

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1860
AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1254
96TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, May 10, 2012, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5978S.05C

AN ACT

To repeal sections 569.140 and 575.010, RSMo, and to enact in lieu thereof nine new sections relating to agriculture, with penalty provisions.

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

Section A. Sections 569.140 and 575.010, RSMo, are repealed and nine
2 new sections enacted in lieu thereof, to be known as sections 262.005, 262.900,
3 537.850, 537.856, 537.859, 569.140, 575.010, 575.124, and 578.660, to read as
4 follows:

262.005. 1. Agriculture which provides food, energy, and security
2 **is the foundation and stabilizing force of Missouri's economy. To**
3 **protect this vital sector of Missouri's economy, it shall be the right of**
4 **persons to raise livestock, as defined in section 144.010, and poultry in**
5 **a manner adhering to state and local laws and ordinances.**

6 **2. Nothing in this section shall be construed or interpreted to**
7 **limit the authority of the department of agriculture or the state**
8 **veterinarian to carry out the department's statutory and regulatory**
9 **responsibilities and functions as currently and hereafter provided**
10 **under chapters 261 to 281, chapter 350 and chapters 411 to 414 and all**
11 **rules and regulations promulgated thereunder.**

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

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

2 (1) "Agricultural products", an agricultural, horticultural,
3 viticultural, or vegetable product, growing of grapes that will be
4 processed into wine, bees, honey, fish or other aquacultural product,
5 planting seed, livestock, a livestock product, a forestry product, poultry
6 or a poultry product, either in its natural or processed state, that has
7 been produced, processed, or otherwise had value added to it in this
8 state;

9 (2) "Blighted area", that portion of the city within which the
10 legislative authority of such city determines that by reason of age,
11 obsolescence, inadequate or outmoded design or physical deterioration
12 have become economic and social liabilities, and that such conditions
13 are conducive to ill health, transmission of disease, crime, or inability
14 to pay reasonable taxes;

15 (3) "Domesticated animal", cattle, calves, sheep, swine, ratite
16 birds including but not limited to ostrich and emu, llamas, alpaca,
17 buffalo, elk documented as obtained from a legal source and not from
18 the wild, goats, or horses, other equines, or rabbits raised in
19 confinement for human consumption;

20 (4) "Grower UAZ", a type of UAZ:

21 (a) That can either grow produce, raise livestock, or produce
22 other value-added agricultural products;

23 (b) That does not exceed fifty laying hens, six hundred fifty
24 broiler chickens, or thirty domesticated animals;

25 (5) "Livestock", cattle, calves, sheep, swine, ratite birds including
26 but not limited to ostrich and emu, aquatic products as defined in
27 section 277.024, llamas, alpaca, buffalo, elk documented as obtained
28 from a legal source and not from the wild, goats, or horses, other
29 equines, or rabbits raised in confinement for human consumption;

30 (6) "Locally grown", a product that was grown or raised in the
31 same county as the UAZ or in an adjoining county. For a product
32 raised or sold in a city not within a county, locally grown includes
33 those counties adjoining a county with a charter form of government
34 and with more than nine hundred fifty thousand inhabitants;

35 (7) "Processing UAZ", a type of UAZ:

36 (a) That processes livestock or poultry for human consumption;

37 (b) That meets federal and state processing laws and standards;

38 (8) "Meat", any edible portion of a livestock or poultry carcass or
39 part thereof;

40 (9) "Meat product", anything containing meat intended for or
41 capable of use for human consumption, which is derived, in whole or
42 in part, from livestock or poultry;

43 (10) "Poultry", any domesticated bird intended for human
44 consumption;

45 (11) "Value-added agricultural products", any product or
46 products that are the result of:

47 (a) Using an agricultural product grown in this state to produce
48 a meat or dairy product in this state;

49 (b) A change in the physical state or form of the original
50 agricultural product;

51 (c) An agricultural product grown in this state whose value has
52 been enhanced by special production methods such as organically
53 grown products; or

54 (d) A physical segregation of a commodity or agricultural
55 product grown in this state that enhances its value such as identity
56 preserved marketing systems;

57 (12) "Urban agricultural zone" or "UAZ", a zone that contains the
58 following activities to qualify for the benefits provided under this
59 section:

60 (a) Any organization or person who grows produce or other
61 agricultural products;

62 (b) Any organization or person that raises livestock or poultry;

63 (c) Any organization or person who processes livestock or
64 poultry;

65 (d) Any organization that sells at a minimum seventy-five
66 percent locally grown food;

67 (13) "Vending UAZ", a type of UAZ:

68 (a) That sells produce, meat, or locally grown value-added
69 agricultural products;

70 (b) That applies to the department of agriculture for an UAZ
71 vendor license;

72 (c) That is able to accept food stamps under the provisions of the
73 Federal Food Stamp Program as a form of payment.

74 **2. (1) A person or organization shall submit to any incorporated**
75 **municipality an application to develop an UAZ on a blighted area of**
76 **land. Such application shall demonstrate or identify on the application:**

77 **(a) If the person or organization is a grower UAZ, processing**
78 **UAZ, vending UAZ, or a combination of all three types of UAZs provided**
79 **in this paragraph, in which case the person or organization shall meet**
80 **the requirements of each type of UAZ in order to qualify;**

81 **(b) The number of jobs to be created;**

82 **(c) The types of products to be produced;**

83 **(d) If applying for a vending UAZ, the ability to accept food**
84 **stamps under the provisions of the Federal Food Stamp Program if**
85 **selling products to consumers.**

86 **(2) A municipality shall review and modify the application as**
87 **necessary before either approving or denying the request to establish**
88 **a UAZ.**

89 **(3) Approval of the UAZ by such municipality shall be reviewed**
90 **five and ten years after the development of the UAZ. After twenty-five**
91 **years, the UAZ shall dissolve. If the municipality finds during its**
92 **review that the UAZ is not meeting the requirements set out in this**
93 **section, the municipality may dissolve the UAZ.**

94 **3. Once the requirements of this section have been complied**
95 **with, the real property of the UAZ shall not be subject to assessment or**
96 **payment of ad valorem taxes on real property imposed by the cities**
97 **affected by this section, or by the state or any political subdivision**
98 **thereof, for a period of ten years at which time the property shall then**
99 **be reassessed. The UAZ shall then pay fifty percent of the assessed**
100 **value for the next fifteen years. If only a portion of real property is**
101 **used as a UAZ, then only that portion of real property shall not be**
102 **subject to assessment or payment of ad valorem taxes on such property.**

103 **4. If the water services for the UAZ are provided by the**
104 **municipality, a grower UAZ shall pay wholesale water rates, if**
105 **available, for the cost of water consumed on the UAZ and shall pay fifty**
106 **percent of the standard cost to hook onto the water source.**

107 **5. (1) Any sales tax revenues received from the sale of products**
108 **sold in the UAZ, excluding sales taxes that are constitutionally**
109 **dedicated, taxes deposited to the school district trust fund in**

110 accordance with section 144.701, sales and use taxes on motor vehicles,
111 trailers, boats, and outboard motors, and future sales taxes earmarked
112 by law, shall be deposited in the urban agricultural zone fund
113 established in subdivision (2) of this subsection. School districts may
114 apply to the state treasurer for money in the fund to be used for the
115 development of curriculum on or the implementation of urban farming
116 practices under the guidance of the University of Missouri extension
117 service and a certified vocational agricultural instructor. The funds
118 are to be distributed within the school district in which the UAZ is
119 located.

120 (2) There is hereby created in the state treasury the "Urban
121 Agricultural Zone Fund", which shall consist of money collected under
122 subdivision (1) of this subsection. The state treasurer shall be
123 custodian of the fund. In accordance with sections 30.170 and 30.180,
124 the state treasurer may approve disbursements. The fund shall be a
125 dedicated fund and, upon appropriation, money in the fund shall be
126 used solely for the administration of subdivision (1) of this
127 subsection. Notwithstanding the provisions of section 33.080 to the
128 contrary, any moneys remaining in the fund at the end of the biennium
129 shall not revert to the credit of the general revenue fund. The state
130 treasurer shall invest moneys in the fund in the same manner as other
131 funds are invested. Any interest and moneys earned on such
132 investments shall be credited to the fund.

133 6. The provisions in this section shall supercede any local
134 ordinances to the contrary.

537.850. 1. Sections 537.850 to 537.859 shall be known and may
2 be cited as the "Agritourism Promotion Act".

3 2. As used in sections 537.850 to 537.859, the following terms shall
4 mean:

5 (1) "Agritourism activity", any activity which allows members of
6 the general public for recreational, entertainment, or educational
7 purposes to view or enjoy rural activities, including but not limited to
8 farming activities, ranching activities, or historic, cultural, or natural
9 attractions. An activity may be an agritourism activity whether or not
10 the participant pays to participate in the activity. An activity is not an
11 agritourism activity if the participant is paid to participate in the

12 activity;

13 (2) "Department", the state department of agriculture;

14 (3) "Director", the director of the department of agriculture;

15 (4) "Inherent risks of a registered agritourism activity", those
16 dangers or conditions which are an integral part of such agritourism
17 activity, including but not limited to certain hazards such as surface
18 and subsurface conditions; natural conditions of land, vegetation, and
19 waters; the behavior of wild or domestic animals; and ordinary dangers
20 of structures or equipment ordinarily used in farming or ranching
21 operations. Inherent risks of a registered agritourism activity also
22 includes the potential of a participant to act in a negligent manner that
23 may contribute to injury to the participant or others, such as failing to
24 follow instructions given by the registered agritourism operator or
25 failing to exercise reasonable caution while engaging in the registered
26 agritourism activity;

27 (5) "Participant", any person who engages in a registered
28 agritourism activity;

29 (6) "Registered agritourism activity", any agritourism activity
30 that is registered with the director of the department of agriculture as
31 an AgriMissouri member under section 261.230, and any rules
32 promulgated thereunder;

33 (7) "Registered agritourism location", a specific parcel of land
34 which is registered with the director of the department of agriculture
35 under section 261.230, and any rules promulgated thereunder, and
36 where a registered agritourism operator engages in registered
37 agritourism activities;

38 (8) "Registered agritourism operator", any person who is engaged
39 in the business of providing one or more agritourism activities and is
40 registered with the director of the department of agriculture as an
41 AgriMissouri member under section 261.230, and any rules promulgated
42 thereunder.

537.856. 1. At every registered agritourism location, the
2 registered agritourism operator shall post and maintain signage which
3 contains the warning notice specified in subsection 3 of this
4 section. The requirements of this section shall be deemed satisfied if
5 such signage is placed in a clearly visible location at or near the

6 registered agritourism location. The warning notice shall appear on
7 the sign in black letters, with each letter to be at least one inch in
8 height.

9 2. Every written contract entered into by a registered
10 agritourism operator for the providing of a registered agritourism
11 activity shall contain in clearly readable print the warning notice and
12 language specified in subsection 3 of this section.

13 3. The required signage under this section shall contain the
14 following warning notice:

15 "WARNING: Under Missouri law, there is no liability for an
16 injury or death of a participant in a registered agritourism activity
17 conducted at this registered agritourism location if such injury or
18 death results from the inherent risks of such agritourism
19 activity. Inherent risks of agritourism activities include, but are not
20 limited to, the potential of you as a participant to act in a negligent
21 manner that may contribute to your injury or death and the potential
22 of another participant to act in a negligent manner that may contribute
23 to your injury or death. You are assuming the risk of participating in
24 this registered agritourism activity."

25 4. Upon request, the registered agritourism operator shall
26 provide to any participant a written description of the registered
27 agritourism activity, as set forth in the registration under subdivision
28 (6) of subsection 2 of section 537.850 for which sections 537.850 to
29 537.859 limit the registered agritourism operator's liability at the
30 registered agritourism location.

537.859. 1. Except as provided in subsection 2 of this section, a
2 registered agritourism operator is not liable for injury to or death of
3 a participant resulting from the inherent risks of agritourism activities
4 so long as the warning contained in section 537.856 is posted as
5 required and, except as provided in subsection 2 of this section, no
6 participant or participant's representative shall maintain an action
7 against or recover from a registered agritourism operator for injury,
8 loss, damage, or death of the participant resulting exclusively from any
9 of the inherent risks of agritourism activities.

10 2. Nothing in sections 537.850 to 537.859 shall prevent or limit
11 the liability of a registered agritourism operator if the registered

12 **agritourism operator:**

13 **(1) Injures the participant by willful or wanton conduct;**

14 **(2) Has actual knowledge or should have known of a dangerous**
15 **condition in the facilities or equipment used in the registered**
16 **agritourism activity and does not make such dangerous condition**
17 **known to a participant and such dangerous condition causes the**
18 **participant to sustain injuries; or**

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

21 **3. In any action for damages for personal injury, death, or**
22 **property damage arising from the operation of a registered tourism**
23 **activity in which an owner or operator is named as a defendant, it shall**
24 **be an affirmative defense to that liability that:**

25 **(1) The injured person assumed the risk;**

26 **(2) The injured person deliberately disregarded conspicuously**
27 **posted signs, verbal instructions, or other warnings regarding safety**
28 **measures during the activity; or**

29 **(3) Any equipment, animals, or appliance used by the injured**
30 **person during the activity were used in a manner or for a purpose**
31 **other than that for which a reasonable person should have known they**
32 **were intended.**

569.140. 1. A person commits the crime of trespass in the first degree if
2 he knowingly enters unlawfully or knowingly remains unlawfully in a building
3 or inhabitable structure or upon real property.

4 2. A person does not commit the crime of trespass in the first degree by
5 entering or remaining upon real property unless the real property is fenced or
6 otherwise enclosed in a manner designed to exclude intruders or as to which
7 notice against trespass is given by:

8 (1) Actual communication to the actor; or

9 (2) Posting in a manner reasonably likely to come to the attention of
10 intruders.

11 3. Trespass in the first degree is a class [B] A misdemeanor.

575.010. The following definitions shall apply to this chapter and chapter
2 576:

3 (1) "Affidavit" means any written statement which is authorized or
4 required by law to be made under oath, and which is sworn to before a person

5 authorized to administer oaths;

6 (2) "Government" means any branch or agency of the government of this
7 state or of any political subdivision thereof;

8 (3) "Highway" means any public road or thoroughfare for vehicles,
9 including state roads, county roads and public streets, avenues, boulevards,
10 parkways or alleys in any municipality;

11 (4) "Judicial proceeding" means any official proceeding in court, or any
12 proceeding authorized by or held under the supervision of a court;

13 (5) "Juror" means a grand or petit juror, including a person who has been
14 drawn or summoned to attend as a prospective juror;

15 (6) "Jury" means a grand or petit jury, including any panel which has
16 been drawn or summoned to attend as prospective jurors;

17 (7) "Official proceeding" means any cause, matter, or proceeding where the
18 laws of this state require that evidence considered therein be under oath or
19 affirmation;

20 (8) "Police animal" means a dog, horse or other animal used in law
21 enforcement or a correctional facility, or by a municipal police department, fire
22 department, search and rescue unit or agency, whether the animal is on duty or
23 not on duty. The term shall include, but not be limited to, accelerant detection
24 dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and
25 tracking animals;

26 (9) "Public record" means any document which a public servant is required
27 by law to keep;

28 (10) **"Public servant", any person employed in any way by the**
29 **state or political subdivision of this state who is compensated by the**
30 **state or political subdivision of this state by reason of such person's**
31 **employment, any person appointed to a position with the state or any**
32 **political subdivision of this state, or any person elected to a position**
33 **with the state or any political subdivision of this state. Public servant**
34 **includes, but is not limited to, members of the general assembly, jurors,**
35 **members of the judiciary, law enforcement officers, and state**
36 **inspectors employed by state agencies. Public servant does not include**
37 **witnesses;**

38 (11) "Testimony" means any oral statement under oath or affirmation;

39 [(11)] (12) "Victim" means any natural person against whom any crime
40 is deemed to have been perpetrated or attempted;

41 [(12)] (13) "Witness" means any natural person:

42 (a) Having knowledge of the existence or nonexistence of facts relating to
43 any crime; or

44 (b) Whose declaration under oath is received as evidence for any purpose;
45 or

46 (c) Who has reported any crime to any peace officer or prosecutor; or

47 (d) Who has been served with a subpoena issued under the authority of
48 any court of this state.

**575.124. 1. No person shall attempt by means of any threat or
2 violence to deter or prevent an inspector, agent, or other employee of
3 the department of agriculture from performing any duties imposed by
4 law upon such inspector, agent, or employee or the department.**

5 **2. Any person who violates the provisions of this section is guilty
6 of a class B misdemeanor. Any second or subsequent violation of this
7 section is a class A misdemeanor.**

**578.660. 1. As used in this section, the following terms shall
2 mean:**

3 **(1) "Farm animal", an animal raised on a farm or ranch and used
4 or intended for use in farm or ranch production, or as food or fiber;**

5 **(2) "Farm animal professional", any individual employed at a
6 location where farm animals are harbored;**

7 **(3) "Harbor", to feed or shelter an animal at the same location for
8 three or more consecutive days.**

9 **2. Whenever any farm animal professional videotapes or
10 otherwise makes a digital recording of what he or she believes to depict
11 a farm animal subjected to abuse or neglect under sections 578.009 or
12 578.012, such farm animal professional shall have a duty to submit such
13 videotape or digital recording to a law enforcement agency within
14 twenty-four hours of the recording.**

15 **3. No videotape or digital recording submitted under subsection
16 2 of this section shall be spliced, edited, or manipulated in any way
17 prior to its submission.**

18 **4. A violation of any provision of this section is a class A
19 misdemeanor.**

Unofficial

Bill

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