

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 289, Page 1, Section A, Line 3, by inserting after all of said section and line the
3 following:
4

5 "281.015. Sections 281.005 to 281.115 shall be administered by the director of the
6 department of agriculture of the state of Missouri~~[-, hereafter referred to as the "director"]~~.

7 281.020. As used in sections 281.010 to 281.115, the following terms mean:

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

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

11 (a) "Certified applicator", any certified commercial applicator, certified noncommercial
12 applicator, certified private applicator, certified provisional private applicator, or certified public
13 operator;

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

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

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

30 ~~[(d)]~~ (e) "Certified provisional private applicator", any individual who is sixteen or
31 seventeen years of age, an immediate family member of a certified private applicator, and certified
32 by the director to use any pesticide that is classified for restricted use for purposes of producing any
33 agricultural commodity on property owned or rented by the individual's immediate family member,
34 as long as the following requirements are met:

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

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

Action Taken _____ Date _____

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

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

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

5 (f) "Certified public operator", any individual who is certified by the director as authorized
6 to use, or to supervise the use of, any pesticide classified for restricted use in the performance of
7 [his] the individual's duties as an official or employee of any agency of the state of Missouri or any
8 political subdivision thereof, or any other governmental agency;

9 [(e)] (g) "Noncertified restricted use pesticide applicator", any person who is not certified in
10 accordance with sections 281.010 to 281.115 who uses or determines the need for the use of
11 restricted use pesticides under the direct supervision of a certified commercial applicator or uses
12 restricted use pesticides under the direct supervision of a certified noncommercial applicator or
13 certified public operator;

14 (h) "Private applicator", any person not holding a certified private applicator's license or
15 certified provisional private applicator's license who [shall be required to obtain a permit for the use
16 of any restricted use pesticide] uses general use pesticides or minimum risk pesticides for the
17 purposes of producing any agricultural commodity on property owned or rented by [him] the person
18 or [his] the person's employer or on the property of another person, if used without compensation
19 other than trading of personal services between producers of agricultural commodities[- such permit
20 shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a
21 one-time emergency use of that pesticide];

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

26 [(g)] (j) "Pesticide technician trainee", any individual working in the physical presence and
27 under the direct supervision of a certified commercial applicator to gain the required on-the-job
28 training in preparation for obtaining a pesticide technician's license;

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

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

33 (5) "Department" or "department of agriculture", the state department of agriculture, and
34 when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the
35 director of the department of agriculture is authorized to perform such duty;

36 (6) "Desiccant", any substance or mixture of substances intended for artificially accelerating
37 the drying of plant tissue;

38 [(6)] (7) "Determining the need for the use of any pesticide", the act of inspecting land for
39 the presence of pests for the purpose of contracting for their control or prevention through the use of
40 pesticides in categories as specified by regulation;

41 [(7)] (8) "Device", any instrument or contrivance, other than a firearm, [which] that is
42 intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or
43 animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living
44 man or other living animals, but not including equipment used for the application of pesticides when
45 sold separately therefrom;

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

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

49 [(8)] (11) "Environment" includes, but is not limited to, water, air, land, and all plants and

1 man and other animals living therein, and the interrelationships ~~[which]~~ that exist among these;

2 ~~[(9)]~~ (12) "Equipment" ~~[means]~~, any type of ground, water, or aerial equipment or
3 contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on
4 land and anything that may be growing, habitating, or stored on or in such land, but shall not include
5 any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or
6 contrivance of which the person who is applying the pesticide is the source of power or energy in
7 making such pesticide application;

8 ~~[(10)]~~ (13) "Fungus", any nonchlorophyll-bearing thallophyte, ~~[that]~~ which is, any
9 nonchlorophyll-bearing plant of a lower order than mosses and liverworts, such as ~~[, for example,]~~
10 rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living
11 animals, and except those on or in processed food, beverages, or pharmaceuticals;

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

16 (15) "Immediate family", familial relationships limited to the spouse, parents, stepparents,
17 foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law,
18 daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles,
19 nieces, nephews, and first cousins. As used in this subdivision, "first cousin" means the child of a
20 parent's sibling, i.e., the child of an aunt or uncle;

21 ~~[(11)]~~ (16) "Individual", any responsible, natural human being;

22 ~~[(12)]~~ (17) "Insect", any of the numerous small invertebrate animals generally having the
23 body more or less obviously segmented, for the most part belonging to the class Insecta, comprising
24 six-legged, usually winged forms, such as ~~[, for example,]~~ beetles, bugs, bees, flies, and to other
25 allied classes of arthropods whose members are wingless and usually have more than six legs, such
26 as ~~[, for example,]~~ spiders, mites, ticks, centipedes, and wood lice;

27 ~~[(13)]~~ (18) "Land", all land and water areas, including airspace, and all plants, animals,
28 structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or
29 mobile, including any used for transportation;

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

33 ~~[(14)]~~ (20) "Misuse of a pesticide", a use of any ~~[registered]~~ pesticide in a manner
34 inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the
35 label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes,
36 and when requested in writing by the person on whose behalf a pesticide is used;

37 ~~[(15)]~~ (21) "Nematode", invertebrate animals of the phylum Nemathelminthes and class
38 Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered
39 with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

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

42 ~~[(16)]~~ (23) "Person", any individual, partnership, association, fiduciary, corporation, or any
43 organized group of persons whether incorporated or not;

44 ~~[(17)]~~ (24) "Pest":

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

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

49 ~~[(18)]~~ (25) "Pesticide":

1 (a) Any substance or mixture of substances intended for preventing, destroying, repelling, or
2 mitigating any pest; or

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

5 ~~[(19)]~~ (26) "Pesticide dealer", any individual who is engaged in the business of distributing,
6 selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any
7 pesticide classified for restricted use;

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

10 ~~[(20)]~~ (28) "Plant regulator", any substance or mixture of substances, intended, through
11 physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for
12 otherwise altering the behavior of plants or the produce thereof, but shall not include substances to
13 the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant
14 inoculants, or soil amendments. The term "plant regulator" does not include any of those nutrient
15 mixtures or soil amendments ~~[which]~~ that are commonly known as vitamin-hormone horticultural
16 products, intended for improvement, maintenance, survival, health, and propagation of plants, and
17 ~~[which]~~ that are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package
18 concentration;

19 ~~[(21)] "Private applicator permit", a written certificate, issued by the director or his~~
20 ~~authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a~~
21 ~~private applicator. Such permit shall authorize the one-time emergency purchase of a restricted use~~
22 ~~pesticide for the purpose of a one-time emergency use of such pesticide;~~

23 ~~———~~ (22) (29) "Restricted use pesticide" or "RUP", any pesticide when applied in accordance
24 with its directions for use, warnings, and cautions and for the uses for which it is registered, or for
25 one or more of such uses, or in accordance with a widespread and commonly recognized practice,
26 the director determines may cause, without additional regulatory restrictions, unreasonable adverse
27 effects on the environment, including injury to the applicator;

28 ~~[(23)]~~ (30) "Sale", selling or offering for sale any pesticide;

29 ~~[(24)]~~ (31) "Snails" or "slugs" includes all harmful mollusks;

30 ~~[(25)]~~ (32) "Unreasonable adverse effects on the environment", any unreasonable risk to
31 man or the environment, taking into account the economic, social, and environmental costs and
32 benefits of the use of any pesticide;

33 ~~[(26)]~~ (33) "Under the direct supervision of a certified applicator", when a pesticide is used
34 by a competent person acting under the instructions and control of a certified applicator who is
35 available if and when needed, even though such certified applicator is not physically present at the
36 time and place the pesticide is used;

37 ~~[(27)]~~ (34) "Use", mixing, loading, or applying, ~~[, storing or disposing of a]~~ any pesticide;
38 cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix,
39 equipment wash waters, or other pesticide-containing materials;

40 ~~[(28)]~~ (35) "Weed", any plant ~~[which]~~ that grows where not wanted; ~~[and~~

41 ~~———~~ (29) (36) "Wildlife", all living things that are neither human, domesticated, or pests,
42 including, but not limited to, mammals, protected birds, and aquatic life.

43 281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to
44 281.115 and shall have authority to issue regulations after a public hearing following due notice of
45 not less than thirty days to all interested persons, in conformance with the provisions of chapter 536,
46 to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such
47 regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such
48 regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods,
49 materials, and amounts and concentrations, in connection with the use of the pesticide, and may

1 restrict or prohibit use of pesticides in designated areas during specified periods of time and shall
 2 encompass all reasonable factors ~~[which]~~ that the director deems necessary to prevent damage or
 3 injury. In issuing such regulations, the director may give consideration to pertinent research
 4 findings and recommendations of other agencies of this state, the federal government, or other
 5 reliable sources. The director may by regulation require that notice of a proposed application of a
 6 pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity
 7 thereof, if ~~[he]~~ the director finds that such notice is necessary to carry out the purpose of sections
 8 281.010 to 281.115. ~~[The director may, by regulation, provide for the one-time emergency purchase
 9 and one-time emergency use of a restricted use pesticide by a private applicator.]~~

10 2. The pesticides on the list of restricted use pesticides, as determined by the federal agency
 11 having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri.
 12 The director shall publish, at least annually, a list of pesticides ~~[which]~~ that have restricted uses.
 13 Such publication shall be made available to the public upon request. If the director determines that
 14 a pesticide, when used in accordance with its directions for use, warnings, and cautions, and for uses
 15 for which it is registered, may cause, without additional regulatory restrictions, unreasonable
 16 adverse effects on the environment, including injury to the applicator or other persons, the pesticide
 17 shall be used only by or under the direct supervision of a certified applicator~~[-, or a private applicator
 18 with a permit]~~. Such pesticides may be subject to other restrictions as determined by the director, to
 19 include the time and conditions of possession and use.

20 3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to
 21 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard,
 22 to be held after no less than thirty days' prior notice of the date, time, and place of hearing, to be
 23 given by regular mail to any person who has registered with the director for purposes of notice of
 24 such public hearings, in accordance with procedures prescribed by the director.

25 4. At any hearing, opportunity to be heard shall be afforded to any interested person upon
 26 written request received not later than twenty-four hours prior to the hearing, and may also be
 27 afforded to other persons. In addition, any interested person, whether or not heard, may submit
 28 within seven days subsequent to the hearing a written statement of views. The director may solicit
 29 the views in writing of persons who may be affected by, or interested in any proposed regulation.
 30 Any person heard or represented at the hearing, or making written request for notice, shall be given
 31 written notice of the action of the director with respect to the subject thereof.

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

34 281.030. 1. The director may, by regulation, classify ~~[certified applicator, operator or
 35 technician]~~ licenses to be issued under sections 281.010 to 281.115. Such classifications may
 36 include but not be limited to commercial applicators, noncommercial applicators, private
 37 applicators, provisional private applicators, public operators ~~[or]~~, pesticide technicians, or
 38 noncertified RUP applicators. Separate classifications may be specified as to ground, aerial, or
 39 manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of
 40 pests.

41 2. The director may, by regulation, establish certification categories to be provided under
 42 each license classification. Each certification category shall be subject to separate testing
 43 procedures and requirements; provided, that no individual shall be required to pay an additional fee
 44 if ~~[he]~~ the individual is certified in one or all of the certification categories provided under the
 45 license for which ~~[he]~~ the individual has applied. The director may, by regulation, establish
 46 certification categories limited to the use of certain pesticides and issue a license therefor. Each
 47 certification category shall be subject to separate testing procedures covering only those pesticides
 48 for which the applicant seeks to be licensed.

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

1 281.035. 1. No individual shall engage in the business of determining the need for the use
 2 of, supervising the use of, supervising the determination of the need for the use of, or using any
 3 pesticide, in categories as specified by regulation, on the lands of another at any time without a
 4 certified commercial applicator's license issued by the director. A certified commercial applicator
 5 shall not determine the need for the use of, supervise the use of, supervise the determination of the
 6 need for the use of, or use any pesticide for any particular purpose unless ~~[he or she]~~ the certified
 7 commercial applicator has demonstrated [his or her] such certified commercial applicator's
 8 competence to use pesticides for that purpose by being certified by the director in the proper
 9 certification category. The director shall require an annual fee of sixty-five dollars for each certified
 10 commercial applicator's license issued. No certified commercial applicator shall knowingly
 11 authorize, direct, or instruct any individual to engage in determining the need for the use of or using
 12 any general use pesticide or minimum risk pesticide on the land of another at any time unless such
 13 individual is a pesticide technician or pesticide technician trainee in such categories as specified by
 14 regulation or is working under the direct supervision of a certified commercial applicator so
 15 authorizing, directing or instructing, in which case the certified commercial applicator shall be liable
 16 for any use of a general use pesticide or minimum risk pesticide by an individual operating under
 17 ~~[his or her]~~ the certified commercial applicator's direct supervision. The certified commercial
 18 applicator or the employer shall assure that the director is informed in writing within ten ~~[working]~~
 19 days of the employment of any person as a pesticide technician or pesticide technician trainee.

20 2. No certified commercial applicator shall knowingly authorize, direct, or instruct any
 21 individual to engage in determining the need for the use of or using any restricted use pesticide on
 22 the land of another at any time unless such individual is licensed as a noncertified RUP applicator
 23 while working under the direct supervision of a certified commercial applicator so authorizing,
 24 directing, or instructing, in which case the certified commercial applicator shall be liable for any use
 25 of a restricted use pesticide by an individual operating under the certified commercial applicator's
 26 direct supervision.

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

30 ~~[3.]~~ 4. The director shall not issue a certified commercial applicator's license until the
 31 applicant is certified by passing an examination provided by the director to demonstrate to the
 32 director ~~[his or her]~~ the applicant's competence and knowledge of the proper use of pesticides under
 33 the classifications ~~[he or she]~~ the applicant had applied for, and ~~[his or her]~~ the applicant's
 34 knowledge of the standards prescribed by regulations for the certification of commercial applicators.

35 ~~[4.]~~ 5. The director may renew any certified commercial applicator's license under the
 36 classification for which such applicant is licensed, ~~[subject to]~~ upon successful completion of
 37 approved recertification training or reexamination for additional knowledge that may be required to
 38 use pesticides safely and properly either manually or with equipment the applicant has been licensed
 39 to operate.

40 ~~[5.]~~ 6. If the director finds the applicant qualified to use pesticides in the classification for
 41 which application has been made, and if the applicant files evidence that the requirement for bonds
 42 or insurance has been met as required under section 281.065, the director shall issue a certified
 43 commercial applicator's license limited to the classifications for which ~~[he or she]~~ the applicant is
 44 qualified, which shall expire one year from date of issuance unless ~~[it]~~ the license has been revoked
 45 or suspended prior thereto by the director for cause; provided, such financial responsibility required
 46 under section 281.065 does not expire at an earlier date, in which case ~~[said]~~ the license shall expire
 47 upon the expiration date of the financial responsibility. The director may limit the license of the
 48 applicant to the use of certain ~~[restricted use]~~ pesticides, or to certain areas, or to certain types of
 49 equipment if the applicant is only so qualified. If a license is not issued as applied for, the director

1 shall inform the applicant in writing of the reasons therefor.

2 ~~[6.]~~ 7. The director shall require each certified commercial applicator or ~~[his or her]~~ the
3 certified commercial applicator's employer to maintain records with respect to applications of any
4 pesticide, including pesticides used under direct supervision by licensed pesticide technicians,
5 pesticide technician trainees, and licensed noncertified RUP applicators. Such relevant information
6 as the director may deem necessary may be specified by regulation. Such records shall be kept for a
7 period of three years from the date of the application of the pesticide to which such records refer,
8 and the director shall, upon request in writing, be furnished with a copy of such records by any
9 certified commercial applicator or ~~[his or her]~~ the certified commercial applicator's employer.

10 ~~[7.]~~ 8. A person or individual engaged in the business of using pesticides on the lands of
11 another, who is deprived of ~~[his or her]~~ such person's or individual's sole certified commercial
12 applicator by reason of death, illness, incapacity, or any absence which the director determines is
13 unavoidable, is authorized to continue business operations without the services of a certified
14 commercial applicator for a period of time deemed appropriate by the director, but not to exceed
15 sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such
16 person or individual. Any such person or individual shall immediately notify the director as to the
17 absence of ~~[his or her]~~ such person's or individual's sole certified commercial applicator.

18 ~~[8.]~~ 9. Every certified commercial applicator shall display ~~[his or her]~~ the certified
19 commercial applicator's license in a prominent place at the site, location, or office from which ~~[he or~~
20 ~~she]~~ the certified commercial applicator will operate as a certified commercial applicator; that place,
21 location, or office being at the address printed on the license.

22 ~~[9.]~~ 10. Every certified commercial applicator who changes the address from which ~~[he or~~
23 ~~she]~~ the certified commercial applicator will operate as a certified commercial applicator shall
24 immediately notify the director. The director shall immediately issue a revised license upon which
25 shall be printed the changed address. The director shall not collect a fee for the issuance of a
26 revised license. The expiration date of the revised license shall be the same as the expiration date
27 for the original license.

28 281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040, or
29 281.045 ~~[, or has not been issued a private applicator permit pursuant to subsection 5 of section~~
30 ~~281.040]~~ shall not use, or supervise the use of, any ~~[restricted-use]~~ restricted use pesticide without a
31 certified noncommercial applicator license. A certified noncommercial applicator shall not use, or
32 supervise the use of, any restricted use pesticide for any purpose unless ~~[he or she]~~ the certified
33 noncommercial applicator has demonstrated ~~[his or her]~~ the certified noncommercial applicator's
34 competence to use pesticides for that purpose by being certified by the director in the proper
35 certification category.

36 2. No certified noncommercial applicator shall knowingly authorize, direct, or instruct any
37 individual to engage in using any restricted use pesticide on lands or structures owned, leased, or
38 rented by the certified noncommercial applicator or the certified noncommercial applicator's
39 employer unless such individual is licensed as a noncertified RUP applicator while working under
40 the direct supervision of a certified noncommercial applicator so authorizing, directing, or
41 instructing, in which case the certified noncommercial applicator shall be liable for any use of a
42 restricted use pesticide by an individual operating under the certified noncommercial applicator's
43 direct supervision.

44 3. Application for a certified noncommercial applicator license shall be ~~[made in writing]~~
45 submitted to the director on a designated form obtained from the ~~[director's office]~~ department.
46 Each application shall include such information as prescribed by the director by regulation.

47 ~~[3.]~~ 4. The director shall not issue a certified noncommercial applicator license until the
48 applicant is certified by passing an examination provided by the director to demonstrate to the
49 director ~~[his or her]~~ the applicant's competence and knowledge of the proper use of pesticides under

1 the classifications for which ~~[he or she]~~ the applicant has applied, and ~~[his or her]~~ the applicant's
 2 knowledge of the standards prescribed by regulations for the certification of noncommercial
 3 applicators.

4 ~~[4.]~~ 5. If the director finds the applicant qualified to use restricted use pesticides in the
 5 classification for which ~~[he or she]~~ the applicant has applied, the director shall issue a certified
 6 noncommercial applicator license limited to the applicator categories in which ~~[he or she]~~ the
 7 applicant is certified. The license shall expire one year from the date of issuance unless ~~[it]~~ the
 8 license has been revoked or suspended prior thereto by the director for cause. The director may
 9 limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or
 10 to certain types of equipment if the applicant is only so qualified. If a license is not issued as
 11 applied for, the director shall inform the applicant in writing of the reasons therefor.

12 ~~[5.]~~ 6. The director may renew any certified noncommercial applicator license under the
 13 classification for which the license is issued ~~[subject to]~~ upon successful completion of approved
 14 recertification training or reexamination for additional knowledge ~~[which]~~ that may be required to
 15 apply pesticides safely and properly.

16 ~~[6.]~~ 7. The director shall collect a fee of thirty-five dollars for each certified noncommercial
 17 applicator license issued.

18 ~~[7.]~~ 8. Any certified noncommercial applicator may use, or supervise the use of, restricted
 19 use pesticides only to or on lands or structures owned, leased or rented by ~~[himself or herself]~~ the
 20 certified noncommercial applicator or ~~[his or her]~~ the certified noncommercial applicator's
 21 employer.

22 ~~[8.]~~ 9. The director shall require the certified noncommercial applicator or ~~[his or her]~~ the
 23 certified noncommercial applicator's employer to maintain records with respect to applications of
 24 restricted use pesticides. Any relevant information ~~[which]~~ that the director may deem necessary
 25 may be required by regulation. Such records shall be kept for a period of three years from the date
 26 of the application of the pesticide to which such records refer, and the director shall, upon request in
 27 writing, be furnished with a copy of such records by any certified noncommercial applicator or ~~[his~~
 28 ~~or her]~~ the certified noncommercial applicator's employer.

29 ~~[9.]~~ 10. Every certified noncommercial applicator shall display ~~[his or her]~~ the certified
 30 noncommercial applicator's license in a prominent place at the site, location, or office from which
 31 ~~[he or she]~~ the certified noncommercial applicator will operate as a certified noncommercial
 32 applicator; that place, location, or office being at the address printed on the license.

33 ~~[10.]~~ 11. Every certified noncommercial applicator who changes the address from which ~~[he~~
 34 ~~or she]~~ the certified noncommercial applicator will operate as a certified noncommercial applicator
 35 shall immediately notify the director. The director shall immediately issue a revised license upon
 36 which shall be printed the changed address. The director shall not collect a fee for the issuance of a
 37 revised license. The expiration date of the revised license shall be the same as the expiration date
 38 for the original license.

39 281.038. 1. ~~[After July 1, 1990,]~~ No individual working under the direct supervision of a
 40 certified commercial applicator shall determine the need for the use of or use any general use
 41 pesticide ~~[nor use any]~~ or minimum risk pesticide in categories as specified by regulation, unless
 42 and until the individual has met the requirements of ~~[this chapter]~~ sections 281.010 to 281.115.

43 2. Application for a pesticide technician's license shall be ~~[made in writing]~~ submitted to
 44 the director on a designated form obtained from the ~~[director's office]~~ department. Each application
 45 shall include such information as prescribed by the director by regulation and shall be received by
 46 the director within forty-five days of employment of the pesticide technician or pesticide technician
 47 trainee.

48 3. The director shall not issue a pesticide technician's license until the individual has
 49 demonstrated ~~[his or her]~~ the applicant's competence by completion of an approved training program

1 to the satisfaction of the director.

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

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

7 6. If the director finds the applicant qualified to use pesticides in the classification for
8 which application has been made, the director shall issue a pesticide technician's license limited to
9 the classifications for which ~~he or she~~ the applicant is qualified, which shall expire one year from
10 date of issuance unless ~~it~~ the license has been revoked or suspended prior thereto by the director
11 for cause. The director may limit the license of the applicant to the use of certain pesticides, or to
12 certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not
13 issued as applied for, the director shall inform the applicant in writing of the reasons for such denial
14 of license.

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

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

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

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

23 281.040. 1. No private applicator shall use any ~~restricted-use~~ restricted use pesticide
24 unless ~~he~~ the private applicator first complies with the requirements determined pursuant to
25 subsection ~~2 or 5~~ 3 of this section, as necessary to prevent unreasonable adverse effects on the
26 environment, including injury to the applicator or other persons, for that specific pesticide use.

27 2. No certified private applicator shall knowingly authorize, direct, or instruct any
28 individual to engage in using any restricted use pesticide on lands or structures owned, leased, or
29 rented by the certified private applicator or the certified applicator's employer unless such individual
30 is licensed as a certified private applicator or a certified provisional private applicator.

31 3. The private applicator shall qualify for a certified private applicator's license or a certified
32 provisional private applicator's license by ~~either~~ attending ~~a course or completing an online course~~
33 of instruction] an approved certification training program provided by University of Missouri
34 Extension, completing an online certification training program provided by University of Missouri
35 Extension, or by passing the required private applicator certification examination provided by the
36 director on the use, handling, storage, and application of ~~restricted-use~~ restricted use pesticides in
37 the proper certification categories as specified by regulation. The content of the instruction shall be
38 determined and revised as necessary by the director. Upon completion of the ~~course~~ certification
39 training program, completion of the online certification training program, or passage of the required
40 private applicator certification examination, the director shall issue a certified private applicator's
41 license or certified provisional private applicator's license to the applicant. The director shall not
42 collect a fee for the issuance of such license~~, but the~~. University of Missouri Extension ~~service~~
43 may] shall collect ~~a fee for the actual cost of the materials necessary to complete the course of~~
44 instruction] reasonable fees for study materials and for enrollment in certification or recertification
45 programs administered in-person or online. ~~However, no fee~~ Such fees shall be assessed ~~or~~
46 collected from an individual completing an online course of instruction. Both the director of the
47 department and of the University of Missouri Extension service shall review such costs annually.]
48 based on the majority decision of a review committee convened every five years or as needed by the
49 director. Such fees shall not exceed seventy-five dollars per program per applicant unless the

1 members of the review committee representing statewide agricultural organizations vote
 2 unanimously in favor of setting the fee in an amount in excess of seventy-five dollars. Such
 3 committee shall be provided revenue and expense information for the training program from the
 4 University of Missouri Extension and information on the content of the instruction and method of
 5 delivery from the director. The review committee shall also determine a maximum in-seat training
 6 time limit for the training programs. The committee shall report its minutes, fee decisions, time
 7 limitation decisions, and its evaluation of the training provided to the chairs of the House of
 8 Representatives and Senate agriculture or equivalent committees. The review committee shall be
 9 composed of five members including:

10 (1) The director;

11 (2) The director of the University of Missouri Extension, or such director's designee;

12 (3) The president of a statewide corn producers organization who actively grows corn, or
 13 such president's designee;

14 (4) The president of a statewide soybean producers organization who actively grows
 15 soybeans, or such president's designee; and

16 (5) The president of the state's largest general farm membership organization, or such
 17 president's designee.

18 ~~[3.]~~ 4. A certified private applicator's license shall expire five years from date of issuance
 19 and may then be renewed without charge or additional fee. Any certified private applicator holding
 20 a valid license may renew that license for the next five years [without additional training unless the
 21 director determines that additional knowledge related to the use of agricultural pesticides makes
 22 additional training necessary.] upon successful completion of approved recertification training or by
 23 passing the required private applicator certification examination.

24 5. On the date of the certified provisional private applicator's eighteenth birthday, such
 25 certified provisional private applicator's license shall automatically be converted to a certified
 26 private applicator license reflecting the original expiration date from issuance. A certified
 27 provisional private applicator's license shall expire five years from date of issuance and may be
 28 renewed as a certified private applicator's license without charge or additional fee.

29 ~~[4.]~~ 6. If the director does not qualify the private applicator under this section [he] , the
 30 director shall inform the applicant in writing of the reasons therefor.

31 ~~[5. The private applicator may apply to the director, or his designated agent, for a private~~
 32 ~~applicator permit for the one-time emergency purchase and use of restricted use pesticides. When~~
 33 ~~the private applicator has demonstrated his competence in the use of the pesticides to be purchased~~
 34 ~~and used on a one-time emergency basis, he shall be issued a permit for the one-time emergency~~
 35 ~~purchase and use of restricted use pesticides. The director or his designated agent shall not collect a~~
 36 ~~fee for the issuance of such permit.]~~

37 281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and
 38 any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and
 39 rules adopted thereunder concerning the use of restricted use pesticides.

40 2. Public operators for agencies listed in subsection 1 of this section shall not use, or
 41 supervise the use of, any restricted use pesticides on any land or structure without a certified public
 42 operator license issued by the director. The certified public operator shall not use or supervise the
 43 use of any restricted use pesticide for any purpose unless [he] the certified public operator has
 44 demonstrated [his] the certified public operator's competence to use pesticides for that purpose by
 45 being certified by the director in the proper certification category. [Any employee of any agency
 46 listed in subsection 1 of this section who is not licensed as a certified public operator may use
 47 restricted use pesticides only under the direct supervision of a certified public operator.]

48 3. No certified public operator shall knowingly authorize, direct, or instruct any individual
 49 to engage in using any restricted use pesticide on lands or structures unless such individual is

1 licensed as a noncertified RUP applicator while working under the direct supervision of a certified
 2 public operator so authorizing, directing, or instructing, in which case the certified public operator
 3 shall be liable for any use of a restricted use pesticide by an individual operating under the certified
 4 public operator's direct supervision.

5 4. Application for a certified public operator license shall be ~~made in writing~~ submitted to
 6 the director on a designated form obtained from the ~~director's office~~ department. Each application
 7 shall include all information prescribed by the director by regulation.

8 ~~4.]~~ 5. The director shall not issue a certified public operator license until the applicant is
 9 certified by passing an examination provided by the director to demonstrate to the director ~~his~~ the
 10 applicant's competence and knowledge of the proper use of pesticides under the classifications for
 11 which ~~he~~ the applicant has applied, and ~~his~~ the applicant's knowledge of the standards prescribed
 12 by regulations for the certification of public operators.

13 ~~5.]~~ 6. If the director finds the applicant qualified to use pesticides in the classification for
 14 which ~~he~~ the applicant has applied, the director shall issue a license, without a fee, to the certified
 15 public operator who has so qualified. The certified public operator license shall be valid only when
 16 the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the
 17 course of ~~his~~ the operator's employment. A certified public operator license shall expire three
 18 years from the date of issuance unless ~~it~~ the license has been revoked or suspended prior thereto by
 19 the director for cause. The director may limit the license of the applicant to the use of certain
 20 restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only
 21 so qualified. If a license is not issued as applied for, the director shall inform the applicant in
 22 writing of the reasons therefor.

23 ~~6.]~~ 7. The director may renew any certified public operator license under the classification
 24 for which that applicant is licensed~~, subject to~~ upon successful completion of approved
 25 recertification training or reexamination for additional knowledge ~~which~~ that may be required to
 26 use pesticides safely and properly either manually or with equipment the applicant has been licensed
 27 to operate.

28 ~~7.]~~ 8. The director shall require the certified public operator, or ~~his~~ the certified public
 29 operator's employer, to maintain records with respect to applications of restricted use pesticides.
 30 Any relevant information which the director may deem necessary may be required by regulation.
 31 Such records shall be kept for a period of three years from the date of the application of the pesticide
 32 to which such records refer, and the director shall, upon request in writing, be furnished with a copy
 33 of such records by any certified public operator or ~~his~~ the certified public operator's employer.

34 ~~8.]~~ 9. Agencies listed in subsection 1 of this section shall be subject to a legal action by any
 35 person damaged by any use of any pesticide, which may be brought in the county where the damage
 36 or any part thereof occurred.

37 ~~9.]~~ 10. Every certified public operator shall display ~~his~~ the certified public operator's
 38 license in a prominent place at the site, location, or office from which ~~he~~ the certified public
 39 operator will operate as a certified public operator, that place, location, or office being at the address
 40 printed on the license.

41 ~~10.]~~ 11. Every certified public operator who changes the address from which ~~he~~ the
 42 certified public operator will operate as a certified public operator shall immediately notify the
 43 director. The director shall immediately issue a revised license upon which shall be printed the
 44 changed address. The director shall not collect a fee for the issuance of a revised license. The
 45 expiration date of the revised license shall be the same as the expiration date for the original license.

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

49 281.048. 1. No individual shall use or determine the need for the use of any restricted use

1 pesticide while working under the direct supervision of a certified commercial applicator until the
 2 individual has met the requirements of this section.

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

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

9 4. The director shall issue or renew a noncertified RUP applicator license once an individual
 10 has met the requirements set forth in 40 C.F.R. 171.201(c)(1) or (3). The director shall collect an
 11 annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license
 12 shall be valid for one year unless revoked or suspended by the department prior to its expiration.
 13 Any individual whose application is denied shall receive a written explanation as to the
 14 determination of the denial.

15 5. Individuals holding a valid noncertified RUP applicator license may use and determine
 16 the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides
 17 under the direct supervision of a certified commercial applicator and only for the categories in
 18 which the commercial applicator is certified. The director may limit the license of the applicant to
 19 the use of certain pesticides, to certain areas, or to certain types of equipment if the applicant is only
 20 so qualified.

21 6. Every certified commercial applicator, certified noncommercial applicator, or certified
 22 public operator providing direct supervision to a licensed noncertified RUP applicator shall
 23 immediately notify the director when the licensed noncertified RUP applicator has changed address
 24 from which the applicator or operator will operate as a licensed noncertified RUP applicator or
 25 when the noncertified RUP applicator's employment has been terminated. The director shall
 26 immediately issue a revised license upon which shall be printed the change of address. The director
 27 shall not collect a fee for the issuance of a revised license. The expiration date of the revised license
 28 shall be the same as the expiration date for the original license.

29 7. A noncertified RUP applicator may complete retraining requirements and renew the
 30 applicator's license without a certified commercial applicator, certified noncommercial applicator, or
 31 certified public operator working from the same physical location.

32 8. Every licensed noncertified RUP applicator shall display the applicator's license in a
 33 prominent place at the site, location, or office from which the applicator will operate as a
 34 noncertified RUP applicator, that place, location, or office being at the address printed on the
 35 license.

36 281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage in
 37 the business of, advertise as, or assume to act as a pesticide dealer unless ~~[he or she]~~ the individual
 38 has obtained a license from the director ~~[which]~~ that shall expire one year from date of issuance.
 39 ~~[An individual shall be required to obtain a license for]~~ Each pesticide dealership location or outlet
 40 from which ~~[such]~~ restricted use pesticides are distributed, sold, held for sale, or offered for sale at
 41 retail or wholesale direct to the end user~~]. Pesticide dealers may be designated by the director as~~
 42 ~~agents of the state for the purpose of issuing permits for restricted use pesticides to private~~
 43 ~~applicators]~~ shall have at least one individual licensed as a pesticide dealer. Any individual
 44 possessing restricted use pesticides and selling or holding and offering for sale restricted use
 45 pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the
 46 purposes of this subsection, "selling or holding and offering for sale" shall not include solely
 47 transporting product in commerce. No individual shall be issued more than one pesticide dealer
 48 license.

49 2. Application for a pesticide dealer's license shall be made on a designated form obtained

1 from the ~~[director's office]~~ department. The director shall collect a fee of thirty-five dollars for the
 2 issuance of each license. The provisions of this section shall not apply to a pesticide applicator who
 3 sells pesticides only as an integral part of ~~[his or her]~~ the applicator's pesticide application service
 4 when such pesticides are dispensed only through apparatuses used for such pesticide applications.
 5 The provisions of this section shall not apply to any federal, state, or county agency ~~[which]~~ that
 6 provides pesticides for its own programs.

7 3. Each applicant shall satisfy the director as to ~~[his or her]~~ the applicant's knowledge of the
 8 laws and regulations governing the use and sale of pesticides and ~~[his or her]~~ the applicant's
 9 responsibility in carrying on the business of a pesticide dealer by passing a pesticide dealer
 10 examination provided by the director. Each licensed pesticide dealer shall be responsible for
 11 insuring that all of ~~[his or her]~~ the dealer's employees and agents who sell or recommend restricted
 12 use pesticides have adequate knowledge of the laws and regulations governing the use and sale of
 13 such restricted use pesticides.

14 4. Each pesticide dealer shall be responsible for the acts of each person employed by ~~[him or~~
 15 ~~her]~~ the dealer in the solicitation and sale of pesticides and all claims and recommendations for use
 16 of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a
 17 hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the
 18 dealer's officer, agent or employee.

19 5. No pesticide dealer shall sell, give away, or otherwise make available any restricted use
 20 pesticides to anyone but certified commercial applicators, certified noncommercial applicators ~~[or]~~ ,
 21 certified public operators, or to certified private applicators ~~[who have met the requirements of~~
 22 ~~subsection 5 of section 281.040,]~~ holding valid certifications in proper certification categories or to
 23 other licensed pesticide dealers, except that pesticide dealers may allow the designated
 24 representative of such certified applicators, operators or private applicators to take possession of
 25 restricted use pesticides when those restricted use pesticides are purchased by and for use by or
 26 under the direct supervision of such certified applicator, operator or private applicator.

27 6. The director shall require the pesticide dealer, or ~~[his or her]~~ the dealer's employer, to
 28 maintain books and records with respect to sales of restricted use pesticides at each dealership
 29 location or outlet. Such relevant information as the director may deem necessary may be specified
 30 by regulation. Such records shall be kept for a period of three years from the date of sale of the
 31 restricted use pesticide to which such records refer, and the director shall upon request in writing be
 32 furnished with a copy of such records by any licensed pesticide dealer or ~~[his or her]~~ the dealer's
 33 employer.

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

36 281.055. 1. If the ~~[application for]~~ renewal of any license~~;~~ or certification ~~[or permit]~~
 37 provided for in ~~[this chapter]~~ sections 281.010 to 281.115 is not filed prior to the expiration date in
 38 any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be
 39 paid by the applicant before the license~~;~~ or certification ~~[or permit]~~ shall be renewed~~;~~ provided,
 40 that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not
 41 engaged in the business subsequent to the expiration of his license, certification or permit. Any
 42 person holding a current valid license~~;~~ or certification ~~[or permit]~~ may renew the license~~;~~ or
 43 certification ~~[or permit]~~ for the next year without taking another examination unless the director
 44 determines that additional knowledge related to classifications for which the applicant has applied
 45 makes a new examination necessary. However, if the license is not renewed within sixty days
 46 following the date of expiration ~~[then]~~ , the license shall be cancelled and the licensee shall be
 47 required to satisfy all the requirements of licensure as if such person was never licensed.

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

1 3. The director shall have prepared for prospective licensee's use~~;~~ a book of guidelines of
2 factual necessary information related to the requirements of sections 281.010 to 281.115. A
3 reasonable fee may be collected for ~~said~~ the publication.

4 281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny,
5 suspend, revoke, or modify the provisions of any license~~,~~ ~~permit,~~ or certification issued under
6 sections 281.010 to 281.115, if ~~he~~ the director finds that the applicant or the holder of a license~~,~~
7 ~~permit,~~ or certification has violated any provision of sections 281.010 to 281.115, or any regulation
8 issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal
9 penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or
10 has been convicted, or is the subject of prosecution, in ~~another~~ this state or in any state or
11 protectorate of the United States, or has had a pesticide applicator license~~;~~ or certificate ~~or permit~~
12 denied, suspended, revoked or modified by ~~another~~ any state or protectorate of the United States,
13 or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo
14 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
15 offense reasonably related to the qualifications, functions, or duties of any profession licensed or
16 regulated under ~~this chapter~~ sections 281.010 to 281.115, for any offense an essential element of
17 which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,
18 whether or not sentence is imposed. Licensed certified applicators, licensed noncertified RUP
19 applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department
20 within ten days of any conviction of or plea to any offense listed in this section.

21 2. If the director determines, after inquiry and opportunity for a hearing, that any
22 ~~individual~~ person is in violation of any provision of sections 281.010 to 281.115, or any
23 regulations issued thereunder, the director shall have the authority to assess a civil penalty of not
24 more than one thousand dollars for each violation, and in addition, may order that restitution be
25 made to any person.

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

29 281.063. The director may subpoena witnesses and compel the production of books,
30 documents, and records anywhere in the state in any hearing affecting the authority or privilege
31 granted by a license~~;~~ or certificate ~~or permit~~ issued under the provisions of sections 281.010 to
32 281.115.

33 281.065. 1. The director shall not issue a certified commercial applicator's license until the
34 applicant or the employer of the applicant has furnished evidence of financial responsibility with the
35 director consisting either of a surety bond or a liability insurance policy or certification thereof,
36 protecting persons who may suffer legal damages as a result of ~~the operations of~~ pesticide use by
37 the applicant; except that, such surety bond or liability insurance policy need not apply to damages
38 or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the
39 initial license, the certified commercial applicator shall not be required to furnish evidence of
40 financial responsibility to the department for the purpose of license renewal unless upon request.
41 Annual renewals for surety bonds or liability insurance shall be maintained at the business location
42 from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance
43 certificates shall be available for inspection by the director ~~or his or her designee~~ at a reasonable
44 time during regular business hours or, upon a request in writing, the director shall be furnished a
45 copy of the surety bond or liability insurance certificate within ten ~~working~~ days of receipt of the
46 request.

47 2. The amount of the surety bond or liability insurance required by this section shall be not
48 less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be
49 maintained at not less than that sum at all times during the licensed period. The director shall be

1 notified by the surety or insurer within twenty days prior to any cancellation or reduction of the
2 surety bond or liability insurance. If the surety bond or liability insurance policy which provides the
3 financial responsibility for the certified commercial applicator is provided by the employer of the
4 certified commercial applicator, the employer of the certified commercial applicator shall
5 immediately notify the director upon the termination of the employment of the certified commercial
6 applicator or when a condition exists under which the certified commercial applicator is no longer
7 provided bond or insurance coverage by the employer. The certified commercial applicator shall
8 then immediately execute and submit to the director a surety bond or an insurance policy to cover
9 the financial responsibility requirements of this section and the certified commercial applicator or
10 the applicator's employer shall maintain the surety bond or liability insurance certificate at the
11 business location from which the certified commercial applicator is licensed. The director may
12 accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in
13 an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not
14 satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause
15 shall not be accepted by the director unless the bond- or policyholder executes and maintains a
16 surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims
17 that may arise in ~~[his or her]~~ the bond- or policyholder's application of pesticides.

18 3. If the surety becomes unsatisfactory, the commercial applicator license shall expire and
19 become invalid and the bond- or policyholder shall immediately execute and submit to the director a
20 new bond or insurance policy and maintain the surety bond or liability insurance certificate at the
21 business location from which the certified commercial applicator is licensed, and if ~~he or she~~ the
22 bond- or policyholder fails to do so, the director shall cancel ~~his or her~~ the bond- or policyholder
23 license, or deny the license of an applicant, and give ~~him or her~~ the bond- or policyholder notice of
24 cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business
25 of using pesticides until the bond or insurance is brought into compliance with the requirements of
26 subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance
27 policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy
28 all the requirements for licensure as if never before licensed.

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

32 281.070. 1. The director may investigate the use of any pesticide or claims of damages
33 ~~[which]~~ that result from the use of any pesticide.

34 2. Any person who claims to have been damaged as a result of a pesticide use and who
35 requests an investigation of that damage by the director shall file with the director, on a form
36 provided by the director, a written statement claiming that ~~he~~ the person has been damaged.
37 Damage statements shall be filed within thirty days after the date the damage is alleged to have
38 occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to
39 have been damaged, the damage statement shall be filed at least two weeks prior to the time that
40 twenty-five percent of that crop has been harvested. The director shall, upon receipt of the
41 statement, notify the person alleged to have caused the damage and the owner or lessee of the land,
42 or other person who may be charged with the responsibility of the damages claimed, and furnish
43 copies of any statements which may be requested. The director shall inspect damages whenever
44 possible and ~~he~~ the director shall make ~~his~~ the director's inspection reports available to the
45 person claiming damage and to the person who is alleged to have caused the damage. Where
46 damage is alleged to have occurred, the claimant shall permit the director, the licensee, and ~~his~~ the
47 licensee's representatives, such as the bondsman or insurer, to observe, within reasonable hours, the
48 lands or nontarget organism alleged to have been damaged.

49 3. The filing of or the failure to file need not be alleged in any complaint which might be

1 filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the
 2 maintenance of any criminal or civil action. The failure to file such a report shall not be a violation
 3 of sections 281.010 to 281.115. However, if the person failing to file such report is the only one
 4 injured from such use or application of a pesticide by others, the director may, when in the public
 5 interest, refuse to hold a hearing for the denial, suspension, or revocation of a license ~~or permit~~
 6 issued under sections 281.010 to 281.115 until such report is filed.

7 4. The director may in the conduct of any investigation or hearing authorized or held by
 8 ~~him~~ the director:

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

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

12 (3) Hear such testimony and take such evidence as will assist ~~him~~ the director in the
 13 discharge of ~~his~~ the director's duties under ~~this chapter~~ sections 281.010 to 281.115;

14 (4) Administer or cause to be administered ~~oath~~ oaths; and

15 (5) Issue subpoenas to require the attendance of witnesses and the production of books and
 16 records directly related to the investigation.

17 281.075. ~~1.~~ The director may issue a ~~license or~~ pesticide applicator certification on a
 18 reciprocal basis with other states without examination to a nonresident who is licensed ~~or~~ as a
 19 certified ~~in another state substantially~~ applicator in accordance with the reciprocating state's
 20 requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be
 21 issued in accordance with the provisions of sections 281.010 to 281.115; except that, financial
 22 responsibility ~~must~~ shall be filed pursuant to section 281.065. Fees collected shall be the same as
 23 for resident licenses or certification.

24 ~~2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or~~
 25 ~~281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the~~
 26 ~~agent of such nonresident upon whom process may be served as provided by law; except that, any~~
 27 ~~such nonresident who has designated a resident agent upon whom process may be served as~~
 28 ~~provided by law shall not be required to designate the secretary of state as such agent. The secretary~~
 29 ~~of state shall be allowed such fees therefor as provided by law for designating resident agents. The~~
 30 ~~director shall be furnished with a copy of such designation of the secretary of state or of a resident~~
 31 ~~agent, such copy to be certified by the secretary of state.]~~

32 281.085. No person shall discard, transport, or store any pesticide or pesticide containers in
 33 such a manner that is inconsistent with label directions or as to cause injury to humans, vegetation,
 34 crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director may
 35 promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide
 36 containers. In determining these rules and regulations the director shall take into consideration any
 37 regulations issued by the federal Environmental Protection Agency.

38 281.101. 1. It shall be unlawful for any ~~individual~~ person to violate any provision of
 39 sections 281.010 to 281.115, or any regulation issued thereunder.

40 2. The following are determined to be unlawful acts:

41 (1) It shall be unlawful to recommend for use, ~~to~~ cause to use, use, or ~~to~~ supervise the
 42 use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of
 43 FIFRA, the Missouri pesticide use act or the Missouri pesticide registration act;

44 (2) It shall be unlawful for any ~~individual~~ person to misuse any pesticide;

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

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

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

3 ~~[(4)]~~ (6) It shall be unlawful to make any false or misleading statement on any application,
4 form, or document submitted to the director concerning licensing pursuant to sections 281.010 to
5 281.115 or any regulations issued thereunder;

6 ~~[(5)]~~ (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim,
7 through any media, ~~[which]~~ that misrepresents the effects of any pesticide, the methods to be
8 utilized in the application of any pesticide, or the qualifications of the person determining the need
9 for the use of any pesticide or using any pesticide;

10 ~~[(6)]~~ (8) It shall be unlawful to make any false or misleading statement specifying~~[-]~~ or
11 inferring that a person or ~~[his]~~ the person's methods are recommended by any branch of government
12 or that any pesticide work done will be inspected by any branch of government;

13 ~~[(7)]~~ (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading
14 the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire
15 with any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115
16 or any regulation issued thereunder; and

17 (10) It shall be unlawful for any person to steal or attempt to steal pesticide certification
18 examinations or examination materials, cheat on pesticide certification examinations, evade
19 completion of recertification or retraining requirements, or to aid or abet any person in stealing or
20 attempting to steal examinations or examination materials, cheating on examinations, or evading
21 recertification or retraining requirements.

22 3. Other acts ~~[which]~~ that are not specified, but ~~[which]~~ that violate sections 281.010 to
23 281.115 or regulations issued thereunder, shall nevertheless be unlawful.

24 301.033. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary,
25 the director of revenue shall establish a system of registration on a calendar year basis of all farm
26 vehicles, as defined in section 302.700, owned or purchased by a farm vehicle fleet owner registered
27 under this section. The director of revenue shall prescribe the forms for such farm vehicle fleet
28 registration and the forms and procedures for the registration updates prescribed in this section. Any
29 owner of more than one farm vehicle which is required to be registered under this chapter may, at
30 his or her option, register a fleet of farm vehicles on a calendar year or biennial basis under this
31 section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The
32 director shall issue an identification number to each registered owner of a fleet of farm vehicles
33 registered under this section.

34 2. All farm vehicles included in the fleet of a registered farm vehicle fleet owner shall be
35 registered during April of the corresponding year or on a prorated basis as provided in subsection 3
36 of this section. Fees of all vehicles in the farm vehicle fleet to be registered on a calendar year basis
37 or on a biennial basis shall be payable not later than the last day of April of the corresponding year,
38 with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of
39 section 307.355, an application for registration of a farm vehicle fleet shall be accompanied by a
40 certificate of inspection and approval issued no more than one hundred twenty days prior to the date
41 of application. The fees for vehicles added to the farm vehicle fleet which are required to be
42 licensed at the time of registration shall be payable at the time of registration, except that when such
43 vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the
44 annual fee, when licensed between October first and December thirty-first the fee shall be one-half
45 the annual fee, and when licensed on or after January first the fee shall be one-fourth the annual fee.
46 If biennial registration is sought for vehicles added to a farm vehicle fleet, an additional year's
47 annual fee shall be added to the partial year's prorated fee.

48 3. At any time during the calendar year in which an owner of a farm vehicle fleet purchases
49 or otherwise acquires a farm vehicle which is to be added to the farm vehicle fleet or transfers plates

1 to a fleet vehicle, the owner shall present to the director of revenue the identification number as a
 2 fleet number and may register the vehicle for the partial year as provided in subsection 2 of this
 3 section. The farm vehicle fleet owner shall also be charged a transfer fee of two dollars for each
 4 vehicle so transferred under this subsection.

5 4. Except as specifically provided in this subsection, all farm vehicles registered under this
 6 section shall be issued a special license plate which shall have the words "Farm Fleet Vehicle" and
 7 shall meet the requirements prescribed by section 301.130. Farm fleet vehicles shall be issued
 8 multiyear license plates as provided in this section which shall not require issuance of a renewal tab.
 9 Upon payment of appropriate registration fees, the director of revenue shall issue a registration
 10 certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of
 11 payment shall be carried at all times in the vehicle for which it is issued.

12 5. The director shall make all necessary rules and regulations for the administration of this
 13 section and shall design all necessary forms required by this section. Any rule or portion of a rule,
 14 as that term is defined in section 536.010, that is created under the authority delegated in this section
 15 shall become effective only if it complies with and is subject to all the provisions of chapter 536
 16 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
 17 powers vested with the general assembly under chapter 536 to review, to delay the effective date, or
 18 to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
 19 authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void."; and
 20

21 Further amend said bill, Page 4, Section 287.245, Line 34, by inserting after all of said section and
 22 line the following:
 23

24 "313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires
 25 otherwise, the following terms mean:

26 (1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices
 27 less winnings paid to wagerers;

28 (2) "Applicant", any person applying for a license authorized under the provisions of
 29 sections 313.800 to 313.850;

30 (3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri
 31 Rivers at the ordinary high water mark as defined by common law;

32 (4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any
 33 disbursement, including disbursements for principal, interest, and costs of issuance and trustee
 34 administration related to any indebtedness, for the acquisition of land, land improvements, buildings
 35 and building improvements, vehicles, machinery, equipment, works of art, intersections, signing,
 36 signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area,
 37 river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks,
 38 lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys,
 39 ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles,
 40 marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage
 41 systems, creek bank restoration, any asset with a useful life greater than one year, cultural events,
 42 and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school
 43 resource or drug awareness resistance education (D.A.R.E) officer;

44 (5) "Cheat", to alter the selection of criteria which determine the result of a gambling game
 45 or the amount or frequency of payment in a gambling game;

46 (6) "Commission", the Missouri gaming commission;

47 (7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or
 48 other authorization from a qualified person to an excursion gambling boat licensee or any of its
 49 affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of

1 credit extended by the licensee to such person from the qualified person's banking account in an
 2 amount determined under section 313.817 on or after a date certain of not more than thirty days
 3 from the date the credit was extended, and includes any such writing taken in consolidation,
 4 redemption or payment of a previous credit instrument, but does not include any interest-bearing
 5 installment loan or other extension of credit secured by collateral;

6 (8) "Dock", the location in a city or county authorized under subsection 10 of section
 7 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a
 8 bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of
 9 passengers on and disembarking of passengers from a gambling excursion but shall not include any
 10 artificial space created after May 20, 1994, and is located more than one thousand feet from the
 11 closest edge of the main channel of the river as established by the United States Army Corps of
 12 Engineers;

13 (9) "Excursion gambling boat", a boat, ferry ~~[or]~~ , other floating facility, or any nonfloating
 14 facility licensed by the commission on which gambling games are allowed;

15 (10) "Fiscal year" ~~[shall for the purposes of subsections 3 and 4 of section 313.820 mean]~~ ,
 16 the fiscal year of a home dock city or county;

17 (11) "Floating facility", any facility built or originally built as a boat, ferry or barge licensed
 18 by the commission on which gambling games are allowed;

19 (12) "Gambling excursion", the time during which gambling games may be operated on an
 20 excursion gambling boat whether docked or during a cruise;

21 (13) "Gambling game" includes, but is not limited to, games of skill or games of chance on
 22 an excursion gambling boat but does not include gambling on sporting events; provided such games
 23 of chance are approved by amendment to the Missouri Constitution;

24 (14) "Games of chance", any gambling game in which the player's expected return is not
 25 favorably increased by ~~[his or her]~~ the player's reason, foresight, dexterity, sagacity, design,
 26 information or strategy;

27 (15) "Games of skill", any gambling game in which there is an opportunity for the player to
 28 use ~~[his or her]~~ the player's reason, foresight, dexterity, sagacity, design, information or strategy to
 29 favorably increase the player's expected return; including, but not limited to, the gambling games
 30 known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas
 31 hold'em", "double down stud", and any video representation of such games;

32 (16) "Gross receipts", the total sums wagered by patrons of licensed gambling games;

33 (17) "Holder of occupational license", a person licensed by the commission to perform an
 34 occupation within excursion gambling boat operations which the commission has identified as
 35 requiring a license;

36 (18) "Licensee", any person licensed under sections 313.800 to 313.850;

37 (19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers,
 38 including any space filled wholly or partially by the water of those rivers ~~[for docking purposes]~~ in a
 39 manner approved by the commission but shall not include any artificial space created after May 20,
 40 1994, and is located more than one thousand feet from the closest edge of the main channel of the
 41 river as established by the United States Army Corps of Engineers;

42 (20) "Nonfloating facility", any structure within one thousand feet of the Missouri or
 43 Mississippi River that contains at least two thousand gallons of water beneath or inside the facility
 44 either by an enclosed space containing such water or in rigid or semirigid storage containers or
 45 structures;

46 (21) "Supplier", a person who sells or leases gambling equipment and gambling supplies to
 47 any licensee.

48 2. (1) In addition to the games of skill defined in this section, the commission may approve
 49 other games of skill upon receiving a petition requesting approval of a gambling game from any

1 applicant or licensee. The commission may set the matter for hearing by serving the applicant or
 2 licensee with written notice of the time and place of the hearing not less than five days prior to the
 3 date of the hearing and posting a public notice at each commission office. The commission shall
 4 require the applicant or licensee to pay the cost of placing a notice in a newspaper of general
 5 circulation in the applicant's or licensee's home dock city or county. The burden of proof that the
 6 gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the
 7 affirmative responsibility of establishing ~~[his or her]~~ the petitioner's case by a preponderance of
 8 evidence including:

9 ~~[(1)]~~ (a) Is it in the best interest of gaming to allow the game; and

10 ~~[(2)]~~ (b) Is the gambling game a game of chance or a game of skill?

11 (2) All testimony shall be given under oath or affirmation. Any citizen of this state shall
 12 have the opportunity to testify on the merits of the petition. The commission may subpoena
 13 witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate
 14 the record of the hearing and issue written findings of fact that shall be based exclusively on the
 15 evidence and on matters officially noticed. The commission shall then render a written decision on
 16 the merits which shall contain findings of fact, conclusions of law and a final commission order.
 17 The final commission order shall be within thirty days of the hearing. Copies of the final
 18 commission order shall be served on the petitioner by certified or overnight express mail, postage
 19 prepaid, or by personal delivery.

20 313.805. The commission shall have full jurisdiction over and shall supervise all gambling
 21 operations governed by sections 313.800 to 313.850. The commission shall have the following
 22 powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

23 (1) To investigate applicants and determine the priority and eligibility of applicants for a
 24 license and to select among competing applicants for a license the applicant which best serves the
 25 interests of the citizens of Missouri;

26 (2) To license the operators of excursion gambling boats and operators of gambling games
 27 within such boats, to identify occupations within the excursion gambling boat operations which
 28 require licensing, and adopt standards for licensing the occupations including establishing fees for
 29 the occupational licenses and to license suppliers;

30 (3) To adopt standards under which all excursion gambling boat operations shall be held and
 31 standards for the facilities within which the gambling operations are to be held. Notwithstanding
 32 the provisions of chapter 311 to the contrary, the commission may authorize the operation of
 33 gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic
 34 beverages, wine, or beer. The commission shall regulate the wagering structure for gambling
 35 excursions, provided that the commission shall not establish any regulations or policies that limit the
 36 amount of wagers, losses, or buy-in amounts;

37 (4) To enter the premises of excursion gambling boats, facilities, or other places of business
 38 of a licensee within this state to determine compliance with sections 313.800 to 313.850;

39 (5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules,
 40 orders, or final decisions;

41 (6) To assess any appropriate administrative penalty against a licensee, including, but not
 42 limited to, suspension, revocation, and penalties of an amount as determined by the commission up
 43 to three times the highest daily amount of gross receipts derived from wagering on the gambling
 44 games, whether unauthorized or authorized, conducted during the previous twelve months as well as
 45 confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized
 46 gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections
 47 513.600 to 513.645;

48 (7) To require a licensee, an employee of a licensee or holder of an occupational license to
 49 remove a person violating a provision of sections 313.800 to 313.850 or the commission rules,

1 orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat
2 or adjacent facilities;

3 (8) To require the removal from the premises of a licensee, an employee of a licensee, or a
4 holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission
5 rule or engaging in a fraudulent practice;

6 (9) To require all licensees to file all financial reports required by rules and regulations of
7 the commission;

8 (10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the
9 production of books, records, and other pertinent documents, and to administer oaths and
10 affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce
11 sections 313.800 to 313.850 or the commission rules;

12 (11) To keep accurate and complete records of its proceedings and to certify the records as
13 may be appropriate;

14 (12) To ensure that the gambling games are conducted fairly. No gambling device shall be
15 set to pay out less than eighty percent of all wagers;

16 (13) To require all licensees of gambling game operations to use a cashless wagering system
17 whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips
18 which only can be used on the excursion gambling boat;

19 (14) To require excursion gambling boat licensees to develop a system, approved by the
20 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from
21 using identifying information for marketing purposes. The provisions of this subdivision shall apply
22 only to patrons giving identifying information for the first time. Such system shall be submitted to
23 the commission by October 1, 2000, and approved by the commission by January 1, 2001. The
24 excursion gambling boat licensee shall use identifying information obtained from patrons who have
25 elected to have marketing blocked under the provisions of this section only for the purposes of
26 enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit
27 the commission from accessing identifying information for the purposes of enforcing section
28 313.004 and sections 313.800 to 313.850;

29 (15) To determine which of the authorized gambling games will be permitted on any
30 licensed excursion gambling boat;

31 (16) ~~[Excursion gambling boats shall cruise, unless the commission finds that the best~~
32 ~~interest of Missouri and the safety of the public indicate the need for continuous docking of the~~
33 ~~excursion gambling boat in any city or county authorized pursuant to subsection 10 of section~~
34 ~~313.812.]~~ The commission shall base its decision to ~~[allow continuously docked]~~ license excursion
35 gambling boats on any of the following criteria: the docking location or the excursion cruise could
36 cause danger to the boat's passengers, violate federal law or the law of another state, or cause
37 disruption of interstate commerce or possible interference with railway or barge transportation. ~~[In~~
38 ~~addition,]~~ The commission shall consider economic feasibility or impact that would benefit land-
39 based development and permanent job creation. The commission shall not discriminate among
40 applicants for ~~[continuous docking]~~ excursion gambling boats that are similarly situated with
41 respect to the criteria set forth in this section;

42 (17) The commission shall render a finding concerning ~~[the possibility of continuous~~
43 ~~docking, as described in subdivision (15) of this section,]~~ the transition from a boat, barge, or
44 floating facility to a nonfloating facility within thirty days after a hearing on any request from an
45 applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an
46 applicant and any city or county in the finalizing of their economic development plan;

47 (18) To require any applicant for a license or renewal of a license to operate an excursion
48 gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to
49 achieve maximum employment of African-Americans and other minorities and maximum

1 participation in the procurement of contractual purchases of goods and services. This provision
 2 shall be administered in accordance with all federal and state employment laws, including Title VII
 3 of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal,
 4 the licensee will report on the effectiveness of the plan. The commission shall include the licensee's
 5 reported information in its annual report to the joint committee on gaming and wagering;

6 (19) To take any other action as may be reasonable or appropriate to enforce sections
 7 313.800 to 313.850 and the commission rules.

8 313.812. 1. (1) The commission may issue licenses pursuant to subsection 1 of section
 9 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including
 10 an update of all information provided to the commission in the licensee's initial application. The
 11 commission shall decide the number, location and type of excursion gambling boat in a city or
 12 county under subsection 10 of this section. The license shall set forth the name of the licensee, the
 13 type of license granted, the place where the excursion gambling boat will operate ~~and~~ or dock,
 14 including the docking of an excursion gambling boat which is continuously docked, and other
 15 information the commission deems appropriate. The commission shall have the ultimate
 16 responsibility of deciding the number, location, and type of excursion gambling boats licensed in a
 17 city or county; however, any city or county which has complied with the provisions of subsection 10
 18 of this section shall submit to the commission a plan outlining the following:

19 ~~(1)~~ (a) The recommended number of licensed excursion gambling boats operating in such
 20 city or county;

21 ~~(2)~~ (b) The recommended licensee or licensees operating in such city or county;

22 ~~(3)~~ (c) The community's economic development or impact and affirmative action plan
 23 concerning minorities' and women's ownership, contracting and employment for the waterfront
 24 development;

25 ~~(4)~~ (d) The city or county proposed sharing of revenue with any other municipality;

26 ~~(5)~~ (e) Any other information such city or county deems necessary; and

27 ~~(6)~~ (f) Any other information the commission may determine is necessary.

28 (2) The commission shall provide for due dates for receiving such plan from the city or
 29 county.

30 2. A license to operate an excursion gambling boat shall only be granted to an applicant
 31 upon the express conditions that:

32 (1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind,
 33 grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under
 34 this section or of the system of wagering described in section 313.817. This section does not
 35 prohibit a management contract with a person licensed by the commission; and

36 (2) The applicant shall not in any manner permit a person other than the licensee and the
 37 management licensee to have a share, percentage, or proportion of the money received for
 38 admissions to the excursion gambling boat.

39 3. The commission shall require, as a condition of granting a license, that an applicant
 40 operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of
 41 Missouri's or the home dock city's or county's riverboat history.

42 4. The commission shall encourage through its rules and regulations the use of Missouri
 43 resources, goods and services in the operation of any excursion gambling boat.

44 5. The excursion gambling boat shall provide for nongaming areas, food service and a
 45 Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance
 46 with all rules and regulations of the commission and, if applicable, the United States Coast Guard
 47 safety regulations.

48 6. A license to operate gambling games or to operate an excursion gambling boat shall not
 49 be granted unless the applicant has, through clear and convincing evidence, demonstrated financial

1 responsibility sufficient to meet adequately the requirements of the proposed enterprise.

2 7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed.
3 Without limitation, the commission may deny a license based solely on the fact that there is
4 evidence that any of the following apply:

5 (1) The applicant has been suspended from operating an excursion gambling boat or a game
6 of chance or gambling operation in another jurisdiction by a board or commission of that
7 jurisdiction;

8 (2) The applicant is not the true owner of the enterprise proposed;

9 (3) The applicant is not the sole owner, and other persons have ownership in the enterprise,
10 which fact has not been disclosed;

11 (4) The applicant is a corporation that is not publicly traded and ten percent or more of the
12 stock of the corporation is subject to a contract or option to purchase at any time during the period
13 for which the license is to be issued unless the contract or option was disclosed to the commission
14 and the commission approved the sale or transfer during the period of the license;

15 (5) The applicant has knowingly made a false statement of a material fact to the
16 commission; or

17 (6) The applicant has failed to meet a valid, bona fide monetary obligation in connection
18 with an excursion gambling boat.

19 8. A license shall not be granted if the applicant has not established the applicant's good
20 repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony.
21 No licensee shall employ or contract with any person who has pled guilty to, or has been convicted
22 of, a felony to perform any duties directly connected with the licensee's privileges under a license
23 granted pursuant to this section, except that employees performing nongaming related occupations
24 as determined by the commission shall be exempt from the requirements of this subsection.

25 9. Except as provided in section 313.817, a licensee shall not lend to any person money or
26 any other thing of value for the purpose of permitting that person to wager on any gambling game
27 authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks.
28 Any check cashed, other than a credit instrument, ~~[must]~~ shall be deposited within twenty-four
29 hours. Except for any credit instrument, the commission may require licensees to verify a sufficient
30 account balance exists before cashing any check. Any licensee who violates the provisions of this
31 subsection shall be subject to an administrative penalty of five thousand dollars for each violation.
32 Such administrative penalties shall be assessed and collected by the commission.

33 10. (1) Gambling excursions including the operation of gambling games on an excursion
34 gambling boat which is not continuously docked shall be allowed only on the Mississippi River and
35 the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city
36 or county shall be issued unless and until the qualified voters of the city or county approve such
37 activities pursuant to this subsection. The question shall be submitted to the qualified voters of the
38 city or county at a general, primary or special election upon the motion of the governing body of the
39 city or county or upon the petition of fifteen percent of the qualified voters of the city or county
40 determined on the basis of the number of votes cast for governor in the city or county at the last
41 election held prior to the filing of the petition.

42 (2) The question shall be submitted in substantially the following form:

43
44 Shall the City (County) of _____ allow the licensing of excursion gambling boats or
45 floating facilities as now or hereafter provided by Missouri gaming law in the city
46 (county)?

47 YES NO

48 (3) If a majority of the votes cast on the question by the qualified voters voting thereon are
49 in favor of the question, then the commission may license excursion gambling boats in that city or

1 county and such boats may operate on the Mississippi River and the Missouri River. If a majority of
2 the votes cast on the question by the qualified voters voting thereon are opposed to the question,
3 then the commission shall not license such excursion gambling boats in such city or county unless
4 and until the question is again submitted to and approved by a majority of the qualified voters of the
5 city or county at a later election. Excursion gambling boats may only dock in a city or
6 unincorporated area of a county which approves licensing of such excursion gambling boats
7 pursuant to this subsection, but gambling operations may be conducted at any point on the
8 Mississippi River or the Missouri River during an excursion. Those cities and counties which have
9 approved by election pursuant to this subsection, except those cities or counties which have
10 subsequently rejected by election, the licensing of any type of excursion gambling boats in the city
11 or county prior to April 6, 1994, are exempt from any local election requirement of this section as
12 such previous election shall have the same effect as if held after May 20, 1994.

13 11. If a docking fee is charged by a city or a county, a licensee operating an excursion
14 gambling boat shall pay the docking fee prior to the start of the excursion season.

15 12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or
16 fees or in the payment of any other contractual obligation or debt due or owed to the state or a
17 political subdivision of the state.

18 13. An excursion gambling boat licensed by the state shall meet all of the requirements of
19 chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment and
20 water quality by the commission or its designee before a license to operate an excursion gambling
21 boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such
22 inspections during the period of the license as may be deemed necessary by the commission. The
23 cost of such inspections shall be paid by the licensee.

24 14. A holder of any license shall be subject to imposition of penalties, suspension or
25 revocation of such license, or if the person is an applicant for licensure, the denial of the application,
26 for any act or failure to act by ~~himself~~ such person or ~~his~~ such person's agents or employees, that
27 is injurious to the public health, safety, morals, good order and general welfare of the people of the
28 state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the
29 state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of
30 such action. The commission shall take appropriate action against any licensee who violates the law
31 or the rules and regulations of the commission. Without limiting other provisions of this subsection,
32 the following acts or omissions may be grounds for such discipline:

33 (1) Failing to comply with or make provision for compliance with sections 313.800 to
34 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

35 (2) Failing to comply with any rule, order or ruling of the commission or its agents
36 pertaining to gaming;

37 (3) Receiving goods or services from a person or business entity who does not hold a
38 supplier's license but who is required to hold such license by the provisions of sections 313.800 to
39 313.850 or the rules and regulations of the commission;

40 (4) Being suspended or ruled ineligible or having a license revoked or suspended in any
41 state of gaming jurisdiction;

42 (5) Associating with, either socially or in business affairs, or employing persons of
43 notorious or unsavory reputation or who have extensive police records, or who have failed to
44 cooperate with any officially constituted investigatory or administrative body and would adversely
45 affect public confidence and trust in gaming;

46 (6) Employing in any gambling games' operation or any excursion gambling boat operation,
47 any person known to have been found guilty of cheating or using any improper device in connection
48 with any gambling game;

49 (7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license

1 issued pursuant to sections 313.800 to 313.850;

2 (8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud,
3 deception, or misrepresentation;

4 (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in
5 the performance of the functions or duties regulated by sections 313.800 to 313.850."; and

6
7 Further amend said bill, Page 8, Section 590.030, Line 40, by inserting after all of said section and
8 line the following:

9
10 "Section B. The repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030,
11 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065,
12 281.070, 281.075, 281.085, and 281.101 of section A of this act and the enactment of section
13 281.048 of section A of this act shall become effective on January 1, 2024."; and

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.