

FIRST REGULAR SESSION

HOUSE BILL NO. 146

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REIBOLDT.

0453H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 262.900, 275.352, 277.040, 281.065, 304.180, 442.571, and 537.325, RSMo, and to enact in lieu thereof eleven new sections relating to agriculture.

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

Section A. Sections 262.900, 275.352, 277.040, 281.065, 304.180, 442.571, and
2 537.325, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as
3 sections 261.270, 261.272, 261.273, 261.275, 261.300, 262.900, 277.040, 281.065, 304.180,
4 442.571, and 537.325, to read as follows:

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 2015”.

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

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.

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 appropriations, 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.**

261.300. 1. No later than January 1, 2016, the department of agriculture shall
2 **propose a rule regarding renewable fuels and the labeling of motor fuel pumps.**

3 **2. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
4 **created under the authority delegated in this section shall become effective only if it**
5 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
6 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**

7 vested with the general assembly under chapter 536 to review, to delay the effective date,
8 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
9 of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be
10 invalid and void.

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
23 documented as obtained from a legal source and not from the wild, goats, or horses, other
24 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, **or produce** 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) **"Mobile unit", the same as motor vehicle as defined in section 301.010;**
- 38 (12) "Poultry", any domesticated bird intended for human consumption;
- 39 [(12)] (13) "Qualifying small business", those enterprises which are established within
40 an Urban Agricultural Zone subsequent to its creation, and which meet the definition established
41 for the Small Business Administration and set forth in Section 121.301 of Part 121 of Title 13
42 of the Code of Federal Regulations;
- 43 [(13)] (14) "Value-added agricultural products", any product or products that are the
44 result of:
- 45 (a) Using an agricultural product grown in this state to produce a meat or dairy product
46 in this state;
- 47 (b) A change in the physical state or form of the original agricultural product;
- 48 (c) An agricultural product grown in this state which has had its value enhanced by
49 special production methods such as organically grown products; or
- 50 (d) A physical segregation of a commodity or agricultural product grown in this state that
51 enhances its value such as identity preserved marketing systems;
- 52 [(14)] (15) "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical
53 area as defined by the United States Office of Budget and Management that has one or more of
54 the following entities that is a qualifying small business and approved by the department, as
55 follows:
- 56 (a) Any organization or person who grows produce or other agricultural products;
- 57 (b) Any organization or person that raises livestock or poultry;
- 58 (c) Any organization or person who processes livestock or poultry;
- 59 (d) Any organization that sells at a minimum seventy-five percent locally grown food;
- 60 [(15)] (16) "Vending UAZ", a type of UAZ:
- 61 (a) That sells produce, meat, or value-added locally grown agricultural goods;
- 62 (b) That is able to accept food stamps under the provisions of the Supplemental Nutrition
63 Assistance Program as a form of payment; and
- 64 (c) Is a qualifying small business that is approved by the department for an UAZ vendor
65 license.
- 66 2. (1) A person or organization shall submit to any incorporated municipality an
67 application to develop an UAZ on a blighted area of land. Such application shall demonstrate
68 or identify on the application:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

124 10. The real property of the UAZ shall not be subject to assessment or payment of ad
125 valorem taxes on real property imposed by the cities affected by this section, or by the state or
126 any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance
127 under subsection 9 of this section, except to such extent and in such amount as may be imposed
128 upon such real property during such period, as was determined by the assessor of the county in
129 which such real property is located, or, if not located within a county, then by the assessor of
130 such city, in an amount not greater than the amount of taxes due and payable thereon during the
131 calendar year preceding the calendar year during which the urban agricultural zone was
132 designated. The amounts of such tax assessments shall not be increased during such period so
133 long as the real property is used in furtherance of the activities provided under the provisions of
134 subdivision [(13)] **(14)** of subsection 1 of this section. At the conclusion of the period of
135 abatement provided by the ordinance, the property shall then be reassessed. If only a portion of
136 real property is used as an UAZ, then only that portion of real property shall be exempt from
137 assessment or payment of ad valorem taxes on such property, as provided by this section.

138 11. If the water services for the UAZ are provided by the municipality, the municipality
139 may authorize a grower UAZ to pay wholesale water rates[. If available,] for the cost of water

140 consumed on the UAZ [and] . **If available, the UAZ may** pay fifty percent of the standard cost
141 to hook onto the water source.

142 12. (1) Any local sales tax revenues received from the sale of agricultural products sold
143 in the UAZ, **or any local sales tax revenues received by a mobile unit associated with a**
144 **vending UAZ selling agricultural products in the municipality in which the vending UAZ**
145 **is located**, shall be deposited in the urban agricultural zone fund established in subdivision (2)
146 of this subsection. An amount equal to one percent shall be retained by the director of revenue
147 for deposit in the general revenue fund to offset the costs of collection.

148 (2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund",
149 which shall consist of money collected under subdivision (1) of this subsection. The state
150 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
151 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
152 appropriation, shall be used for the purposes authorized by this section. Notwithstanding the
153 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
154 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall
155 invest moneys in the fund in the same manner as other funds are invested. Any interest and
156 moneys earned on such investments shall be credited to the fund. **Fifty percent of fund moneys**
157 **shall be made available to school districts. The remaining fifty percent of fund moneys**
158 **shall be allocated to municipalities that have urban agricultural zones based upon the**
159 **municipality's percentage of local sales tax revenues deposited into the fund. The**
160 **municipalities shall, upon appropriation, provide fund moneys to urban agricultural zones**
161 **within the municipality for improvements.** School districts may apply to the department for
162 money in the fund to be used for the development of curriculum on or the implementation of
163 urban farming practices under the guidance of the University of Missouri extension service and
164 a certified vocational agricultural instructor. The funds are to be distributed on a competitive
165 basis within the school district or districts in which the UAZ is located pursuant to rules to be
166 promulgated by the department, with special consideration given to the relative number of
167 students eligible for free and reduced-price lunches attending the schools within such district or
168 districts.

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

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

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 shall be**
10 **maintained at the business location from which the certified commercial applicator is**
11 **licensed. Valid surety bonds or liability insurance certificates shall be available for**

12 **inspection by the director or his or her designee at a reasonable time during regular**
13 **business hours or, upon 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** if he **or she** fails to do so, the director shall cancel his **or her** license, or
46 deny the license of an applicant, and give him **or her** notice of cancellation or denial, and it shall
47 be unlawful thereafter for the applicant to engage in the business of using pesticides until the

48 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.

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

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

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

18
19 Distance in feet between the extremes of any group of two or more consecutive axles, measured
20 to the nearest foot, except where indicated otherwise

21	22 Maximum load in pounds					
	23 feet	24 2 axles	25 3 axles	26 4 axles	27 5 axles	28 6 axles
29	4	34,000				
	5	34,000				
	6	34,000				
	7	34,000				
	8	34,000	34,000			
	More than 8	38,000	42,000			
	9	39,000	42,500			

30	10	40,000	43,500			
31	11	40,000	44,000			
32	12	40,000	45,000	50,000		
33	13	40,000	45,500	50,500		
34	14	40,000	46,500	51,500		
35	15	40,000	47,000	52,000		
36	16	40,000	48,000	52,500	58,000	
37	17	40,000	48,500	53,500	58,500	
38	18	40,000	49,500	54,000	59,000	
39	19	40,000	50,000	54,500	60,000	
40	20	40,000	51,000	55,500	60,500	66,000
41	21	40,000	51,500	56,000	61,000	66,500
42	22	40,000	52,500	56,500	61,500	67,000
43	23	40,000	53,000	57,500	62,500	68,000
44	24	40,000	54,000	58,000	63,000	68,500
45	25	40,000	54,500	58,500	63,500	69,000
46	26	40,000	55,500	59,500	64,000	69,500
47	27	40,000	56,000	60,000	65,000	70,000
48	28	40,000	57,000	60,500	65,500	71,000
49	29	40,000	57,500	61,500	66,000	71,500
50	30	40,000	58,500	62,000	66,500	72,000
51	31	40,000	59,000	62,500	67,500	72,500
52	32	40,000	60,000	63,500	68,000	73,000
53	33	40,000	60,000	64,000	68,500	74,000
54	34	40,000	60,000	64,500	69,000	74,500
55	35	40,000	60,000	65,500	70,000	75,000
56	36		60,000	66,000	70,500	75,500
57	37		60,000	66,500	71,000	76,000
58	38		60,000	67,500	72,000	77,000
59	39		60,000	68,000	72,500	77,500
60	40		60,000	68,500	73,000	78,000
61	41		60,000	69,500	73,500	78,500
62	42		60,000	70,000	74,000	79,000
63	43		60,000	70,500	75,000	80,000
64	44		60,000	71,500	75,500	80,000
65	45		60,000	72,000	76,000	80,000

66	46	60,000	72,500	76,500	80,000
67	47	60,000	73,500	77,500	80,000
68	48	60,000	74,000	78,000	80,000
69	49	60,000	74,500	78,500	80,000
70	50	60,000	75,500	79,000	80,000
71	51	60,000	76,000	80,000	80,000
72	52	60,000	76,500	80,000	80,000
73	53	60,000	77,500	80,000	80,000
74	54	60,000	78,000	80,000	80,000
75	55	60,000	78,500	80,000	80,000
76	56	60,000	79,500	80,000	80,000
77	57	60,000	80,000	80,000	80,000

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

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

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

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

98 7. Notwithstanding any provision of this section to the contrary, the department of
 99 transportation shall issue a single-use special permit, or upon request of the owner of the truck
 100 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or
 101 well-drillers' equipment. The department of transportation shall set fees for the issuance of

102 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete
103 pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways
104 at any time on any day.

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

114 9. [Notwithstanding subsection 3 of this section or any other provision of law to the
115 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may
116 be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating
117 on U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa
118 state line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway
119 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The provisions of this
120 subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate
121 and Defense Highways.

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

128 [11.] **10.** Notwithstanding any provision of this section or any other law to the contrary,
129 the department of transportation shall issue emergency utility response permits for the
130 transporting of utility wires or cables, poles, and equipment needed for repair work immediately
131 following a disaster where utility service has been disrupted. Under exigent circumstances,
132 verbal approval of such operation may be made either by the motor carrier compliance supervisor
133 or other designated motor carrier services representative. Utility vehicles and equipment used
134 to assist utility companies granted special permits under this subsection may be operated and
135 transported on state-maintained roads and highways at any time on any day. The department of
136 transportation shall promulgate all necessary rules and regulations for the administration of this
137 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created

138 under the authority delegated in this section shall become effective only if it complies with and
139 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
140 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
141 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
142 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
143 proposed or adopted after August 28, 2014, shall be invalid and void.

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

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

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

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

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

- 3 (1) "Engages in an equine activity", riding, training, assisting in medical treatment of,
4 driving or being a passenger upon an equine, whether mounted or unmounted, or any person
5 assisting a participant or any person involved in show management. The term "engages in an
6 equine activity" does not include being a spectator at an equine activity, except in cases where
7 the spectator places himself in an unauthorized area;
- 8 (2) "Equine", a horse, pony, mule, donkey or hinny;
- 9 (3) "Equine activity":
- 10 (a) Equine shows, fairs, competitions, performances or parades that involve any or all
11 breeds of equines and any of the equine disciplines, including, but not limited to, dressage,
12 hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos,
13 driving, pulling, cutting, polo, steeplechasing, English and western performance riding,
14 endurance trail riding and western games and hunting;
- 15 (b) Equine training or teaching activities or both;
- 16 (c) Boarding equines;
- 17 (d) Riding, inspecting or evaluating an equine belonging to another, whether or not the
18 owner has received [some] **or currently receives** monetary consideration or other thing of value
19 for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect
20 or evaluate the equine;
- 21 (e) Rides, trips, hunts or other equine activities [of any type] however informal or
22 impromptu that are sponsored by an equine activity sponsor; and
- 23 (f) Placing or replacing horseshoes on an equine;
- 24 (4) "Equine activity sponsor", an individual, group, club, partnership or corporation,
25 whether or not operating for profit or nonprofit, **legal entity**, or any employee thereof, which
26 sponsors, organizes or provides the facilities for, an equine activity, including but not limited to
27 pony clubs, 4-H clubs, hunt clubs, riding clubs, school- and college-sponsored classes, programs
28 and activities, therapeutic riding programs and operators, instructors and promoters of equine
29 facilities, including but not limited to stables, clubhouses, pony ride strings, fairs and arenas at
30 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 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, **livestock activity sponsor, livestock**
71 **owner, livestock facility, livestock auction market, any employee thereof**, or any other person
72 from injury, loss, damage or death of the participant resulting from any of the inherent risks of
73 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, **livestock activity sponsor, livestock**
79 **owner, livestock facility, livestock auction market, any employee thereof**, or any other person
80 if the equine activity sponsor, equine professional, **livestock activity sponsor, livestock owner,**
81 **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, **livestock activity sponsor, livestock**
102 **owner, livestock facility, livestock auction market, or any employee thereof** under liability
103 provisions as set forth in any other section of law.

104 6. Every equine activity sponsor **and livestock activity sponsor** shall post and maintain
105 signs which contain the warning notice specified in this subsection. Such signs shall be placed
106 in a clearly visible location on or near stables, corrals or arenas where the [equine professional]
107 **equine activity sponsor or livestock activity sponsor** conducts equine **or livestock** activities
108 if such stables, corrals or arenas are owned, managed or controlled by the [equine professional]
109 **equine activity sponsor or livestock activity sponsor**. The warning notice specified in this

110 subsection shall appear on the sign in black letters on a white background with each letter to be
111 a minimum of one inch in height. Every written contract entered into by an equine professional
112 [and] , equine activity sponsor, **livestock activity sponsor, livestock owner, livestock facility,**
113 **livestock auction market, or any employee thereof** for the providing of professional services,
114 instruction or the rental of equipment [or] , tack, or an equine to a participant, whether or not the
115 contract involves equine **or livestock** activities on or off the location or site of the equine
116 professional's [or] , equine activity sponsor's **or livestock activity sponsor's** business, shall
117 contain in clearly readable print the warning notice specified in this subsection. The signs and
118 contracts described in this subsection shall contain the following warning notice:

119 WARNING

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

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

Section B. If any provision of section A of this act or the application thereof to anyone
2 or to any circumstance is held invalid, the remainder of those sections and the application of such
3 provisions to others or other circumstances shall not be affected thereby.

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