical use to the farmers of this state.

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