

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1640
97TH GENERAL ASSEMBLY

5578H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 135.710, 137.010, 137.021, 275.352, 277.040, 281.065, 304.180, 413.225, 413.226, 442.571, 537.325, 537.345, and 537.348, RSMo, and to enact in lieu thereof twenty-two new sections relating to agriculture, with an emergency clause.

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

Section A. Sections 135.710, 137.010, 137.021, 275.352, 277.040, 281.065, 304.180, 413.225, 413.226, 442.571, 537.325, 537.345, and 537.348, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 9.205, 135.710, 137.010, 137.021, 144.527, 261.270, 261.272, 261.273, 261.275, 262.750, 262.975, 265.480, 267.169, 277.040, 281.065, 304.180, 413.225, 413.226, 442.571, 537.325, 537.345, and 537.348, to read as follows:

9.205. The second week of March each year shall be designated as “Master Gardeners Week” in Missouri to be observed with activities designed to enhance the knowledge and appreciation of the contributions to gardening, horticulture, and our state’s environment made by Missouri master gardeners.

135.710. 1. As used in this section, the following terms mean:

(1) **"Alternative fuel vehicle refueling property", property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens;**

(2) "Alternative fuels", any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

(a) Ethanol;

(b) Natural gas;

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

- 10 (c) Compressed natural gas, **or CNG**;
- 11 (d) Liquefied natural gas, **or LNG**;
- 12 (e) Liquefied petroleum gas, **or LP gas, propane, or autogas**;
- 13 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;
- 14 (g) Hydrogen;

15 [(2)] (3) "Department", the department of [natural resources] **economic development**;

16 (4) **"Electric vehicle recharging property", property in this state owned by an**
17 **eligible applicant and used for recharging electric motor vehicles owned by such eligible**
18 **applicant or private citizens**;

19 [(3)] (5) "Eligible applicant", a business entity **or private citizen** that is the owner of [a
20 qualified] **an electric vehicle recharging property or an alternative fuel vehicle refueling**
21 **property**;

22 (6) **"Qualified Missouri contractor", a contractor whose principal place of business**
23 **is located in Missouri and has been located in Missouri for a period of not less than five**
24 **years**;

25 [(4)] (7) "Qualified [alternative fuel vehicle refueling] property", [property in this state
26 owned by an eligible applicant and used for storing alternative fuels and for dispensing such
27 alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private
28 citizens] **an electric vehicle recharging property or an alternative fuel vehicle refueling**
29 **property** which, if constructed after August 28, [2008] **2014**, was constructed with at least fifty-
30 one percent of the costs being paid to qualified Missouri contractors for the:

31 (a) Fabrication of premanufactured equipment or process piping used in the construction
32 of such facility;

33 (b) Construction of such facility; and

34 (c) General maintenance of such facility during the time period in which such facility
35 receives any tax credit under this section.

36

37 If no qualified Missouri contractor is located within seventy-five miles of the property, the
38 requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors
39 shall not apply[;

40 (5) "Qualified Missouri contractor", a contractor whose principal place of business is
41 located in Missouri and has been located in Missouri for a period of not less than five years].

42 2. For all tax years beginning on or after January 1, [2009] **2015**, but before January 1,
43 [2012] **2018**, any eligible applicant who installs and operates a qualified [alternative fuel vehicle
44 refueling] property shall be allowed a credit against the tax otherwise due under chapter 143,
45 excluding withholding tax imposed by sections 143.191 to 143.265, or due under chapter 147

46 or chapter 148 for any tax year in which the applicant is constructing the [refueling] **qualified**
47 property. The credit allowed in this section per **eligible applicant who is a private citizen shall**
48 **not exceed fifteen hundred dollars or per eligible applicant that is a business entity** shall not
49 exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly
50 associated with the purchase and installation of any alternative fuel storage and dispensing
51 equipment **or any recharging equipment** on any qualified [alternative fuel vehicle refueling]
52 property, which shall not include the following:

53 (1) Costs associated with the purchase of land upon which to place a qualified
54 [alternative fuel vehicle refueling] property;

55 (2) Costs associated with the purchase of an existing qualified [alternative fuel vehicle
56 refueling] property; or

57 (3) Costs for the construction or purchase of any structure.

58 3. Tax credits allowed by this section shall be claimed by the eligible applicant at the
59 time such applicant files a return for the tax year in which the storage and dispensing **or**
60 **recharging** facilities were placed in service at a qualified [alternative fuel vehicle refueling]
61 property, and shall be applied against the income tax liability imposed by chapter 143, chapter
62 147, or chapter 148 after all other credits provided by law have been applied. The cumulative
63 amount of tax credits which may be claimed by eligible applicants claiming all credits authorized
64 in this section shall not exceed [the following amounts:

65 (1) In taxable year 2009, three million dollars;

66 (2) In taxable year 2010, two million dollars; and

67 (3) In taxable year 2011,] one million dollars **in any calendar year.**

68 4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the
69 difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited
70 by this section from claiming in a taxable year may be carried forward to any of such applicant's
71 two subsequent taxable years. Tax credits allowed under this section may be assigned,
72 transferred, sold, or otherwise conveyed.

73 5. [An alternative fuel vehicle refueling] **Any qualified** property, for which an eligible
74 applicant receives tax credits under this section, which ceases to sell alternative fuel **or recharge**
75 **electric vehicles** shall cause the forfeiture of such eligible applicant's tax credits provided under
76 this section for the taxable year in which the [alternative fuel vehicle refueling] **qualified**
77 property ceased to sell alternative fuel **or recharge electric vehicles** and for future taxable years
78 with no recapture of tax credits obtained by an eligible applicant with respect to such applicant's
79 tax years which ended before the sale of alternative fuel **or recharging of electric vehicles**
80 ceased.

81 6. The director of revenue shall establish the procedure by which the tax credits in this
82 section may be claimed, and shall establish a procedure by which the cumulative amount of tax
83 credits is apportioned equally among all eligible applicants claiming the credit. To the maximum
84 extent possible, the director of revenue shall establish the procedure described in this subsection
85 in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to
86 the cumulative amount of tax credits available for the taxable year. No eligible applicant
87 claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax
88 return after the date fixed for filing such return as a result of the apportionment procedure under
89 this subsection.

90 7. Any eligible applicant desiring to claim a tax credit under this section shall submit the
91 appropriate application for such credit with the department. The application for a tax credit
92 under this section shall include any information required by the department. The department
93 shall review the applications and certify to the department of revenue each eligible applicant that
94 qualifies for the tax credit.

95 8. The department and the department of revenue may promulgate rules to implement
96 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
97 536.010, that is created under the authority delegated in this section shall become effective only
98 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
99 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
100 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
101 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
102 and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

103 9. [Pursuant to] **The provisions of** section 23.253 of the Missouri sunset act
104 **notwithstanding:**

105 (1) The provisions of the new program authorized under this section shall automatically
106 sunset [six] **three** years after [August 28, 2008] **December 31, 2014**, unless reauthorized by an
107 act of the general assembly; and

108 (2) If such program is reauthorized, the program authorized under this section shall
109 automatically sunset [twelve] **six** years after the effective date of the reauthorization of this
110 section; and

111 (3) This section shall terminate on December thirty-first of the calendar year immediately
112 following the calendar year in which the program authorized under this section is sunset; **and**

113 (4) **The provisions of this subsection shall not be construed to limit or in any way**
114 **impair the department's ability to redeem tax credits authorized on or before the date the**
115 **program authorized under this section expires or a taxpayer's ability to redeem such tax**
116 **credits.**

137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term "processing" shall not include hulling, cleaning, drying, grating, or polishing;

(2) "Hydroelectric power generating equipment", very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) "Intangible personal property", for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) "Real property" includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation **or storage** of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, **propane or LP gas equipment**, water, and sewage;

(5) "Tangible personal property" includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

137.021. 1. The assessor, in grading land which is devoted primarily to the raising and harvesting of crops, to the feeding, breeding and management of livestock, to dairying, or to any combination thereof, as defined in section 137.016, pursuant to the provisions of sections

4 137.017 to 137.021, shall in addition to the assessor's personal knowledge, judgment and
5 experience, consider soil surveys, decreases in land valuation due to natural disasters, level of
6 flood protection, governmental regulations limiting the use of such land, the estate held in such
7 land, and other relevant information. On or before December thirty-first of each odd-numbered
8 year **for all years ending on or before December 31, 2014**, the state tax commission shall
9 promulgate by regulation and publish a value based on productive capability for each of the
10 several grades of agricultural and horticultural land. **Beginning January 1, 2015, the state tax**
11 **commission shall promulgate by regulation and publish a value based on productive**
12 **capability for each of the several grades of agricultural and horticultural land every four**
13 **years with the first valuation completed on or before December 31, 2017.** If such rules are
14 not disapproved by the general assembly in the manner set out below, they shall take effect on
15 January first of the next odd-numbered year. Such values shall be based upon soil surveys, soil
16 productivity indexes, production costs, crop yields, appropriate capitalization rates and any other
17 pertinent factors, all of which may be provided by the college of agriculture of the University of
18 Missouri, and shall be used by all county assessors in conjunction with their land grades in
19 determining assessed values. Any regulation promulgated pursuant to this subsection shall be
20 deemed to be beyond the scope and authority provided in this subsection if the general assembly,
21 within the first sixty calendar days of the regular session immediately following the promulgation
22 of such regulation, by concurrent resolution, shall disapprove the values contained in such
23 regulation. If the general assembly so disapproves any regulation promulgated pursuant to this
24 subsection, the state tax commission shall continue to use values set forth in the most recent
25 preceding regulation promulgated pursuant to this subsection.

26 2. When land that is agricultural and horticultural property, as defined in section
27 137.016, and is being valued and assessed for general property tax purposes pursuant to the
28 provisions of sections 137.017 to 137.021 becomes property other than agricultural and
29 horticultural property, as defined in section 137.016, it shall be reassessed as of the following
30 January first.

31 3. Separation or split-off of a part of the land which is being valued and assessed for
32 general property tax purposes pursuant to the provisions of sections 137.017 to 137.021, either
33 by conveyance or other action of the owner of the land, so that such land is no longer agricultural
34 and horticultural property, as defined in section 137.016, shall subject the land so separated to
35 reassessment as of the following January first. This shall not impair the right of the remaining
36 land to continuance of valuation and assessment for general property tax purposes pursuant to
37 the provisions of sections 137.017 to 137.021.

38 **4. The state tax commission shall not promulgate a rule increasing agricultural land**
39 **productive values more than two percent above the values in effect prior to the rule**

40 promulgation. No agricultural land located in the state shall have its productive values
41 increased if twenty-five percent or more of the counties in the state are affected by a
42 natural disaster as declared by the President of the United States or the governor within
43 the previous four years.

44 5. The state tax commission shall not promulgate a rule increasing agricultural land
45 productive values if there has been a substantial decrease in global agricultural product
46 prices in the previous four years. The determination of the occurrence of a substantial
47 decrease in global agricultural product prices shall be by a concurrence of a majority of
48 the following persons: the director of the department of agriculture, the chairman of the
49 house of representatives committee on agribusiness or its successor committee, the
50 chairman of the house of representatives committee on agriculture policy or its successor
51 committee, and the chairman of the senate committee on agriculture, food production, and
52 outdoor resources or its successor committee.

144.527. 1. In addition to the exemptions granted under this chapter, there shall
2 also be specifically exempted from state and local sales and use taxes defined, levied, or
3 calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761,
4 and section 238.235 all sales of farm products sold at a farmers' market.

5 2. For purposes of this section "farm products" shall mean any fresh fruits,
6 vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or
7 maple sugar, flowers, nursery stock and other horticultural commodities, livestock food
8 products including meat, milk, cheese, and other dairy products, food products of
9 "aquaculture", as defined in section 277.024, including fish, oysters, clams, mussels, and
10 other molluscan shellfish taken from the waters of the state, products from any tree, vine,
11 or plant and other flowers, or any of the products listed in this subdivision that have been
12 processed by the participating farmer including, but not limited to, baked goods made with
13 farm products.

14 3. For purposes of this section "farmers' market" shall mean an individual farmer
15 or a cooperative or nonprofit enterprise or association that consistently occupies a given
16 site throughout the season, which operates principally as a common marketplace for an
17 individual farmer or a group of farmers to sell farm products directly to consumers and
18 where the products sold are produced by the participating farmers with the sole intent and
19 purpose of generating a portion of household income.

20 4. The provisions of this section do not apply to any farmer with estimated total
21 annual sales of twenty-five thousand dollars or more from participating in farmers'
22 markets.

261.270. 1. The provisions of sections 261.270 to 261.275 shall be known and may be cited as the “Missouri Dairy Revitalization Act of 2014”.

2. There is hereby created in the state treasury the “Missouri Dairy Industry Revitalization Fund”, which shall consist of moneys appropriated to the fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of the fund. Upon appropriation by the general assembly, moneys in the fund shall be used solely to enhance and improve Missouri’s dairy and dairy processing industries in the manner provided for in sections 261.270 to 261.275. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. Each fiscal year the University of Missouri shall conduct research or contract with an independent research company to conduct research to determine the estimated sales tax revenue generated in the state from sales of dairy products. The cost for such calculation shall be paid out of the Missouri dairy industry revitalization fund. The estimated sales tax revenue generated in the state from the sales of dairy products shall be calculated and provided to the department of agriculture by October first of each year.

4. Moneys appropriated from the general revenue fund to the Missouri dairy industry revitalization fund shall not exceed forty percent of the estimated sales tax revenue generated in the state from sales of dairy products during the preceding fiscal year calculated under subsection 3 of this section and shall be expended in the following order of priority:

(1) First, to the dairy producer margin insurance premium assistance program created in section 261.272;

(2) Second, to the Missouri dairy scholars program created in section 261.273; and

(3) Third, to the commercial agriculture program created in section 261.275.

261.272. 1. The department of agriculture shall establish and administer, through the Missouri agricultural and small business development authority, a dairy producer margin insurance premium assistance program for the purpose of assisting dairy producers who participate in the federal margin protection program for dairy producers as contained in the federal Agricultural Act of 2014.

2. All dairy producers in the state who participate in the federal margin protection program for dairy producers shall be eligible to apply to participate in the dairy producer margin insurance premium assistance program. Dairy producers shall apply with the

9 Missouri agricultural and small business development authority by January first of each
10 year. The department of agriculture shall promulgate rules and regulations to implement
11 the dairy producer margin insurance premium assistance program.

12 3. Participating dairy producers who have paid their annual federal premium
13 payment in accordance with the federal Agricultural Act of 2014 and who provide proof
14 of such payment to the Missouri agricultural and small business development authority
15 shall be eligible to have a portion of their premium payment reimbursed. Eligible dairy
16 producers shall receive seventy percent of their federal premium payment up to a
17 maximum premium reimbursement rate of thirty-four cents per hundredweight of milk.

18 4. The University of Missouri and the Missouri agricultural and small business
19 development authority shall provide risk management training for Missouri dairy
20 producers annually.

261.273. 1. There is hereby established the “Missouri Dairy Scholars Program”,
2 which shall be administered by the department of agriculture. The program shall, upon
3 appropriation, provide scholarships, subject to the eligibility criteria enumerated in this
4 section, for eligible students in an agriculture-related degree program who make a
5 commitment to work in the agriculture industry in Missouri as a condition of receiving
6 such scholarship.

7 2. Subject to appropriation, each year the department of agriculture shall make
8 available to eligible students up to eighty scholarships in the amount of five thousand
9 dollars to assist with the cost of eligible students’ tuition and fees at a two-year or four-year
10 college or university in Missouri. Such amount shall be paid out of the Missouri dairy
11 industry revitalization fund created in section 261.270.

12 3. As used in this section, the term “eligible student” shall mean an individual who:

13 (1) Is a United States citizen and a Missouri resident who attended a Missouri high
14 school;

15 (2) Is pursuing or has attained an agriculture-related degree approved by the
16 department of agriculture and offered by a two-year or four-year college or university in
17 Missouri;

18 (3) Signs an agreement with the department of agriculture in which the recipient
19 agrees to work in the agriculture industry in Missouri for at least two years for every one
20 year the recipient received the Missouri dairy scholars scholarship;

21 (4) Has graduated from high school with a cumulative grade point average of at
22 least two and one-half on a four-point scale or equivalent;

23 (5) Maintains a cumulative grade point average of at least two and one-half on a
24 four-point scale or equivalent while enrolled in the college or university program; and

25 **(6) Works on a dairy farm or has a dairy-related internship for at least three**
26 **months of each year the recipient receives the Missouri dairy scholars scholarship.**

261.275. The University of Missouri's commercial agriculture program shall
2 **conduct an annual study of the dairy industry and shall develop a dairy-specific plan for**
3 **how to grow and enhance the dairy and dairy processing industries in Missouri. The**
4 **results of such study shall be reported to the department of agriculture and all agriculture-**
5 **related legislative committee chairpersons by January first of each year. The costs for such**
6 **study shall be subject to appropriations and shall be paid out of the Missouri dairy**
7 **industry revitalization fund created in section 261.270.**

262.750. Notwithstanding any other provision of law, the right to conduct and
2 **participate in rodeos in this state shall be guaranteed, and no law, ordinance, or rule shall**
3 **be enacted to prohibit the conducting of or participation in rodeos in this state; except that,**
4 **nothing in this section shall be construed to override the protections under chapter 267 or**
5 **prohibit any reasonable restrictions regarding time, place, and manner consistent with**
6 **other similar events. Nothing in this section shall be construed to allow horse tripping**
7 **during a rodeo in this state. As used in this section, the term "horse tripping" means the**
8 **roping of the legs of or otherwise using a wire, pole, stick, or other object to intentionally**
9 **trip or cause a horse, mule, burro, ass, or other animal of the equine species to fall.**
10 **Promoters of rodeos shall have the authority to establish fees and set rules for their specific**
11 **events including, but not limited to, qualifications and procedures for participation.**

262.975. 1. The department of agriculture may contract with an internet website
2 **development company to build and maintain the "Missouri International Agricultural**
3 **Exchange" website. Such website shall contain content approved by the department to**
4 **promote Missouri agricultural products and services to international agricultural buyers.**

2. The exchange shall allow Missouri-based agricultural sellers to post their
6 **products produced in this state on the website at no charge to assist in marketing such**
7 **products to international buyers. All sellers shall be required to register through the**
8 **website and show proof of Missouri residency and other information as required by the**
9 **department. Except for advertising under subdivision (2) of subsection 3 of this section,**
10 **only agricultural products and services produced in this state shall be allowed on the**
11 **exchange website.**

3. The state of Missouri shall have exclusive rights of ownership of all website
13 **content produced on the Missouri international agricultural exchange website including,**
14 **but not limited to, all creative materials, copyrights, photographs, or illustrations contained**
15 **on the website. Subject to department approval, the website developer is authorized to:**

16 (1) Use all informational content provided by the department of agriculture, add
17 to such content, and apply search engine optimization to the website content to achieve a
18 high search engine ranking;

19 (2) Sell advertising on the exchange website to any entity that will benefit from
20 marketing to international agriculture producers and buyers. The website developer shall
21 be solely responsible for all costs associated with the development, marketing, and
22 maintenance of the exchange website with the website developer retaining all advertising
23 revenues obtained from such exchange website to provide the financing for such exchange
24 website;

25 (3) Prohibit the sale of advertising to any entity on the exchange website that is not
26 related to agriculture or furthers the interest of hate content, obscenity and sexual
27 material, bombs, spyware, adult content, political content, antigroup content and violence,
28 discrimination, political campaigns or causes, public advocacy or lobbying, copyrighted
29 works, counterfeit designer goods, drug and drug paraphernalia, fake documents,
30 gambling, hacking and cracking sites, miracle cures, prostitution, scams, phishing for
31 personal information, tobacco and cigarettes, traffic devices, and other types of advertising
32 deemed not appropriate by the director; and

33 (4) Ensure that all website content shall be named a ".com" domain to allow for
34 advertisement.

35 4. The website developer shall:

36 (1) Have proven experience and expertise in search engine optimization, as
37 determined by the department or the department of economic development;

38 (2) Provide evidence of prior website development projects produced by the website
39 developer which increased search engine rankings for the client.

40 5. The department of agriculture in consultation with the department of economic
41 development shall review all applications and award one annual contract for the
42 development, design, marketing, and maintenance of the exchange website with annual
43 renewals for continuing upgrades, marketing, and maintenance of the website. The
44 department of agriculture shall have the authority to terminate any contract under this
45 section at the department's discretion. Any website developer under contract with the
46 department of agriculture may have a contract terminated for failure to operate under the
47 department's guidelines for the exchange website. If a contract is terminated, the
48 department shall immediately assume ownership of all site-related domain names. If a
49 contract is terminated, the department shall award a new contract in accordance with the
50 procedures for awarding the initial contract under this section.

51 **6. The department of agriculture may promulgate rules necessary to implement the**
52 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
53 **536.010, that is created under the authority delegated in this section shall become effective**
54 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
55 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
56 **the powers vested with the general assembly under chapter 536 to review, to delay the**
57 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
58 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
59 **2014, shall be invalid and void.**

265.480. No state agency shall exclude any species of livestock from processing
2 **through the agricultural or environmental permitting process if the processing facility is**
3 **qualified to process meat for human consumption and interstate commerce and meets all**
4 **United States Department of Agriculture standards for processing livestock.**

267.169. 1. No premises registration data, animal identification data,
2 **environmental data, or animal tracking data collected by any state agency from**
3 **participants under the federal Animal Disease Traceability Program, nor any data**
4 **collected for the purpose of animal health or environmental protection shall be subject to**
5 **disclosure under the Missouri sunshine law in chapter 610.**

6 **2. Any unauthorized release of information under subsection 1 of this section with**
7 **regard to a particular entity or person regardless of the type or quantity of information**
8 **released shall be a violation of this section. Any entity or person alleging a violation of this**
9 **section may bring a civil action against a state agency in a court of competent jurisdiction.**
10 **A court may order any appropriate relief including damages in an amount not to exceed**
11 **ten thousand dollars, payment of reasonable attorney's fees, costs, expenses, and any**
12 **injunctive relief the court deems necessary and proper.**

277.040. 1. Any person engaged in establishing or operating a livestock sale or market
2 **for the purpose aforesaid shall file with the state veterinarian of the state department of**
3 **agriculture an application for a license to transact such business under the provisions of this**
4 **chapter. The application shall state the nature of the business and the city, township and county,**
5 **and the complete post office address at which the business is to be conducted, together with any**
6 **additional information that the state veterinarian requires, and a separate license shall be secured**
7 **for each place where a sale is to be conducted such as is defined and required to be licensed**
8 **under the provisions of this chapter.**

9 **2. The state veterinarian shall then issue to the applicant a license upon payment of an**
10 **annual license fee to be fixed by rule or regulation entitling the applicant to conduct a livestock**

11 sale or market for the period of the license year or for any unexpired portion thereof, unless the
12 license is revoked as herein provided.

13 3. All license fees collected under this chapter **shall not yield revenue greater than**
14 **the total cost of administering this chapter during the ensuing year. All license fees**
15 **collected** shall be made payable to the order of the state treasurer and deposited with him to the
16 credit of the "Livestock Sales and Markets Fees Fund" hereby created, subject to appropriation
17 by the general assembly, to inure to the use and benefit of the animal health division of the
18 department of agriculture.

19 4. No business entity, whether a proprietorship, partnership or corporation shall be
20 issued a livestock market license if any such proprietor, partner or, if a corporation, any officer
21 or major shareholder thereof, participated in the violation of any provision of this chapter within
22 the preceding five years, which resulted in the revocation of a livestock market license.

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

15 2. The amount of the surety bond or liability insurance required by this section shall be
16 not less than [twenty-five] **fifty** thousand dollars [for property damage and bodily injury
17 insurance, each separately and] for each occurrence. [Such surety bond or liability insurance
18 shall be maintained at not less than that sum at all times during the licensed period.] The director
19 shall be notified **by the surety or insurer** within twenty days prior to any **cancellation or**
20 **reduction** [at the request of the bond- or policyholder or any cancellation of such] **of the** surety
21 bond or liability insurance [by the surety or insurer, as long as the total and aggregate of the
22 surety and insurer for all claims shall be limited to the face of the bond or liability insurance
23 policy]. If the surety bond or liability insurance policy which provides the financial
24 responsibility for the [applicant] **certified commercial applicator** is provided by the employer

25 of the [applicant] **certified commercial applicator**, the employer of the [applicant] **certified**
26 **commercial applicator** shall immediately notify the director upon the termination of the
27 employment of the [applicant] **certified commercial applicator** or when a condition exists
28 under which the [applicant] **certified commercial applicator** is no longer provided bond or
29 insurance coverage by the employer. The [applicant] **certified commercial applicator** shall then
30 immediately execute a surety bond or an insurance policy to cover the financial responsibility
31 requirements of this section and [shall furnish the director with evidence of financial
32 responsibility as required by this section] **the certified commercial applicator or the**
33 **applicator's employer shall maintain the surety bond or liability insurance certificate at**
34 **the business location from which the certified commercial applicator is licensed.** The
35 director may accept a liability insurance policy or surety bond in the proper sum which has a
36 deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or
37 policyholder has not satisfied the requirement of the deductible amount in any prior legal claim,
38 such deductible clause shall not be accepted by the director unless the bond- or policyholder
39 [furnishes the director with] **executes and maintains** a surety bond or liability insurance which
40 shall satisfy the amount of the deductible as to all claims that may arise in his application of
41 pesticides.

42 3. If the surety [furnished] becomes unsatisfactory, the bond- or policyholder shall,
43 upon notice,] immediately execute a new bond or insurance **policy** and **maintain the surety**
44 **bond or liability insurance certificate at the business location from which the certified**
45 **commercial applicator is licensed and**, if he **or she** fails to do so, the director shall cancel his
46 **or her** license, or deny the license of an applicant, and give him **or her** notice of cancellation or
47 denial, and it shall be unlawful thereafter for the applicant to engage in the business of using
48 pesticides until the bond or insurance is brought into compliance with the requirements of
49 subsection 1 of this section. If the bond- or policyholder does not execute a new bond or
50 insurance policy within sixty days of expiration of such bond or policy, the licensee shall be
51 required to satisfy all the requirements for licensure as if never before licensed.

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

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any
2 highway in this state having a greater weight than twenty thousand pounds on one axle, no
3 combination of vehicles operated by transporters of general freight over regular routes as defined
4 in section 390.020 shall be moved or operated on any highway of this state having a greater
5 weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not
6 to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated

7 on any state highway of this state having a greater weight than thirty-four thousand pounds on
 8 any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one
 9 behind another, the distance between the extremes of which is more than forty inches and not
 10 more than ninety-six inches apart.

11 2. An "axle load" is defined as the total load transmitted to the road by all wheels whose
 12 centers are included between two parallel transverse vertical planes forty inches apart, extending
 13 across the full width of the vehicle.

14 3. Subject to the limit upon the weight imposed upon a highway of this state through any
 15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two
 16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the
 17 maximum load in pounds as set forth in the following table:

18

19 Distance in feet between the extremes of any group of two or more consecutive axles, measured
 20 to the nearest foot, except where indicated otherwise

21

Maximum load in pounds

22 feet	2 axles	3 axles	4 axles	5 axles	6 axles	
23 4	34,000					
24 5	34,000					
25 6	34,000					
26 7	34,000					
27 8	34,000		34,000			
28 More than 8	38,000		42,000			
29 9	39,000		42,500			
30 10	40,000		43,500			
31 11	40,000		44,000			
32 12	40,000		45,000	50,000		
33 13	40,000		45,500	50,500		
34 14	40,000		46,500	51,500		
35 15	40,000		47,000	52,000		
36 16	40,000		48,000	52,500	58,000	
37 17	40,000		48,500	53,500	58,500	
38 18	40,000		49,500	54,000	59,000	
39 19	40,000		50,000	54,500	60,000	
40 20	40,000		51,000	55,500	60,500	66,000
41 21	40,000		51,500	56,000	61,000	66,500
42 22	40,000		52,500	56,500	61,500	67,000

43	23	40,000	53,000	57,500	62,500	68,000
44	24	40,000	54,000	58,000	63,000	68,500
45	25	40,000	54,500	58,500	63,500	69,000
46	26	40,000	55,500	59,500	64,000	69,500
47	27	40,000	56,000	60,000	65,000	70,000
48	28	40,000	57,000	60,500	65,500	71,000
49	29	40,000	57,500	61,500	66,000	71,500
50	30	40,000	58,500	62,000	66,500	72,000
51	31	40,000	59,000	62,500	67,500	72,500
52	32	40,000	60,000	63,500	68,000	73,000
53	33	40,000	60,000	64,000	68,500	74,000
54	34	40,000	60,000	64,500	69,000	74,500
55	35	40,000	60,000	65,500	70,000	75,000
56	36		60,000	66,000	70,500	75,500
57	37		60,000	66,500	71,000	76,000
58	38		60,000	67,500	72,000	77,000
59	39		60,000	68,000	72,500	77,500
60	40		60,000	68,500	73,000	78,000
61	41		60,000	69,500	73,500	78,500
62	42		60,000	70,000	74,000	79,000
63	43		60,000	70,500	75,000	80,000
64	44		60,000	71,500	75,500	80,000
65	45		60,000	72,000	76,000	80,000
66	46		60,000	72,500	76,500	80,000
67	47		60,000	73,500	77,500	80,000
68	48		60,000	74,000	78,000	80,000
69	49		60,000	74,500	78,500	80,000
70	50		60,000	75,500	79,000	80,000
71	51		60,000	76,000	80,000	80,000
72	52		60,000	76,500	80,000	80,000
73	53		60,000	77,500	80,000	80,000
74	54		60,000	78,000	80,000	80,000
75	55		60,000	78,500	80,000	80,000
76	56		60,000	79,500	80,000	80,000
77	57		60,000	80,000	80,000	80,000
78						

79 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load
80 of thirty-four thousand pounds each if the overall distance between the first and last axles of such
81 consecutive sets of tandem axles is thirty-six feet or more.

82 4. Whenever the state highways and transportation commission finds that any state
83 highway bridge in the state is in such a condition that use of such bridge by vehicles of the
84 weights specified in subsection 3 of this section will endanger the bridge, or the users of the
85 bridge, the commission may establish maximum weight limits and speed limits for vehicles using
86 such bridge. The governing body of any city or county may grant authority by act or ordinance
87 to the state highways and transportation commission to enact the limitations established in this
88 section on those roadways within the purview of such city or county. Notice of the weight limits
89 and speed limits established by the commission shall be given by posting signs at a conspicuous
90 place at each end of any such bridge.

91 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle
92 loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23
93 of the United States Code.

94 6. Notwithstanding the weight limitations contained in this section, any vehicle or
95 combination of vehicles operating on highways other than the interstate highway system may
96 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two
97 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except
98 as provided in subsections 9 and 10 of this section.

99 7. Notwithstanding any provision of this section to the contrary, the department of
100 transportation shall issue a single-use special permit, or upon request of the owner of the truck
101 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or
102 well-drillers' equipment. The department of transportation shall set fees for the issuance of
103 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete
104 pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways
105 at any time on any day.

106 8. Notwithstanding the provision of this section to the contrary, the maximum gross
107 vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an
108 idle reduction technology may be increased by a quantity necessary to compensate for the
109 additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as
110 amended. In no case shall the additional weight increase allowed by this subsection be greater
111 than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the
112 vehicle operator shall provide proof that the idle reduction technology is fully functional at all
113 times and that the gross weight increase is not used for any purpose other than for the use of idle
114 reduction technology.

115 9. **(1)** Notwithstanding subsection 3 of this section or any other provision of law to the
116 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock **or**
117 **agricultural products not including local log trucks as defined in section 301.010** may be
118 as much as, but shall not exceed, eighty-five thousand five hundred pounds [while operating on
119 U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state
120 line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36,
121 and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17]. The provisions of this
122 subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate
123 and Defense Highways. **As used in this section, "agricultural product" means an**
124 **agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will**
125 **be processed into wine, bees, honey, fish or other aquacultural product, planting seed,**
126 **livestock, a livestock product, a forestry product, poultry or a poultry product, either in**
127 **its natural or processed state, that has been produced, processed, or otherwise had value**
128 **added to it in this state.**

129 **(2) Any business operating any vehicles hauling greater than eighty thousand**
130 **pounds under the provisions of this subsection shall apply yearly to the department of**
131 **transportation for a permit and upon payment of a twenty-five dollar fee, the department**
132 **shall grant the applicant a permit. Upon renewal of the permit, an applicant shall submit**
133 **to the department a list of roads traveled and the number of miles traveled on each road**
134 **during the year.**

135 10. Notwithstanding any provision of this section or any other law to the contrary, the
136 total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a
137 processing facility may be as much as, but shall not exceed, eighty-five thousand five hundred
138 pounds while operating on highways other than the interstate highway system. The provisions
139 of this subsection shall not apply to vehicles operated and operating on the Dwight D.
140 Eisenhower System of Interstate and Defense Highways.

413.225. 1. There is established a fee for registration, inspection and calibration services
2 performed by the division of weights and measures. The fees are due at the time the service is
3 rendered and shall be paid to the director by the person receiving the service. The director shall
4 collect fees according to the following schedule and shall deposit them with the state treasurer
5 into the agriculture protection fund as set forth in section 261.200:

6 (1) From August 28, 2013, until the next January first, laboratory fees for metrology
7 calibrations shall be at the rate of sixty dollars per hour for tolerance testing or precision
8 calibration. Time periods over one hour shall be computed to the nearest one-quarter hour. On
9 the first day of January, 2014, and each year thereafter, the director of agriculture shall ascertain
10 the total receipts and expenses for the metrology calibrations during the preceding year and shall

11 fix a fee schedule for the ensuing year at a rate per hour as will yield revenue not more than the
12 total cost of operating the metrology laboratory during the ensuing year, but not to exceed one
13 hundred twenty-five dollars;

14 (2) All device test fees charged shall include, but not be limited to, the following
15 devices:

16 (a) Small scales;

17 (b) Vehicle scales;

18 (c) Livestock scales;

19 (d) Hopper scales;

20 (e) Railroad scales;

21 (f) Monorail scales;

22 (g) In-motion scales including but not limited to vehicle, railroad and belt conveyer
23 scales;

24 (h) Taximeters;

25 (i) Timing devices;

26 (j) Fabric-measuring devices;

27 (k) Wire- and cordage-measuring devices;

28 (l) Milk for quantity determination; [and]

29 (m) Vehicle tank meters;

30 **(n) Compressed natural gas meters;**

31 **(o) Liquefied natural gas meters;**

32 **(p) Electrical charging stations; and**

33 **(q) Hydrogen fuel meters;**

34 (3) Devices that require participation in on-site field evaluations for National Type
35 Evaluation Program Certification and all tests of in-motion scales shall be charged a fee, plus
36 mileage from the inspector's official domicile to and from the inspection site. The time shall
37 begin when the state inspector performing the inspection arrives at the site to be inspected and
38 shall end when the final report is signed by the owner/operator and the inspector departs;

39 (4) Every person shall register each location of such person's place of business where
40 devices or instruments are used to ascertain the moisture content of grains and seeds offered for
41 sale, processing or storage in this state with the director and shall pay a registration fee for each
42 location so registered and a fee for each additional device or instrument at such location.
43 Thereafter, by January thirty-first of each year, each person who is required to register pursuant
44 to this subdivision shall pay an annual fee for each location so registered and an additional fee
45 for each additional machine at each location. The fee on newly purchased devices shall be paid
46 within thirty days after the date of purchase. Application for registration of a place of business

47 shall be made on forms provided by the director and shall require information concerning the
48 make, model and serial number of the device and such other information as the director shall
49 deem necessary. Provided, however, this subsection shall not apply to moisture-measuring
50 devices used exclusively for the purpose of obtaining information necessary to manufacturing
51 processes involving plant products. In addition to fees required by this subdivision, a fee shall
52 be charged for each device subject to retest.

53 2. On the first day of January, 1995, and each year thereafter, the director of agriculture
54 shall ascertain the total receipts and expenses for the testing of weighing and measuring devices
55 referred to in subdivisions (2), (3), and (4) of subsection 1 of this section and shall fix the fees
56 or rate per hour for such weighing and measuring devices to derive revenue not more than the
57 total cost of the operation.

58 3. On the first day of October, 2014, and each year thereafter, the director of the
59 department of agriculture shall submit a report to the general assembly that states the current
60 laboratory fees for metrology calibration, the expenses for administering this section for the
61 previous calendar year, any proposed change to the laboratory fee structure, and estimated
62 expenses for administering this section during the ensuing year. The proposed change to the
63 laboratory fee structure shall not yield revenue greater than the total cost of administering this
64 section during the ensuing year.

65 4. Beginning August 28, 2013, and each year thereafter, the director of the department
66 of agriculture shall publish the laboratory fee schedule on the departmental website. The website
67 shall be updated within thirty days of a change in the laboratory fee schedule set forth in this
68 section.

69 5. Retests for any device within the same calendar year will be charged at the same rate
70 as the initial test. Devices being retested in the same calendar year as a result of rejection and
71 repair are exempt from the requirements of this subsection.

72 6. All device inspection fees shall be paid within thirty days of the issuance of the
73 original invoice. Any fee not paid within ninety days after the date of the original invoice will
74 be cause for the director to deem the device as incorrect and it may be condemned and taken out
75 of service, and may be seized by the director until all fees are paid.

76 7. No fee provided for by this section shall be required of any person owning or
77 operating a moisture-measuring device or instrument who uses such device or instrument solely
78 in agricultural or horticultural operations on such person's own land, and not in performing
79 services, whether with or without compensation, for another person.

413.226. 1. The provisions of sections 413.005 to 413.229 shall not apply to:

2 (1) Any gas, water or electric meter used or intended to be used for measuring or
3 ascertaining the quantity of gas or electric current used for light, heat or power, or the quantity

4 of water, furnished by any person or corporation to or for the use of any person, **unless such**
5 **meter is used for charging electric vehicles at a retail location;**

6 (2) Any measuring device used by any person, firm, or corporation selling at retail or
7 wholesale gasoline, diesel fuel, heating oil, kerosene, or jet fuel subject to inspection in
8 accordance with chapter 414;

9 (3) Any liquid meter used for the measurement and retail sale of liquefied petroleum gas
10 or **any meter used for compressed natural gas** subject to inspection in accordance with chapter
11 **323, unless such meter dispenses fuel for vehicle use.**

12 **2. The provisions of sections 413.005 to 413.229 shall apply to commercial weighing**
13 **and measuring equipment used for measuring or ascertaining the quantity of gas,**
14 **electricity, or fuel for vehicle use including, but not limited to:**

15 **(1) Compressed natural gas meters;**

16 **(2) Liquefied natural gas meters;**

17 **(3) Electrical charging stations; and**

18 **(4) Hydrogen fuel meters.**

442.571. 1. Except as provided in sections 442.586 and 442.591, no alien or foreign
2 business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this
3 state if the total aggregate alien and foreign ownership of agricultural acreage in this state
4 exceeds one percent of the total aggregate agricultural acreage in this state. [No such] **A sale[,]**
5 **or transfer[, or acquisition] of any agricultural land in this state shall [occur unless such sale,**
6 **transfer, or acquisition is approved by] be submitted to the director of the department of**
7 **agriculture for review in accordance with subsection 3 of this section only if there is no**
8 **completed Internal Revenue Service Form W-9 signed by the purchaser.** No person may
9 hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business in
10 violation of sections 442.560 to 442.592, **provided, however, that no security interest in such**
11 **agricultural land shall be divested or invalidated by such violation.**

12 2. Any alien or foreign business who acquires agricultural land in violation of sections
13 442.560 to 442.592 remains in violation of sections 442.560 to 442.592 for as long as he or she
14 holds an interest in the land; **provided, however, that no security interest in such agricultural**
15 **land shall be divested or invalidated by such violation.**

16 3. [All] **Subject to the provisions of subsection 1 of this section,** such proposed
17 acquisitions by grant, purchase, devise, descent, or otherwise of agricultural land in this state
18 shall be submitted to the department of agriculture to determine whether such acquisition of
19 agricultural land is conveyed in accordance with the one percent restriction on the total aggregate
20 alien and foreign ownership of agricultural land in this state. The department shall establish by
21 rule the requirements for submission and approval of requests under this subsection.

22 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
23 under the authority delegated in this section shall become effective only if it complies with and
24 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
25 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
26 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
27 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
28 proposed or adopted after August 28, 2013, shall be invalid and void.

 537.325. 1. As used in this section, unless the context otherwise requires, the following
2 words and phrases shall mean:

3 (1) "Engages in an equine activity", riding, training, assisting in medical treatment of,
4 driving or being a passenger upon an equine, whether mounted or unmounted, or any person
5 assisting a participant or any person involved in show management. The term "engages in an
6 equine activity" does not include being a spectator at an equine activity, except in cases where
7 the spectator places himself in an unauthorized area;

8 (2) "Equine", a horse, pony, mule, donkey or hinny;

9 (3) "Equine activity":

10 (a) Equine shows, fairs, competitions, performances or parades that involve any or all
11 breeds of equines and any of the equine disciplines, including, but not limited to, dressage,
12 hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos,
13 driving, pulling, cutting, polo, steeplechasing, English and western performance riding,
14 endurance trail riding and western games and hunting;

15 (b) Equine training or teaching activities or both;

16 (c) Boarding equines;

17 (d) Riding, inspecting or evaluating an equine belonging to another, whether or not the
18 owner has received some monetary consideration or other thing of value for the use of the equine
19 or is permitting a prospective purchaser of the equine to ride, inspect or evaluate the equine;

20 (e) Rides, trips, hunts or other equine activities of any type however informal or
21 impromptu that are sponsored by an equine activity sponsor; and

22 (f) Placing or replacing horseshoes on an equine;

23 (4) "Equine activity sponsor", an individual, group, club, partnership or corporation,
24 whether or not operating for profit or nonprofit, or any employee thereof, which sponsors,
25 organizes or provides the facilities for, an equine activity, including but not limited to pony
26 clubs, 4-H clubs, hunt clubs, riding clubs, school- and college-sponsored classes, programs and
27 activities, therapeutic riding programs and operators, instructors and promoters of equine
28 facilities, including but not limited to stables, clubhouses, pony ride strings, fairs and arenas at
29 which the activity is held;

30 (5) "Equine professional", a person engaged for compensation, or an employee of such
31 a person engaged:

32 (a) In instructing a participant or renting to a participant an equine for the purpose of
33 riding, driving or being a passenger upon the equine; or

34 (b) In renting equipment or tack to a participant;

35 (6) "Inherent risks of equine activities", those dangers or conditions which are an integral
36 part of equine activities, including but not limited to:

37 (a) The propensity of any equine to behave in ways that may result in injury, harm or
38 death to persons on or around it;

39 (b) The unpredictability of any equine's reaction to such things as sounds, sudden
40 movement and unfamiliar objects, persons or other animals;

41 (c) Certain hazards such as surface and subsurface conditions;

42 (d) Collisions with other equines or objects;

43 (e) The potential of a participant to act in a negligent manner that may contribute to
44 injury to the participant or others, such as failing to maintain control over the animal or not
45 acting within his ability;

46 (7) **"Livestock", cattle, swine, sheep, ratite birds including, but not limited to,**
47 **ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo,**
48 **elk documented as obtained from a legal source and not from the wild and raised in**
49 **confinement for human consumption or animal husbandry, goats, poultry, and exotic**
50 **animals;**

51 (8) **"Livestock activity":**

52 (a) **Grazing, herding, feeding, branding, milking, or other activity that involves the**
53 **care or maintenance of livestock;**

54 (b) **A livestock show, fair, competition, or auction;**

55 (c) **A livestock training or teaching activity;**

56 (d) **Boarding livestock;**

57 (e) **Inspecting or evaluating livestock;**

58 (9) **"Livestock facility", a property or facility at which a livestock activity is held;**

59 (10) **"Livestock owner", a person who owns livestock that is involved in a livestock**
60 **activity;**

61 (11) **"Livestock sponsor", an individual or legal entity that sponsors, organizes, or**
62 **provides facilities for a livestock activity;**

63 [(7)] (12) "Participant", any person, whether amateur or professional, who engages in an
64 equine or livestock activity, whether or not a fee is paid to participate in the equine or livestock
65 activity.

66 2. Except as provided in subsection 4 of this section, an equine activity sponsor, an
67 equine professional, **a livestock sponsor, a livestock owner, a livestock facility, a livestock**
68 **auction market**, or any other person or corporation shall not be liable for an injury to or the
69 death of a participant resulting from the inherent risks of equine **or livestock** activities and,
70 except as provided in subsection 4 of this section, no participant or a participant's representative
71 shall make any claim against, maintain an action against, or recover from an equine activity
72 sponsor, an equine professional, **a livestock sponsor, a livestock owner, a livestock facility,**
73 **a livestock auction market**, or any other person from injury, loss, damage or death of the
74 participant resulting from any of the inherent risks of equine **or livestock** activities.

75 3. This section shall not apply to the horse racing industry as regulated in sections
76 313.050 to 313.720. This section shall not apply to any employer-employee relationship
77 governed by the provisions of, and for which liability is established pursuant to, chapter 287.

78 4. The provisions of subsection 2 of this section shall not prevent or limit the liability
79 of an equine activity sponsor, an equine professional, **a livestock sponsor, a livestock owner,**
80 **a livestock facility, a livestock auction market**, or any other person if the equine activity
81 sponsor, equine professional, **livestock sponsor, livestock owner, livestock facility, livestock**
82 **auction market**, or person:

83 (1) Provided the equipment or tack and knew or should have known that the equipment
84 or tack was faulty and such equipment or tack was faulty to the extent that it did cause the injury;
85 or

86 (2) Provided the equine **or livestock** and failed to make reasonable and prudent efforts
87 to determine the ability of the participant to engage safely in the equine **or livestock** activity and
88 determine the ability of the participant to safely manage the particular equine **or livestock** based
89 on the participant's age, obvious physical condition or the participant's representations of his **or**
90 **her** ability;

91 (3) Owns, leases, rents or otherwise is in lawful possession and control of the land or
92 facilities upon which the participant sustained injuries because of a dangerous latent condition
93 which was known to the equine activity sponsor, equine professional, **livestock sponsor,**
94 **livestock owner, livestock facility, livestock auction market**, or person and for which warning
95 signs have not been conspicuously posted;

96 (4) Commits an act or omission that constitutes willful or wanton disregard for the safety
97 of the participant and that act or omission caused the injury;

98 (5) Intentionally injures the participant;

99 (6) Fails to use that degree of care that an ordinarily careful and prudent person would
100 use under the same or similar circumstances.

101 5. The provisions of subsection 2 of this section shall not prevent or limit the liability
102 of an equine activity sponsor, **a livestock sponsor, a livestock owner, a livestock facility, a**
103 **livestock auction market**, or an equine professional under liability provisions as set forth in any
104 other section of law.

105 6. Every equine activity sponsor **and livestock activity sponsor** shall post and maintain
106 signs which contain the warning notice specified in this subsection. Such signs shall be placed
107 in a clearly visible location on or near stables, corrals or arenas where [the equine professional
108 conducts equine activities] **equine or livestock activities are conducted** if such stables, corrals
109 or arenas are owned, managed or controlled by the equine [professional] **or livestock activity**
110 **sponsor**. The warning notice specified in this subsection shall appear on the sign in black letters
111 on a white background with each letter to be a minimum of one inch in height. Every written
112 contract entered into by an equine professional [and] , equine activity sponsor, **a livestock**
113 **sponsor, a livestock owner, a livestock facility, or a livestock auction market** for the
114 providing of professional services, instruction or the rental of equipment or tack or an equine **or**
115 **livestock** to a participant, whether or not the contract involves equine **or livestock** activities on
116 or off the location or site of the equine professional's [or] **business**, equine activity sponsor's
117 business, **livestock sponsor's business, livestock owner's property, livestock facility, or**
118 **livestock auction market**, shall contain in clearly readable print the warning notice specified
119 in this subsection. The signs and contracts described in this subsection shall contain the
120 following warning notice: WARNING

121 Under Missouri law, an equine professional [is] , **a livestock sponsor, a livestock**
122 **owner, a livestock facility, and a livestock auction market** are not liable for an injury
123 to or the death of a participant in equine **or livestock** activities resulting from the
124 inherent risks of equine **or livestock** activities pursuant to the Revised Statutes of
125 Missouri.

 537.345. As used in sections 537.345 to [537.347] **537.348**, and section 537.351, the
2 following terms mean:

3 (1) "Charge", the admission price or fee asked by an owner of land or an invitation or
4 permission without price or fee to use land for recreational purposes when such invitation or
5 permission is given for the purpose of sales promotion, advertising or public goodwill in
6 fostering business purposes;

7 (2) "Land", all real property, land and water, and all structures, fixtures, equipment and
8 machinery thereon;

9 (3) "Owner", any individual, legal entity or governmental agency that has any ownership
10 or security interest whatever or lease or right of possession in land;

11 (4) "Recreational use", hunting, fishing, camping, picnicking, biking, nature study,
12 winter sports, viewing or enjoying archaeological or scenic sites, **trapping, paddle sports as**
13 **defined in section 537.327, swimming except for such activity as defined in section 537.348,**
14 or other similar activities undertaken for recreation, exercise, education, relaxation, or pleasure
15 on land owned by another;

16 (5) "Trespasser", any person who enters on the property of another without permission
17 and without an invitation, express or implied regardless of whether actual notice of trespass was
18 given or the land was posted in accordance with the provisions of sections 569.140 and 569.145.

537.348. Nothing in this act shall be construed to create liability, but it does not limit
2 liability that otherwise would be incurred by those who use the land of others, or by owners of
3 land for:

4 (1) Malicious or grossly negligent failure to guard or warn against a dangerous condition,
5 structure, personal property which the owner knew or should have known to be dangerous, or
6 negligent failure to guard or warn against an ultrahazardous condition which the owner knew or
7 should have known to be dangerous;

8 (2) Injury suffered by a person who has paid a charge for entry to the land; [or]

9 (3) Injuries occurring on or in:

10 (a) Any land within the corporate boundaries of any city, municipality, town, or village
11 in this state;

12 (b) Any swimming pool. "Swimming pool" means a pool or tank, especially an artificial
13 pool or tank, intended and adapted for swimming and held out as a swimming pool;

14 (c) Any residential area. "Residential area" as used herein means a tract of land of one
15 acre or less predominately used for residential purposes, or a tract of land of any size used for
16 multifamily residential services; or

17 (d) Any noncovered land. "Noncovered land" as used herein means any portion of any
18 land, the surface of which portion is actually used primarily for commercial, industrial, mining
19 or manufacturing purposes; provided, however, that use of any portion of any land primarily for
20 agricultural, grazing, forestry, conservation, natural area, owner's recreation or similar or related
21 uses or purposes shall not under any circumstances be deemed to be use of such portion for
22 commercial, industrial, mining or manufacturing purposes; **or**

23 **(4) A landowner who:**

24 **(a) Intentionally injures a participant;**

25 **(b) Provides unsafe equipment or devices who knew or should have known that the**
26 **equipment or device was unsafe to the extent that it did cause the injury; or**

27 **(c) Fails to use that degree of care that an ordinarily careful and prudent person**
28 **would use under the same or similar circumstances.**

2 [275.352. If a national referendum among beef producers passes and a
3 federal assessment on beef producers is adopted pursuant to federal law, no state
4 fees shall be collected under the provisions of this chapter, in excess of a
5 commensurate amount credited against the obligation to pay any such federal
6 assessment. Upon adoption of the federal assessment, beef shall be exempt from
7 the refund provision of section 275.360.]

2 Section B. Because immediate action is necessary to ensure the ability of citizens to
3 obtain timely financing for the purchase of agricultural land and to allow for the marketing of
4 Missouri beef products in order to stay competitive in the global market, the repeal and
5 reenactment of section 442.571 and the repeal of section 275.352 of section A of this act is
6 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
7 and is hereby declared to be an emergency act within the meaning of the constitution, and the
8 repeal and reenactment of section 442.571 and the repeal of section 275.352 of section A of this
act shall be in full force and effect upon its passage and approval.

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