

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 591
97TH GENERAL ASSEMBLY

4503H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 144.010, 262.900, 265.300, 267.565, 275.352, 277.020, 277.040, 281.065, 340.381, 340.396, and 537.325, RSMo, and to enact in lieu thereof fourteen 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144.010, 262.900, 265.300, 267.565, 275.352, 277.020, 277.040, 281.065, 340.381, 340.396, and 537.325, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 144.010, 261.270, 261.272, 261.273, 261.275, 262.900, 265.300, 267.565, 277.020,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, 340.381, 340.396, and 537.325, 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 personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the

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

15 total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible
16 personal property by persons which property is sold in the course of the partial or complete
17 liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any
18 calendar year. The provisions of this subdivision shall not be construed to make any sale of
19 property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

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

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

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

43 (6) "Motor vehicle leasing company" shall be a company obtaining a permit from the
44 director of revenue to operate as a motor vehicle leasing company. Not all persons renting or
45 leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to
46 obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section
47 144.070, as hereinafter provided;

48 (7) "Person" includes any individual, firm, copartnership, joint adventure, association,
49 corporation, municipal or private, and whether organized for profit or not, state, county, political
50 subdivision, state department, commission, board, bureau or agency, except the state

51 transportation department, estate, trust, business trust, receiver or trustee appointed by the state
52 or federal court, syndicate, or any other group or combination acting as a unit, and the plural as
53 well as the singular number;

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

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

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

68 (11) "Sale at retail" means any transfer made by any person engaged in business as
69 defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use
70 or consumption and not for resale in any form as tangible personal property, for a valuable
71 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed
72 thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,
73 optometrists and veterinarians and used in the practice of their professions shall be deemed to
74 be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,
75 computer output or microfilm or microfiche and computer-assisted photo compositions to a
76 purchaser to enable the purchaser to obtain for his or her own use the desired information
77 contained in such computer printouts, computer output on microfilm or microfiche and
78 computer-assisted photo compositions shall be considered as the sale of a service and not as the
79 sale of tangible personal property. Where necessary to conform to the context of sections
80 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to
81 embrace:

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

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

86 (c) Sales of local and long distance telecommunications service to telecommunications
87 subscribers and to others through equipment of telecommunications subscribers for the
88 transmission of messages and conversations, and the sale, rental or leasing of all equipment or
89 services pertaining or incidental thereto;

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

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

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

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

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

104 (14) "Telecommunications service", for the purpose of this chapter, the transmission of
105 information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar
106 means. As used in this definition, "information" means knowledge or intelligence represented
107 by any form of writing, signs, signals, pictures, sounds, or any other symbols.
108 Telecommunications service does not include the following if such services are separately stated
109 on the customer's bill or on records of the seller maintained in the ordinary course of business:

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

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

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

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

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

120 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other
121 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections

122 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning
123 given it in section 700.010.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to
22 ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk **and**

23 **captive cervids** documented as obtained from a legal source and not from the wild, goats, or
24 horses, other equines, or rabbits raised in confinement for human consumption;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 (14) "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical area
51 as defined by the United States Office of Budget and Management that has one or more of the
52 following entities that is a qualifying small business and approved by the department, as follows:

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

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

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

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

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

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

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

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

63 2. (1) A person or organization shall submit to any incorporated municipality an
64 application to develop an UAZ on a blighted area of land. Such application shall demonstrate
65 or identify on the application:

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

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

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

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

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

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

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

79 3. The governing body of any municipality planning to seek designation of an urban
80 agricultural zone shall establish an urban agricultural zone board. The number of members on
81 the board shall be seven. One member of the board shall be appointed by the school district or
82 districts located within the area proposed for designation of an urban agricultural zone. Two
83 members of the board shall be appointed by other affected taxing districts. The remaining four
84 members shall be chosen by the chief elected officer of the municipality. The four members
85 chosen by the chief elected officer of the municipality shall all be residents of the county or city
86 not within a county in which the UAZ is to be located, and at least one of such four members
87 shall have experience in or represent organizations associated with sustainable agriculture, urban
88 farming, community gardening, or any of the activities or products authorized by this section for
89 UAZs.

90 4. The school district member and the two affected taxing district members shall each
91 have initial terms of five years. Of the four members appointed by the chief elected official, two
92 shall have initial terms of four years, and two shall have initial terms of three years. Thereafter,
93 members shall serve terms of five years. Each member shall hold office until a successor has
94 been appointed. All vacancies shall be filled in the same manner as the original appointment.

95 For inefficiency or neglect of duty or misconduct in office, a member of the board may be
96 removed by the applicable appointing authority.

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

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

101 7. The role of the board shall be to conduct the activities necessary to advise the
102 governing body on the designation of an urban agricultural zone and any other advisory duties
103 as determined by the governing body. The role of the board after the designation of an urban
104 agricultural zone shall be review and assessment of zone activities.

105 8. Prior to the adoption of an ordinance proposing the designation of an urban
106 agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and
107 notify each taxing district located wholly or partially within the boundaries of the proposed urban
108 agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing
109 districts and political subdivisions in the area to be affected and shall publish notice of such
110 hearing in a newspaper of general circulation in the area to be affected by the designation at least
111 twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice
112 shall state the time, location, date, and purpose of the hearing. At the public hearing any
113 interested person or affected taxing district may file with the board written objections to, or
114 comments on, and may be heard orally in respect to, any issues embodied in the notice. The
115 board shall hear and consider all protests, objections, comments, and other evidence presented
116 at the hearing. The hearing may be continued to another date without further notice other than
117 a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

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

121 10. The real property of the UAZ shall not be subject to assessment or payment of ad
122 valorem taxes on real property imposed by the cities affected by this section, or by the state or
123 any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance
124 under subsection 9 of this section, except to such extent and in such amount as may be imposed
125 upon such real property during such period, as was determined by the assessor of the county in
126 which such real property is located, or, if not located within a county, then by the assessor of
127 such city, in an amount not greater than the amount of taxes due and payable thereon during the
128 calendar year preceding the calendar year during which the urban agricultural zone was
129 designated. The amounts of such tax assessments shall not be increased during such period so
130 long as the real property is used in furtherance of the activities provided under the provisions of

131 subdivision (13) of subsection 1 of this section. At the conclusion of the period of abatement
132 provided by the ordinance, the property shall then be reassessed. If only a portion of real
133 property is used as an UAZ, then only that portion of real property shall be exempt from
134 assessment or payment of ad valorem taxes on such property, as provided by this section.

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

138 12. (1) Any local sales tax revenues received from the sale of agricultural products sold
139 in the UAZ shall be deposited in the urban agricultural zone fund established in subdivision (2)
140 of this subsection. An amount equal to one percent shall be retained by the director of revenue
141 for deposit in the general revenue fund to offset the costs of collection.

142 (2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund",
143 which shall consist of money collected under subdivision (1) of this subsection. The state
144 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
145 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
146 appropriation, shall be used for the purposes authorized by this section. Notwithstanding the
147 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
148 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall
149 invest moneys in the fund in the same manner as other funds are invested. Any interest and
150 moneys earned on such investments shall be credited to the fund. School districts may apply to
151 the department for money in the fund to be used for the development of curriculum on or the
152 implementation of urban farming practices under the guidance of the University of Missouri
153 extension service and a certified vocational agricultural instructor. The funds are to be
154 distributed on a competitive basis within the school district or districts in which the UAZ is
155 located pursuant to rules to be promulgated by the department, with special consideration given
156 to the relative number of students eligible for free and reduced-price lunches attending the
157 schools within such district or districts.

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

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

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

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

6 (2) "Capable of use as human food", any carcass, or part or product of a carcass, of any
7 animal unless it is denatured or otherwise identified, as required by regulation prescribed by the
8 director, to deter its use as human food, or is naturally inedible by humans;

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

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

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

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

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

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

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

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

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

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

33 (13) "Unwholesome":

- 34 (a) Processed, prepared, packed or held under unsanitary conditions;
35 (b) Produced in whole or in part from livestock or poultry which has died other than by
36 slaughter.

267.565. Unless the context requires otherwise, as used in sections 267.560 to 267.660,
2 the following terms mean:

- 3 (1) "Accredited approved veterinarian", a veterinarian who has been accredited by the
4 United States Department of Agriculture and approved by the state department of agriculture and
5 who is duly licensed under the laws of Missouri to engage in the practice of veterinary medicine,
6 or a veterinarian domiciled and practicing veterinary medicine in a state other than Missouri,
7 duly licensed under laws of the state in which he resides, accredited by the United States
8 Department of Agriculture, and approved by the chief livestock sanitary official of that state;
9 (2) "Animal", an animal of the equine, bovine, porcine, ovine, caprine, or species
10 domesticated or semidomesticated;
11 (3) "Approved laboratory", a laboratory approved by the department;
12 (4) "Approved vaccine" or "bacterin", a vaccine or bacterin produced under the license
13 of the United States Department of Agriculture and approved by the department for the
14 immunization of animals against infectious and contagious disease;
15 (5) "Bird", a bird of the avian species;
16 (6) "Certified free herd", a herd of cattle, swine, goats or a flock of sheep or birds which
17 has met the requirements and the conditions set forth in sections 267.560 to 267.660 and as
18 required by the department and as recommended by the United States Department of Agriculture,
19 and for such status for a specific disease and for a herd of cattle, swine, goats or flock of sheep
20 or birds in another state which has met those minimum requirements and conditions under the
21 supervision of the livestock sanitary authority of the state in which said animals or birds are
22 domiciled, and as recommended by the United States Department of Agriculture for such status
23 for a specific disease;
24 (7) "Condition", upon examination of any animal or bird in this state by the state
25 veterinarian or his or her duly authorized representative, the findings of which indicate the
26 presence or suspected presence of a toxin in such animal or bird that warrants further
27 examination or observation for confirmation of the presence or nonpresence of such toxin;
28 (8) "Department" or "department of agriculture", the department of agriculture of the
29 state of Missouri, and when by this law the said department of agriculture is charged to perform
30 a duty, it shall be understood to authorize the performance of such duty by the director of
31 agriculture of the state of Missouri, or by the state veterinarian of the state of Missouri or his duly
32 authorized deputies acting under the supervision of the director of agriculture;

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

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

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

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

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

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

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

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

62 (17) "Traders" or "dealers", any person, firm or corporation engaged in the business of
63 buying, selling or exchange of livestock on any basis other than on a commission basis at any
64 sale pen, concentration point, farm, truck or other conveyance including persons, firms or
65 corporations employed as an agent of the vendor or purchaser excluding public stockyards under
66 federal supervision or markets licensed under sections 267.560 to 267.660 and under the
67 supervision of 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 to ostrich and
3 emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk **and captive**
4 **cervids** documented as obtained from a legal source and not from the wild and raised in
5 confinement for human consumption or animal husbandry, goats and poultry, equine and exotic
6 animals;

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

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

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

17 (5) "State veterinarian", the state veterinarian of the Missouri state department of
18 agriculture.

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

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

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

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

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

16 2. The amount of the surety bond or liability insurance required by this section shall be
17 not less than [twenty-five] **fifty** thousand dollars [for property damage and bodily injury
18 insurance, each separately and] for each occurrence. Such surety bond or liability insurance shall
19 be maintained at not less than that sum at all times during the licensed period. The director shall
20 be notified **by the surety or insurer** within twenty days prior to any **cancellation or** reduction
21 [at the request of the bond- or policyholder or any cancellation of such] **of the** surety bond or
22 liability insurance [by the surety or insurer, as long as the total and aggregate of the surety and
23 insurer for all claims shall be limited to the face of the bond or liability insurance policy]. If the
24 surety bond or liability insurance policy which provides the financial responsibility for the
25 [applicant] **certified commercial applicator** is provided by the employer of the [applicant]
26 **certified commercial applicator**, the employer of the [applicant] **certified commercial
27 applicator** shall immediately notify the director upon the termination of the employment of the
28 [applicant] **certified commercial applicator** or when a condition exists under which the
29 [applicant] **certified commercial applicator** is no longer provided bond or insurance coverage
30 by the employer. The [applicant] **certified commercial applicator** shall then immediately
31 execute a surety bond or an insurance policy to cover the financial responsibility requirements
32 of this section and [shall furnish the director with evidence of financial responsibility as required

33 by this section] **the certified commercial applicator or the applicator's employer shall**
34 **maintain the surety bond or liability insurance certificate at the business location from**
35 **which the certified commercial applicator is licensed.** The director may accept a liability
36 insurance policy or surety bond in the proper sum which has a deductible clause in an amount
37 not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the
38 requirement of the deductible amount in any prior legal claim, such deductible clause shall not
39 be accepted by the director unless the bond- or policyholder [furnishes the director with]
40 **executes and maintains** a surety bond or liability insurance which shall satisfy the amount of
41 the deductible as to all claims that may arise in his **or her** application of pesticides.

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

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

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

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

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

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

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

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

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

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

(3) "Equine activity":

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

(b) Equine training or teaching activities or both;

(c) Boarding equines;

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

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

(f) Placing or replacing horseshoes on an equine;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64 2. Except as provided in subsection 4 of this section, an equine activity sponsor, an
65 equine professional, **a livestock activity sponsor, a livestock owner, a livestock facility, a**
66 **livestock auction market, any employee thereof**, or any other person or corporation shall not

67 be liable for an injury to or the death of a participant resulting from the inherent risks of equine
68 **or livestock** activities and, except as provided in subsection 4 of this section, no participant or
69 a participant's representative shall make any claim against, maintain an action against, or recover
70 from an equine activity sponsor, an equine professional, **a livestock activity sponsor, a**
71 **livestock owner, a livestock facility, a livestock auction market, any employee thereof,** or
72 any other person from injury, loss, damage or death of the participant resulting from any of the
73 inherent risks of equine **or livestock** activities.

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

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

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

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

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

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

97 (5) Intentionally injures the participant;

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

100 5. The provisions of subsection 2 of this section shall not prevent or limit the liability
101 of an equine activity sponsor [or] , an equine professional, **a livestock activity sponsor, a**

