

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 506

97TH GENERAL ASSEMBLY
2014

4601H.03T

AN ACT

To repeal sections 144.010, 262.900, 265.300, 267.565, 275.352, 277.020, 277.040, 281.065, 304.180, 340.381, 340.396, 442.571, and 537.325, RSMo, and to enact in lieu thereof seventeen new sections relating to agriculture.

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

Section A. Sections 144.010, 262.900, 265.300, 267.565, 275.352, 277.020, 277.040, 281.065, 304.180, 340.381, 340.396, 442.571, and 537.325, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 144.010, 261.270, 261.272, 261.273, 261.275, 262.900, 265.300, 267.565, 277.020, 277.040, 281.065, 304.180, 340.381, 340.396, 442.571, 537.325, and 1, to read as follows:

144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person "engages in business in this state" or "maintains a place of business in this state" under section 144.605. The isolated or occasional sale of tangible

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

15 personal property, service, substance, or thing, by a person not engaged in such
16 business, does not constitute engaging in business within the meaning of sections
17 144.010 to 144.525 unless the total amount of the gross receipts from such sales,
18 exclusive of receipts from the sale of tangible personal property by persons which
19 property is sold in the course of the partial or complete liquidation of a
20 household, farm or nonbusiness enterprise, exceeds three thousand dollars in any
21 calendar year. The provisions of this subdivision shall not be construed to make
22 any sale of property which is exempt from sales tax or use tax on June 1, 1977,
23 subject to that tax thereafter;

24 (3) "Captive wildlife", includes but is not limited to exotic partridges, gray
25 partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl,
26 captive white-tailed deer, captive elk, and captive furbearers held under permit
27 issued by the Missouri department of conservation for hunting purposes. The
28 provisions of this subdivision shall not apply to sales tax on a harvested animal;

29 (4) "Gross receipts", except as provided in section 144.012, means the total
30 amount of the sale price of the sales at retail including any services other than
31 charges incident to the extension of credit that are a part of such sales made by
32 the businesses herein referred to, capable of being valued in money, whether
33 received in money or otherwise; except that, the term "gross receipts" shall not
34 include the sale price of property returned by customers when the full sale price
35 thereof is refunded either in cash or by credit. In determining any tax due under
36 sections 144.010 to 144.525 on the gross receipts, charges incident to the
37 extension of credit shall be specifically exempted. For the purposes of sections
38 144.010 to 144.525 the total amount of the sale price above mentioned shall be
39 deemed to be the amount received. It shall also include the lease or rental
40 consideration where the right to continuous possession or use of any article of
41 tangible personal property is granted under a lease or contract and such transfer
42 of possession would be taxable if outright sale were made and, in such cases, the
43 same shall be taxable as if outright sale were made and considered as a sale of
44 such article, and the tax shall be computed and paid by the lessee upon the
45 rentals paid;

46 (5) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not
47 limited to, ostrich and emu, aquatic products as defined in section 277.024,
48 llamas, alpaca, buffalo, elk **and captive cervids** documented as obtained from
49 a legal source and not from the wild, goats, horses, other equine, or rabbits raised
50 in confinement for human consumption;

51 (6) "Motor vehicle leasing company" shall be a company obtaining a

52 permit from the director of revenue to operate as a motor vehicle leasing
53 company. Not all persons renting or leasing trailers or motor vehicles need to
54 obtain such a permit; however, no person failing to obtain such a permit may
55 avail itself of the optional tax provisions of subsection 5 of section 144.070, as
56 hereinafter provided;

57 (7) "Person" includes any individual, firm, copartnership, joint adventure,
58 association, corporation, municipal or private, and whether organized for profit
59 or not, state, county, political subdivision, state department, commission, board,
60 bureau or agency, except the state transportation department, estate, trust,
61 business trust, receiver or trustee appointed by the state or federal court,
62 syndicate, or any other group or combination acting as a unit, and the plural as
63 well as the singular number;

64 (8) "Purchaser" means a person who purchases tangible personal property
65 or to whom are rendered services, receipts from which are taxable under sections
66 144.010 to 144.525;

67 (9) "Research or experimentation activities" are the development of an
68 experimental or pilot model, plant process, formula, invention or similar property,
69 and the improvement of existing property of such type. Research or
70 experimentation activities do not include activities such as ordinary testing or
71 inspection of materials or products for quality control, efficiency surveys,
72 advertising promotions or research in connection with literary, historical or
73 similar projects;

74 (10) "Sale" or "sales" includes installment and credit sales, and the
75 exchange of properties as well as the sale thereof for money, every closed
76 transaction constituting a sale, and means any transfer, exchange or barter,
77 conditional or otherwise, in any manner or by any means whatsoever, of tangible
78 personal property for valuable consideration and the rendering, furnishing or
79 selling for a valuable consideration any of the substances, things and services
80 herein designated and defined as taxable under the terms of sections 144.010 to
81 144.525;

82 (11) "Sale at retail" means any transfer made by any person engaged in
83 business as defined herein of the ownership of, or title to, tangible personal
84 property to the purchaser, for use or consumption and not for resale in any form
85 as tangible personal property, for a valuable consideration; except that, for the
86 purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i)
87 purchases of tangible personal property made by duly licensed physicians,
88 dentists, optometrists and veterinarians and used in the practice of their

89 professions shall be deemed to be purchases for use or consumption and not for
90 resale; and (ii) the selling of computer printouts, computer output or microfilm
91 or microfiche and computer-assisted photo compositions to a purchaser to enable
92 the purchaser to obtain for his or her own use the desired information contained
93 in such computer printouts, computer output on microfilm or microfiche and
94 computer-assisted photo compositions shall be considered as the sale of a service
95 and not as the sale of tangible personal property. Where necessary to conform to
96 the context of sections 144.010 to 144.525 and the tax imposed thereby, the term
97 "sale at retail" shall be construed to embrace:

98 (a) Sales of admission tickets, cash admissions, charges and fees to or in
99 places of amusement, entertainment and recreation, games and athletic events;

100 (b) Sales of electricity, electrical current, water and gas, natural or
101 artificial, to domestic, commercial or industrial consumers;

102 (c) Sales of local and long distance telecommunications service to
103 telecommunications subscribers and to others through equipment of
104 telecommunications subscribers for the transmission of messages and
105 conversations, and the sale, rental or leasing of all equipment or services
106 pertaining or incidental thereto;

107 (d) Sales of service for transmission of messages by telegraph companies;

108 (e) Sales or charges for all rooms, meals and drinks furnished at any
109 hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist
110 camp, tourist cabin, or other place in which rooms, meals or drinks are regularly
111 served to the public;

112 (f) Sales of tickets by every person operating a railroad, sleeping car,
113 dining car, express car, boat, airplane, and such buses and trucks as are licensed
114 by the division of motor carrier and railroad safety of the department of economic
115 development of Missouri, engaged in the transportation of persons for hire;

116 (12) "Seller" means a person selling or furnishing tangible personal
117 property or rendering services, on the receipts from which a tax is imposed
118 pursuant to section 144.020;

119 (13) The noun "tax" means either the tax payable by the purchaser of a
120 commodity or service subject to tax, or the aggregate amount of taxes due from
121 the vendor of such commodities or services during the period for which he or she
122 is required to report his or her collections, as the context may require;

123 (14) "Telecommunications service", for the purpose of this chapter, the
124 transmission of information by wire, radio, optical cable, coaxial cable, electronic
125 impulses, or other similar means. As used in this definition, "information" means

126 knowledge or intelligence represented by any form of writing, signs, signals,
127 pictures, sounds, or any other symbols. Telecommunications service does not
128 include the following if such services are separately stated on the customer's bill
129 or on records of the seller maintained in the ordinary course of business:

130 (a) Access to the internet, access to interactive computer services or
131 electronic publishing services, except the amount paid for the telecommunications
132 service used to provide such access;

133 (b) Answering services and one-way paging services;

134 (c) Private mobile radio services which are not two-way commercial mobile
135 radio services such as wireless telephone, personal communications services or
136 enhanced specialized mobile radio services as defined pursuant to federal law; or

137 (d) Cable or satellite television or music services; and

138 (15) "Product which is intended to be sold ultimately for final use or
139 consumption" means tangible personal property, or any service that is subject to
140 state or local sales or use taxes, or any tax that is substantially equivalent
141 thereto, in this state or any other state.

142 2. For purposes of the taxes imposed under sections 144.010 to 144.525,
143 and any other provisions of law pertaining to sales or use taxes which incorporate
144 the provisions of sections 144.010 to 144.525 by reference, the term
145 "manufactured homes" shall have the same meaning given it in section 700.010.

146 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales
147 Tax Law".

**261.270. 1. The provisions of sections 261.270 to 261.275 shall be
2 known and may be cited as the "Missouri Dairy Revitalization Act of
3 2014".**

**4 2. There is hereby created in the state treasury the "Missouri
5 Dairy Industry Revitalization Fund", which shall consist of moneys
6 appropriated to the fund. The state treasurer shall be custodian of the
7 fund. In accordance with sections 30.170 and 30.180, the state treasurer
8 may approve disbursements of the fund. Upon appropriation by the
9 general assembly, moneys in the fund shall be used solely to enhance
10 and improve Missouri's dairy and dairy processing industries in the
11 manner provided for in sections 261.270 to 261.275. Notwithstanding
12 the provisions of section 33.080 to the contrary, any moneys remaining
13 in the fund at the end of the biennium shall not revert to the credit of
14 the general revenue fund. The state treasurer shall invest moneys in
15 the fund in the same manner as other funds are invested. Any interest**

16 and moneys earned on such investments shall be credited to the fund.

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

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

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

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

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

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

7 2. All dairy producers in the state who participate in the federal
8 margin protection program for dairy producers shall be eligible to
9 apply to participate in the dairy producer margin insurance premium
10 assistance program. Dairy producers shall apply with the Missouri
11 agricultural and small business development authority by January first
12 of each year. The department of agriculture shall promulgate rules and
13 regulations to implement the dairy producer margin insurance
14 premium assistance program.

15 3. Participating dairy producers who have paid their annual
16 federal premium payment in accordance with the federal Agricultural

17 Act of 2014 and who provide proof of such payment to the Missouri
18 agricultural and small business development authority shall be eligible
19 to have a portion of their premium payment reimbursed. Eligible dairy
20 producers shall receive seventy percent of their federal premium
21 payment up to a maximum premium reimbursement rate of thirty-four
22 cents per hundredweight of milk.

23 4. The University of Missouri and the Missouri agricultural and
24 small business development authority shall provide risk management
25 training for Missouri dairy producers annually.

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

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

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

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

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

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

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

28 (5) Maintains a cumulative grade point average of at least two

29 **and one-half on a four-point scale or equivalent while enrolled in the**
30 **college or university program; and**

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

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

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

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

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

13 (3) "Department", the department of agriculture;

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

18 (5) "Grower UAZ", a type of UAZ:

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

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

23 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not

24 limited to ostrich and emu, aquatic products as defined in section 277.024,
25 llamas, alpaca, buffalo, elk **and captive cervids** documented as obtained from
26 a legal source and not from the wild, goats, or horses, other equines, or rabbits
27 raised in confinement for human consumption;

28 (7) "Locally grown", a product that was grown or raised in the same
29 county or city not within a county in which the UAZ is located or in an adjoining
30 county or city not within a county. For a product raised or sold in a city not
31 within a county, locally grown also includes an adjoining county with a charter
32 form of government with more than nine hundred fifty thousand inhabitants and
33 those adjoining said county;

34 (8) "Processing UAZ", a type of UAZ:

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

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

37 (c) Is a qualifying small business approved by the department;

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

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

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

44 (12) "Qualifying small business", those enterprises which are established
45 within an Urban Agricultural Zone subsequent to its creation, and which meet
46 the definition established for the Small Business Administration and set forth in
47 Section 121.301 of Part 121 of Title 13 of the Code of Federal Regulations;

48 (13) "Value-added agricultural products", any product or products that are
49 the result of:

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

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

54 (c) An agricultural product grown in this state which has had its value
55 enhanced by special production methods such as organically grown products; or

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

59 (14) "Urban agricultural zone" or "UAZ", a zone within a metropolitan
60 statistical area as defined by the United States Office of Budget and Management

61 that has one or more of the following entities that is a qualifying small business
62 and approved by the department, as follows:

63 (a) Any organization or person who grows produce or other agricultural
64 products;

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

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

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

69 (15) "Vending UAZ", a type of UAZ:

70 (a) That sells produce, meat, or value-added locally grown agricultural
71 goods;

72 (b) That is able to accept food stamps under the provisions of the
73 Supplemental Nutrition Assistance Program as a form of payment; and

74 (c) Is a qualifying small business that is approved by the department for
75 an UAZ vendor license.

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

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

83 (b) The number of jobs to be created;

84 (c) The types of products to be produced; and

85 (d) If applying for a vending UAZ, the ability to accept food stamps under
86 the provisions of the Supplemental Nutrition Assistance Program if selling
87 products to consumers.

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

90 (3) Approval of the UAZ by such municipality shall be reviewed five and
91 ten years after the development of the UAZ. After twenty-five years, the UAZ
92 shall dissolve.

93 If the municipality finds during its review that the UAZ is not meeting the
94 requirements set out in this section, the municipality may dissolve the UAZ.

95 3. The governing body of any municipality planning to seek designation
96 of an urban agricultural zone shall establish an urban agricultural zone
97 board. The number of members on the board shall be seven. One member of the

98 board shall be appointed by the school district or districts located within the area
99 proposed for designation of an urban agricultural zone. Two members of the
100 board shall be appointed by other affected taxing districts. The remaining four
101 members shall be chosen by the chief elected officer of the municipality. The four
102 members chosen by the chief elected officer of the municipality shall all be
103 residents of the county or city not within a county in which the UAZ is to be
104 located, and at least one of such four members shall have experience in or
105 represent organizations associated with sustainable agriculture, urban farming,
106 community gardening, or any of the activities or products authorized by this
107 section for UAZs.

108 4. The school district member and the two affected taxing district
109 members shall each have initial terms of five years. Of the four members
110 appointed by the chief elected official, two shall have initial terms of four years,
111 and two shall have initial terms of three years. Thereafter, members shall serve
112 terms of five years. Each member shall hold office until a successor has been
113 appointed. All vacancies shall be filled in the same manner as the original
114 appointment. For inefficiency or neglect of duty or misconduct in office, a
115 member of the board may be removed by the applicable appointing authority.

116 5. A majority of the members shall constitute a quorum of such board for
117 the purpose of conducting business and exercising the powers of the board and for
118 all other purposes. Action may be taken by the board upon a vote of a majority
119 of the members present.

120 6. The members of the board annually shall elect a chair from among the
121 members.

122 7. The role of the board shall be to conduct the activities necessary to
123 advise the governing body on the designation of an urban agricultural zone and
124 any other advisory duties as determined by the governing body. The role of the
125 board after the designation of an urban agricultural zone shall be review and
126 assessment of zone activities.

127 8. Prior to the adoption of an ordinance proposing the designation of an
128 urban agricultural zone, the urban agricultural board shall fix a time and place
129 for a public hearing and notify each taxing district located wholly or partially
130 within the boundaries of the proposed urban agricultural zone. The board shall
131 send, by certified mail, a notice of such hearing to all taxing districts and political
132 subdivisions in the area to be affected and shall publish notice of such hearing
133 in a newspaper of general circulation in the area to be affected by the designation
134 at least twenty days prior to the hearing but not more than thirty days prior to

135 the hearing. Such notice shall state the time, location, date, and purpose of the
136 hearing. At the public hearing any interested person or affected taxing district
137 may file with the board written objections to, or comments on, and may be heard
138 orally in respect to, any issues embodied in the notice. The board shall hear and
139 consider all protests, objections, comments, and other evidence presented at the
140 hearing. The hearing may be continued to another date without further notice
141 other than a motion to be entered upon the minutes fixing the time and place of
142 the subsequent hearing.

143 9. Following the conclusion of the public hearing required under
144 subsection 8 of this section, the governing authority of the municipality may
145 adopt an ordinance designating an urban agricultural zone.

146 10. The real property of the UAZ shall not be subject to assessment or
147 payment of ad valorem taxes on real property imposed by the cities affected by
148 this section, or by the state or any political subdivision thereof, for a period of up
149 to twenty-five years as specified by ordinance under subsection 9 of this section,
150 except to such extent and in such amount as may be imposed upon such real
151 property during such period, as was determined by the assessor of the county in
152 which such real property is located, or, if not located within a county, then by the
153 assessor of such city, in an amount not greater than the amount of taxes due and
154 payable thereon during the calendar year preceding the calendar year during
155 which the urban agricultural zone was designated. The amounts of such tax
156 assessments shall not be increased during such period so long as the real
157 property is used in furtherance of the activities provided under the provisions of
158 subdivision (13) of subsection 1 of this section. At the conclusion of the period of
159 abatement provided by the ordinance, the property shall then be reassessed. If
160 only a portion of real property is used as an UAZ, then only that portion of real
161 property shall be exempt from assessment or payment of ad valorem taxes on
162 such property, as provided by this section.

163 11. If the water services for the UAZ are provided by the municipality, the
164 municipality may authorize a grower UAZ to pay wholesale water rates. If
165 available, for the cost of water consumed on the UAZ and pay fifty percent of the
166 standard cost to hook onto the water source.

167 12. (1) Any local sales tax revenues received from the sale of agricultural
168 products sold in the UAZ shall be deposited in the urban agricultural zone fund
169 established in subdivision (2) of this subsection. An amount equal to one percent
170 shall be retained by the director of revenue for deposit in the general revenue
171 fund to offset the costs of collection.

172 (2) There is hereby created in the state treasury the "Urban Agricultural
173 Zone Fund", which shall consist of money collected under subdivision (1) of this
174 subsection. The state treasurer shall be custodian of the fund. In accordance
175 with sections 30.170 and 30.180, the state treasurer may approve
176 disbursements. The fund shall be a dedicated fund and, upon appropriation, shall
177 be used for the purposes authorized by this section. Notwithstanding the
178 provisions of section 33.080 to the contrary, any moneys remaining in the fund
179 at the end of the biennium shall not revert to the credit of the general revenue
180 fund. The state treasurer shall invest moneys in the fund in the same manner
181 as other funds are invested. Any interest and moneys earned on such
182 investments shall be credited to the fund. School districts may apply to the
183 department for money in the fund to be used for the development of curriculum
184 on or the implementation of urban farming practices under the guidance of the
185 University of Missouri extension service and a certified vocational agricultural
186 instructor. The funds are to be distributed on a competitive basis within the
187 school district or districts in which the UAZ is located pursuant to rules to be
188 promulgated by the department, with special consideration given to the relative
189 number of students eligible for free and reduced-price lunches attending the
190 schools within such district or districts.

191 13. Any rule or portion of a rule, as that term is defined in section
192 536.010, that is created under the authority delegated in this section shall
193 become effective only if it complies with and is subject to all of the provisions of
194 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
195 nonseverable and if any of the powers vested with the general assembly pursuant
196 to chapter 536 to review, to delay the effective date, or to disapprove and annul
197 a rule are subsequently held unconstitutional, then the grant of rulemaking
198 authority and any rule proposed or adopted after August 28, 2013, shall be
199 invalid and void.

200 14. The provisions of this section shall not apply to any county with a
201 charter form of government and with more than three hundred thousand but
202 fewer than four hundred fifty thousand inhabitants.

265.300. The following terms as used in sections 265.300 to 265.470,
2 unless the context otherwise indicates, mean:

3 (1) "Adulterated", any meat or meat product under one or more of the
4 circumstances listed in Title XXI, Chapter 12, Section 601 of the United States
5 Code as now constituted or hereafter amended;

6 (2) "Capable of use as human food", any carcass, or part or product of a

7 carcass, of any animal unless it is denatured or otherwise identified, as required
8 by regulation prescribed by the director, to deter its use as human food, or is
9 naturally inedible by humans;

10 (3) "Cold storage warehouse", any place for storing meat or meat products
11 which contains at any one time over two thousand five hundred pounds of meat
12 or meat products belonging to any one private owner other than the owner or
13 operator of the warehouse;

14 (4) "Commercial plant", any establishment in which livestock or poultry
15 are slaughtered for transportation or sale as articles of commerce intended for or
16 capable of use for human consumption, or in which meat or meat products are
17 prepared for transportation or sale as articles of commerce, intended for or
18 capable of use for human consumption;

19 (5) "Director", the director of the department of agriculture of this state,
20 or his authorized representative;

21 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not
22 limited to ostrich and emu, aquatic products as defined in section 277.024,
23 llamas, alpaca, buffalo, elk **and captive cervids** documented as obtained from
24 a legal source and not from the wild, goats, or horses, other equines, or rabbits
25 raised in confinement for human consumption;

26 (7) "Meat", any edible portion of livestock or poultry carcass or part
27 thereof;

28 (8) "Meat product", anything containing meat intended for or capable of
29 use for human consumption, which is derived, in whole or in part, from livestock
30 or poultry;

31 (9) "Misbranded", any meat or meat product under one or more of the
32 circumstances listed in Title XXI, Chapter 12, Section 601 of the United States
33 Code as now constituted or hereafter amended;

34 (10) "Official inspection mark", the symbol prescribed by the director
35 stating that an article was inspected and passed or condemned;

36 (11) "Poultry", any domesticated bird intended for human consumption;

37 (12) "Prepared", slaughtered, canned, salted, rendered, boned, cut up, or
38 otherwise manufactured or processed;

39 (13) "Unwholesome":

40 (a) Processed, prepared, packed or held under unsanitary conditions;

41 (b) Produced in whole or in part from livestock or poultry which has died
42 other than by slaughter.

267.565. Unless the context requires otherwise, as used in sections

2 267.560 to 267.660, the following terms mean:

3 (1) "Accredited approved veterinarian", a veterinarian who has been
4 accredited by the United States Department of Agriculture and approved by the
5 state department of agriculture and who is duly licensed under the laws of
6 Missouri to engage in the practice of veterinary medicine, or a veterinarian
7 domiciled and practicing veterinary medicine in a state other than Missouri, duly
8 licensed under laws of the state in which he resides, accredited by the United
9 States Department of Agriculture, and approved by the chief livestock sanitary
10 official of that state;

11 (2) "Animal", an animal of the equine, bovine, porcine, ovine, caprine, or
12 species domesticated or semidomesticated;

13 (3) "Approved laboratory", a laboratory approved by the department;

14 (4) "Approved vaccine" or "bacterin", a vaccine or bacterin produced under
15 the license of the United States Department of Agriculture and approved by the
16 department for the immunization of animals against infectious and contagious
17 disease;

18 (5) "Bird", a bird of the avian species;

19 (6) "Certified free herd", a herd of cattle, swine, goats or a flock of sheep
20 or birds which has met the requirements and the conditions set forth in sections
21 267.560 to 267.660 and as required by the department and as recommended by
22 the United States Department of Agriculture, and for such status for a specific
23 disease and for a herd of cattle, swine, goats or flock of sheep or birds in another
24 state which has met those minimum requirements and conditions under the
25 supervision of the livestock sanitary authority of the state in which said animals
26 or birds are domiciled, and as recommended by the United States Department of
27 Agriculture for such status for a specific disease;

28 (7) "Condition", upon examination of any animal or bird in this state by
29 the state veterinarian or his or her duly authorized representative, the findings
30 of which indicate the presence or suspected presence of a toxin in such animal or
31 bird that warrants further examination or observation for confirmation of the
32 presence or nonpresence of such toxin;

33 (8) "Department" or "department of agriculture", the department of
34 agriculture of the state of Missouri, and when by this law the said department of
35 agriculture is charged to perform a duty, it shall be understood to authorize the
36 performance of such duty by the director of agriculture of the state of Missouri,
37 or by the state veterinarian of the state of Missouri or his duly authorized
38 deputies acting under the supervision of the director of agriculture;

39 (9) "Holding period", restriction of movement of animals or birds into or
40 out of a premise under such terms and conditions as may be designated by order
41 of the state veterinarian or his or her duly authorized representative prior to
42 confirmation of a contagious disease or condition;

43 (10) "Infected animal" or "infected bird", an animal or bird which shows
44 a positive reaction to any recognized serological test or growth on culture or any
45 other recognized test for the detection of any disease of livestock or poultry as
46 approved by the department or when clinical symptoms and history justifies
47 designating such animal or bird as being infected with a contagious or infectious
48 disease;

49 (11) "Isolated" or "isolation", a condition in which animals or birds are
50 quarantined to a certain designated premises and quarantined separately and
51 apart from any other animals or birds on adjacent premises;

52 (12) "Licensed market", a market as defined and licensed under chapter
53 277;

54 (13) "Livestock", horses, cattle, swine, sheep, goats, ratite birds including
55 but not limited to ostrich and emu, aquatic products as defined in section
56 277.024, llamas, alpaca, buffalo, elk **and captive cervids** documented as
57 obtained from a legal source and not from the wild and raised in confinement for
58 human consumption or animal husbandry, poultry and other domesticated
59 animals or birds;

60 (14) "Official health certificate" is a legal record covering the requirements
61 of the state of Missouri executed on an official form of the standard size from the
62 state of origin and approved by the proper livestock sanitary official of the state
63 of origin or an equivalent form provided by the United States Department of
64 Agriculture and issued by an approved, accredited, licensed, graduate
65 veterinarian;

66 (15) "Public stockyards", any public stockyards located within the state
67 of Missouri and subject to regulations of the United States Department of
68 Agriculture or the Missouri department of agriculture;

69 (16) "Quarantine", a condition in which an animal or bird of any species
70 is restricted in movement to a particular premises under such terms and
71 conditions as may be designated by order of the state veterinarian or his duly
72 authorized deputies;

73 (17) "Traders" or "dealers", any person, firm or corporation engaged in the
74 business of buying, selling or exchange of livestock on any basis other than on a
75 commission basis at any sale pen, concentration point, farm, truck or other

76 conveyance including persons, firms or corporations employed as an agent of the
77 vendor or purchaser excluding public stockyards under federal supervision or
78 markets licensed under sections 267.560 to 267.660 and under the supervision of
79 the department, breed association sales or any private farm sale.

277.020. The following terms as used in this chapter mean:

2 (1) "Livestock", cattle, swine, sheep, ratite birds including but not limited
3 to ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca,
4 buffalo, elk **and captive cervids** documented as obtained from a legal source
5 and not from the wild and raised in confinement for human consumption or
6 animal husbandry, goats and poultry, equine and exotic animals;

7 (2) "Livestock market", a place of business or place where livestock is
8 concentrated for the purpose of sale, exchange or trade made at regular or
9 irregular intervals, whether at auction or not, except this definition shall not
10 apply to any public farm sale or purebred livestock sale, or to any sale, transfer,
11 or exchange of livestock from one person to another person for movement or
12 transfer to other farm premises or directly to a licensed market;

13 (3) "Livestock sale", the business of mediating, for a commission, or
14 otherwise, sale, purchase, or exchange transactions in livestock, whether or not
15 at a livestock market; except the term "livestock sale" shall not apply to order
16 buyers, livestock dealers or other persons acting directly as a buying agent for
17 any third party;

18 (4) "Person", individuals, partnerships, corporations and associations;

19 (5) "State veterinarian", the state veterinarian of the Missouri state
20 department of agriculture.

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

10 2. The state veterinarian shall then issue to the applicant a license upon
11 payment of an annual license fee to be fixed by rule or regulation entitling the
12 applicant to conduct a livestock sale or market for the period of the license year
13 or for any unexpired portion thereof, unless the license is revoked as herein

14 provided.

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

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

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

19 2. The amount of the surety bond or liability insurance required by this
20 section shall be not less than [twenty-five] **fifty** thousand dollars [for property
21 damage and bodily injury insurance, each separately and] for each
22 occurrence. Such surety bond or liability insurance shall be maintained at not
23 less than that sum at all times during the licensed period. The director shall be
24 notified **by the surety or insurer** within twenty days prior to any

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

51 3. If the surety [furnished] becomes unsatisfactory, the bond- or
52 policyholder shall[, upon notice,] immediately execute a new bond or insurance
53 **policy and maintain the surety bond or liability insurance certificate at**
54 **the business location from which the certified commercial applicator**
55 **is licensed, and** if he **or she** fails to do so, the director shall cancel his **or her**
56 license, or deny the license of an applicant, and give him **or her** notice of
57 cancellation or denial, and it shall be unlawful thereafter for the applicant to
58 engage in the business of using pesticides until the bond or insurance is brought
59 into compliance with the requirements of subsection 1 of this section. If the bond-
60 or policyholder does not execute a new bond or insurance policy within sixty days
61 of expiration of such bond or policy, the licensee shall be required to satisfy all

62 the requirements for licensure as if never before licensed.

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

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters
4 of general freight over regular routes as defined in section 390.020 shall be moved
5 or operated on any highway of this state having a greater weight than the vehicle
6 manufacturer's rating on a steering axle with the maximum weight not to exceed
7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or
8 operated on any state highway of this state having a greater weight than thirty-
9 four thousand pounds on any tandem axle; the term "tandem axle" shall mean a
10 group of two or more axles, arranged one behind another, the distance between
11 the extremes of which is more than forty inches and not more than ninety-six
12 inches apart.

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

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

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

| 23 | Maximum load in pounds | | | | | |
|----|------------------------|---------|---------|---------|---------|---------|
| | 24 feet | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles |
| 25 | 4 | 34,000 | | | | |
| 26 | 5 | 34,000 | | | | |
| 27 | 6 | 34,000 | | | | |
| 28 | 7 | 34,000 | | | | |
| 29 | 8 | 34,000 | 34,000 | | | |
| 30 | More than 8 | 38,000 | 42,000 | | | |

| | | | | | | |
|----|----|--------|--------|--------|--------|--------|
| 31 | 9 | 39,000 | 42,500 | | | |
| 32 | 10 | 40,000 | 43,500 | | | |
| 33 | 11 | 40,000 | 44,000 | | | |
| 34 | 12 | 40,000 | 45,000 | 50,000 | | |
| 35 | 13 | 40,000 | 45,500 | 50,500 | | |
| 36 | 14 | 40,000 | 46,500 | 51,500 | | |
| 37 | 15 | 40,000 | 47,000 | 52,000 | | |
| 38 | 16 | 40,000 | 48,000 | 52,500 | 58,000 | |
| 39 | 17 | 40,000 | 48,500 | 53,500 | 58,500 | |
| 40 | 18 | 40,000 | 49,500 | 54,000 | 59,000 | |
| 41 | 19 | 40,000 | 50,000 | 54,500 | 60,000 | |
| 42 | 20 | 40,000 | 51,000 | 55,500 | 60,500 | 66,000 |
| 43 | 21 | 40,000 | 51,500 | 56,000 | 61,000 | 66,500 |
| 44 | 22 | 40,000 | 52,500 | 56,500 | 61,500 | 67,000 |
| 45 | 23 | 40,000 | 53,000 | 57,500 | 62,500 | 68,000 |
| 46 | 24 | 40,000 | 54,000 | 58,000 | 63,000 | 68,500 |
| 47 | 25 | 40,000 | 54,500 | 58,500 | 63,500 | 69,000 |
| 48 | 26 | 40,000 | 55,500 | 59,500 | 64,000 | 69,500 |
| 49 | 27 | 40,000 | 56,000 | 60,000 | 65,000 | 70,000 |
| 50 | 28 | 40,000 | 57,000 | 60,500 | 65,500 | 71,000 |
| 51 | 29 | 40,000 | 57,500 | 61,500 | 66,000 | 71,500 |
| 52 | 30 | 40,000 | 58,500 | 62,000 | 66,500 | 72,000 |
| 53 | 31 | 40,000 | 59,000 | 62,500 | 67,500 | 72,500 |
| 54 | 32 | 40,000 | 60,000 | 63,500 | 68,000 | 73,000 |
| 55 | 33 | 40,000 | 60,000 | 64,000 | 68,500 | 74,000 |
| 56 | 34 | 40,000 | 60,000 | 64,500 | 69,000 | 74,500 |
| 57 | 35 | 40,000 | 60,000 | 65,500 | 70,000 | 75,000 |
| 58 | 36 | | 60,000 | 66,000 | 70,500 | 75,500 |
| 59 | 37 | | 60,000 | 66,500 | 71,000 | 76,000 |
| 60 | 38 | | 60,000 | 67,500 | 72,000 | 77,000 |
| 61 | 39 | | 60,000 | 68,000 | 72,500 | 77,500 |
| 62 | 40 | | 60,000 | 68,500 | 73,000 | 78,000 |

| | | | | | |
|----|----|--------|--------|--------|--------|
| 63 | 41 | 60,000 | 69,500 | 73,500 | 78,500 |
| 64 | 42 | 60,000 | 70,000 | 74,000 | 79,000 |
| 65 | 43 | 60,000 | 70,500 | 75,000 | 80,000 |
| 66 | 44 | 60,000 | 71,500 | 75,500 | 80,000 |
| 67 | 45 | 60,000 | 72,000 | 76,000 | 80,000 |
| 68 | 46 | 60,000 | 72,500 | 76,500 | 80,000 |
| 69 | 47 | 60,000 | 73,500 | 77,500 | 80,000 |
| 70 | 48 | 60,000 | 74,000 | 78,000 | 80,000 |
| 71 | 49 | 60,000 | 74,500 | 78,500 | 80,000 |
| 72 | 50 | 60,000 | 75,500 | 79,000 | 80,000 |
| 73 | 51 | 60,000 | 76,000 | 80,000 | 80,000 |
| 74 | 52 | 60,000 | 76,500 | 80,000 | 80,000 |
| 75 | 53 | 60,000 | 77,500 | 80,000 | 80,000 |
| 76 | 54 | 60,000 | 78,000 | 80,000 | 80,000 |
| 77 | 55 | 60,000 | 78,500 | 80,000 | 80,000 |
| 78 | 56 | 60,000 | 79,500 | 80,000 | 80,000 |
| 79 | 57 | 60,000 | 80,000 | 80,000 | 80,000 |

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

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

95 5. Nothing in this section shall be construed as permitting lawful axle
96 loads, tandem axle loads or gross loads in excess of those permitted under the

97 provisions of Section 127 of Title 23 of the United States Code.

98 6. Notwithstanding the weight limitations contained in this section, any
99 vehicle or combination of vehicles operating on highways other than the interstate
100 highway system may exceed single axle, tandem axle and gross weight limitations
101 in an amount not to exceed two thousand pounds. However, total gross weight
102 shall not exceed eighty thousand pounds, except as provided in subsections 9 and
103 10 of this section.

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

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

122 9. [Notwithstanding subsection 3 of this section or any other provision of
123 law to the contrary, the total gross weight of any vehicle or combination of
124 vehicles hauling livestock may be as much as, but shall not exceed, eighty-five
125 thousand five hundred pounds while operating on U.S. Highway 36 from St.
126 Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S.
127 Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway
128 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The
129 provisions of this subsection shall not apply to vehicles operated on the Dwight
130 D. Eisenhower System of Interstate and Defense Highways.

131 10.] Notwithstanding any provision of this section or any other law to the
132 contrary, the total gross weight of any vehicle or combination of vehicles hauling
133 milk from a farm to a processing facility **or livestock** may be as much as, but

134 shall not exceed, eighty-five thousand five hundred pounds while operating on
135 highways other than the interstate highway system. The provisions of this
136 subsection shall not apply to vehicles operated and operating on the Dwight D.
137 Eisenhower System of Interstate and Defense Highways.

340.381. 1. Sections 340.381 to 340.396 establish a student loan
2 forgiveness program for approved veterinary students who practice in areas of
3 defined need. Such program shall be known as the "**Dr. Merrill Townley Large**
4 **Animal Veterinary Student Loan Program**".

5 2. There is hereby created in the state treasury the "Veterinary Student
6 Loan Payment Fund", which shall consist of general revenue appropriated to the
7 large animal veterinary student loan program, voluntary contributions to support
8 or match program activities, money collected under section 340.396, and funds
9 received from the federal government. The state treasurer shall be custodian of
10 the fund and shall approve disbursements from the fund in accordance with
11 sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used
12 solely for the administration of sections 340.381 to 340.396. Notwithstanding the
13 provisions of section 33.080 to the contrary, any moneys remaining in the fund
14 at the end of the biennium shall not revert to the credit of the general revenue
15 fund. The state treasurer shall invest moneys in the fund in the same manner
16 as other funds are invested. Any interest and moneys earned on such
17 investments shall be credited to the fund.

340.396. 1. Sections 340.381 to 340.396 shall not be construed to require
2 the department to enter into contracts with individuals who qualify for education
3 loans or loan repayment programs when federal, state, and local funds are not
4 available for such purposes.

5 2. Sections 340.381 to 340.396 shall not be subject to the provisions of
6 sections 23.250 to 23.298.

7 [3. Sections 340.381 to 340.396 shall expire on June 30, 2013.]

442.571. 1. Except as provided in sections 442.586 and 442.591, no alien
2 or foreign business shall acquire by grant, purchase, devise, descent or otherwise
3 agricultural land in this state if the total aggregate alien and foreign ownership
4 of agricultural acreage in this state exceeds one percent of the total aggregate
5 agricultural acreage in this state. [No such] **A sale[,] or transfer[, or**
6 **acquisition]** of any agricultural land in this state shall [occur unless such sale,
7 transfer, or acquisition is approved by] **be submitted to** the director of the
8 department of agriculture **for review** in accordance with subsection 3 of this
9 section **only if there is no completed Internal Revenue Service Form W-9**

10 **signed by the purchaser.** No person may hold agricultural land as an agent,
11 trustee, or other fiduciary for an alien or foreign business in violation of sections
12 442.560 to 442.592, **provided, however, that no security interest in such**
13 **agricultural land shall be divested or invalidated by such violation.**

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

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

27 4. Any rule or portion of a rule, as that term is defined in section 536.010,
28 that is created under the authority delegated in this section shall become effective
29 only if it complies with and is subject to all of the provisions of chapter 536 and,
30 if applicable, section 536.028. This section and chapter 536 are nonseverable and
31 if any of the powers vested with the general assembly pursuant to chapter 536 to
32 review, to delay the effective date, or to disapprove and annul a rule are
33 subsequently held unconstitutional, then the grant of rulemaking authority and
34 any rule 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,
2 the following words and phrases shall mean:

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

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

10 (3) "Equine activity":

11 (a) Equine shows, fairs, competitions, performances or parades that
12 involve any or all breeds of equines and any of the equine disciplines, including,

13 but not limited to, dressage, hunter and jumper horse shows, grand prix jumping,
14 three-day events, combined training, rodeos, driving, pulling, cutting, polo,
15 steeplechasing, English and western performance riding, endurance trail riding
16 and western games and hunting;

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

18 (c) Boarding equines;

19 (d) Riding, inspecting or evaluating an equine belonging to another,
20 whether or not the owner has received [some] **or currently receives** monetary
21 consideration or other thing of value for the use of the equine or is permitting a
22 prospective purchaser of the equine to ride, inspect or evaluate the equine;

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

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

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

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

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

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

39 (6) "Inherent risks of equine **or livestock** activities", those dangers or
40 conditions which are an integral part of equine **or livestock** activities, including
41 but not limited to:

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

44 (b) The unpredictability of any equine's **or livestock's** reaction to such
45 things as sounds, sudden movement and unfamiliar objects, persons or other
46 animals;

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

48 (d) Collisions with other equines, **livestock**, or objects;

49 (e) The potential of a participant to act in a negligent manner that may

50 contribute to injury to the participant or others, such as failing to maintain
51 control over the animal or not acting within his ability;

52 (7) **"Livestock", the same as used in section 277.020;**

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

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

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

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

58 (d) **Boarding livestock; and**

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

60 (9) **"Livestock activity sponsor", an individual, group, club,**
61 **partnership or corporation, whether or not operating for profit or**
62 **nonprofit, legal entity, or any employee thereof, which sponsors,**
63 **organizes or provides the facilities for, a livestock activity;**

64 (10) **"Livestock facility", a property or facility at which a**
65 **livestock activity is held;**

66 (11) **"Livestock owner", a person who owns livestock that is**
67 **involved in livestock activity;**

68 (12) **"Participant", any person, whether amateur or professional, who**
69 **engages in an equine activity or a livestock activity, whether or not a fee is**
70 **paid to participate in the equine activity or livestock activity.**

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

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

87 4. The provisions of subsection 2 of this section shall not prevent or limit
88 the liability of an equine activity sponsor, an equine professional, **a livestock**
89 **activity sponsor, a livestock owner, a livestock facility, a livestock**
90 **auction market, any employee thereof,** or any other person if the equine
91 activity sponsor, equine professional, **livestock activity sponsor, livestock**
92 **owner, livestock facility, livestock auction market, any employee**
93 **thereof,** or person:

94 (1) Provided the equipment or tack and knew or should have known that
95 the equipment or tack was faulty and such equipment or tack was faulty to the
96 extent that [it did cause] **the equipment or tack caused** the injury; or

97 (2) Provided the equine **or livestock** and failed to make reasonable and
98 prudent efforts to determine the ability of the participant to engage safely in the
99 equine activity **or livestock activity** and determine the ability of the
100 participant to safely manage the particular equine **or livestock** based on the
101 participant's age, obvious physical condition or the participant's representations
102 of his **or her** ability;

103 (3) Owns, leases, rents or otherwise is in lawful possession and control of
104 the land or facilities upon which the participant sustained injuries because of a
105 dangerous latent condition which was known to the equine activity sponsor,
106 equine professional, **livestock activity sponsor, livestock owner, livestock**
107 **facility, livestock auction market, any employee thereof,** or person and
108 for which warning signs have not been conspicuously posted;

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

112 (5) Intentionally injures the participant;

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

115 5. The provisions of subsection 2 of this section shall not prevent or limit
116 the liability of an equine activity sponsor [or], an equine professional, **a**
117 **livestock activity sponsor, a livestock owner, a livestock facility, a**
118 **livestock auction market, or any employee thereof** under liability
119 provisions as set forth in any other section of law.

120 6. Every equine activity sponsor **and livestock activity sponsor** shall
121 post and maintain signs which contain the warning notice specified in this
122 subsection. Such signs shall be placed in a clearly visible location on or near
123 stables, corrals or arenas where the [equine professional] **equine activity**

124 **sponsor or livestock activity sponsor** conducts equine **or livestock**
125 activities if such stables, corrals or arenas are owned, managed or controlled by
126 the [equine professional] **equine activity sponsor or livestock activity**
127 **sponsor**. The warning notice specified in this subsection shall appear on the
128 sign in black letters on a white background with each letter to be a minimum of
129 one inch in height. Every written contract entered into by an equine professional
130 [and], **an equine activity sponsor, a livestock activity sponsor, a livestock**
131 **owner, a livestock facility, a livestock auction market, or any employee**
132 **thereof** for the providing of professional services, instruction or the rental of
133 equipment [or], tack, or an equine to a participant, whether or not the contract
134 involves equine **or livestock** activities on or off the location or site of the equine
135 professional's [or], equine activity sponsor's , **or livestock activity sponsor's**
136 business, shall contain in clearly readable print the warning notice specified in
137 this subsection. The signs and contracts described in this subsection shall
138 contain the following warning notice:

139

WARNING

140 Under Missouri law, an **equine activity sponsor, an equine**
141 **professional, a livestock activity sponsor, a livestock owner,**
142 **a livestock facility, a livestock auction market, or any**
143 **employee thereof** is not liable for an injury to or the death of a
144 participant in equine **or livestock** activities resulting from the
145 inherent risks of equine **or livestock** activities pursuant to the
146 Revised Statutes of Missouri.

Section 1. 1. No later than January 1, 2015, the department of
2 **agriculture shall propose a rule regarding renewable fuels and the**
3 **labeling of motor fuel pumps.**

4 **2. Any rule or portion of a rule, as that term is defined in section**
5 **536.010, that is created under the authority delegated in this section**
6 **shall become effective only if it complies with and is subject to all of**
7 **the provisions of chapter 536 and, if applicable, section 536.028. This**
8 **section and chapter 536 are nonseverable, and if any of the powers**
9 **vested with the general assembly under chapter 536 to review, to delay**
10 **the effective date, or to disapprove and annul a rule are subsequently**
11 **held unconstitutional, then the grant of rulemaking authority and any**
12 **rule proposed or adopted after August 28, 2014, shall be invalid and**
13 **void.**

[275.352. If a national referendum among beef producers

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

✓
Unofficial

Bill

Copy