

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 631
96TH GENERAL ASSEMBLY

5053H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 135.305, 142.031, 178.530, 276.401, 302.286, 304.180, 537.345, 537.346, 569.140, 575.010, 575.120, 578.018 and 578.030, RSMo, and to enact in lieu thereof twenty-eight new sections relating to agriculture, with penalty provisions.

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

Section A. Sections 135.305, 142.031, 178.530, 276.401, 302.286, 304.180, 537.345, 537.346, 569.140, 575.010, 575.120, 578.018, and 578.030, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 1.195, 9.180, 135.305, 142.031, 178.530, 262.005, 262.255, 262.257, 262.598, 262.750, 262.975, 276.401, 302.286, 304.180, 537.345, 537.346, 537.351, 537.850, 537.856, 537.859, 569.140, 575.010, 575.120, 575.124, 578.018, 578.030, 1, and 2, to read as follows:

1.195. The laws of this state shall not confer upon any animal a right, privilege, or legal status that is equivalent to or that exceeds a right, privilege, or legal status as that which this state confers by law upon a human being. This provision shall not be construed as limiting laws that protect the welfare of animals in the state.

9.180. The month of December shall be designated as "Pet Breeders Appreciation Month" in Missouri to be observed with activities designed to enhance the knowledge and appreciation of the contributions to our state's citizens and economy made by Missouri pet breeders who responsibly and humanely produce, care for, protect the safety of, and provide the animals which become the beloved and cherished pets that are a valuable and integral part of our citizen's families and lives.

135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive

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.

3 to produce processed wood products in a qualified wood-producing facility using Missouri forest
4 product residue. The tax credit to the wood energy producer shall be five dollars per ton of
5 processed material. The credit may be claimed for a period of five years and is to be a tax credit
6 against the tax otherwise due. No new tax credits, provided for under sections 135.300 to
7 135.311, shall be authorized after June 30, [2013] **2018. In no event shall the aggregate**
8 **amount of all tax credits allowed pursuant to sections 135.300 to 135.311 exceed four**
9 **million five hundred thousand dollars in any given fiscal year.**

142.031. 1. As used in this section the following terms shall mean: (1) "Biodiesel", fuel
2 as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel
3 (B100) blend stock for distillate fuels; (2) "Missouri qualified biodiesel producer", a facility that
4 produces biodiesel, is registered with the United States Environmental Protection Agency
5 according to the requirements of 40 CFR 79, and:

6 (a) a. Is at least fifty-one percent owned by agricultural producers who are residents of
7 this state and who are actively engaged in agricultural production for commercial purposes; or

8 b. At least eighty percent of the feedstock used by the facility originates in the state of
9 Missouri. For purposes of this section, "feedstock" means an agricultural, horticultural,
10 viticultural, vegetable, aquacultural, livestock, forestry, or poultry product either in its natural
11 or processed state; and

12 (b) Meets all of the following:

13 a. Has registered with the department of agriculture by September 1, 2007;

14 b. Has begun construction of the facility before November 1, 2007; and

15 c. Has begun production of biodiesel before March 1, 2009.

16 2. The "Missouri Qualified Biodiesel Producer Incentive Fund" is hereby created and
17 subject to appropriations shall be used to provide economic subsidies to Missouri qualified
18 biodiesel producers pursuant to this section.

19 The director of the department of agriculture shall administer the fund pursuant to this section.

20 3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the
21 fund provided that one hundred percent of the feedstock originates in the United States.
22 However, the director may waive the feedstock requirements on a month-to-month basis if the
23 facility provides verification that adequate feedstock is not available. A Missouri qualified
24 biodiesel producer shall only be eligible for the grant for a total of sixty months unless such
25 producers during the sixty months fail, due to a lack of appropriations, to receive the full amount
26 from the fund for which the producers were eligible, in which case such producers shall continue
27 to be eligible [for up to twenty-four additional months or] until they have received the maximum
28 amount of funding for which such producers were eligible during the original sixty-month time
29 period. The amount of the grant is determined by calculating the estimated gallons of qualified

30 biodiesel produced during the preceding month from feedstock, as certified by the department
31 of agriculture, and applying such figure to the per-gallon incentive credit established in this
32 subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any
33 fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified
34 biodiesel produced from feedstock in the fiscal year plus ten cents per gallon for the next fifteen
35 million gallons of qualified biodiesel produced from feedstock in the fiscal year. All such
36 qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of thirty
37 million gallons shall not be applied to the computation of a grant pursuant to this subsection.
38 The department of agriculture shall pay all grants for a particular month by the fifteenth day after
39 receipt and approval of the application described in subsection 4 of this section.

40 4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund,
41 an application for such funds shall be received no later than fifteen days following the last day
42 of the month for which the grant is sought. The application shall include:

43 (1) The location of the Missouri qualified biodiesel producer;

44 (2) The average number of citizens of Missouri employed by the Missouri qualified
45 biodiesel producer in the preceding month, if applicable;

46 (3) The number of bushel equivalents of Missouri feedstock and out-of-state feedstock
47 used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding
48 month;

49 (4) The number of gallons of qualified biodiesel the producer manufactures during the
50 month for which the grant is applied;

51 (5) A copy of the qualified biodiesel producer license required pursuant to subsection
52 5 of this section, name and address of surety company, and amount of bond to be posted pursuant
53 to subsection 5 of this section; and

54 (6) Any other information deemed necessary by the department of agriculture to
55 adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

56 5. The director of the department of agriculture, in consultation with the department of
57 revenue, shall promulgate rules and regulations necessary for the administration of the provisions
58 of this section.

59 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
60 under the authority delegated in this section shall become effective only if it complies with and
61 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
62 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
63 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
64 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
65 proposed or adopted after August 28, 2002, shall be invalid and void.

66 7. This section shall expire on December 31, 2009. However, Missouri qualified
67 biodiesel producers receiving any grants awarded prior to December 31, 2009, shall continue to
68 be eligible for the remainder of the original sixty-month time period under the same terms and
69 conditions of this section unless such producer during such sixty months failed, due to a lack of
70 appropriations, to receive the full amount from the fund for which he or she was eligible. In such
71 case, such producers shall continue to be eligible [for up to twenty-four additional months or]
72 until they have received the maximum amount of funding for which they were eligible during
73 the original sixty-month time period.

74 8. Any Missouri qualified biodiesel producer who receives any grant payments under this
75 section who subsequently sells the biodiesel facility shall be subject to the following payback
76 requirements:

77 (1) If such facility is sold within less than one year of the date of issuance of the last
78 grant payment, the Missouri qualified biodiesel producer shall pay the state the amount of fifty
79 percent of the total amount of grant payments received under this section;

80 (2) If such facility is sold within one to two years of the date of issuance of the last grant
81 payment, the Missouri qualified biodiesel producer shall pay the state the amount of forty percent
82 of the total amount of grant payments received under this section;

83 (3) If such facility is sold within two to three years of the date of issuance of the last
84 grant payment, the Missouri qualified biodiesel producer shall pay the state the amount of thirty
85 percent of the total amount of grant payments received under this section;

86 (4) If such facility is sold within three to four years of the date of issuance of the last
87 grant payment, the Missouri qualified biodiesel producer shall pay the state the amount of twenty
88 percent of the total amount of grant payments received under this section;

89 (5) If such facility is sold within four to five years of the date of issuance of the last grant
90 payment, the Missouri qualified biodiesel producer shall pay the state the amount of ten percent
91 of the total amount of grant payments received under this section. If the sale date of the facility
92 falls on a date that qualifies under more than one subdivision of this subsection, the greater
93 payback amount shall apply. For purposes of this subsection, a facility shall be considered "sold"
94 when there is a change in at least fifty-one percent of the facility's ownership in a transaction that
95 involves a buyer or buyers and a seller or sellers.

178.530. 1. The state board of education shall establish standards and annually inspect,
2 as a basis for approval, all public prevocational, vocational schools, Linn State Technical
3 College, departments and classes receiving state or federal moneys for giving training in
4 agriculture, industrial, home economics and commercial subjects and all schools, departments
5 and classes receiving state or federal moneys for the preparation of teachers and supervisors of
6 such subjects. The public prevocational and vocational schools, Linn State Technical College,

7 departments, and classes, and the training schools, departments and classes are entitled to the
8 state or federal moneys so long as they are approved by the state board of education, as to site,
9 plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods
10 of instruction. All disbursements of state or federal moneys for the benefit of the approved
11 prevocational and vocational schools, Linn State Technical College, departments and classes
12 shall be made semiannually. The school board of each approved school or the governing body
13 of Linn State Technical College shall file a report with the state board of education at the times
14 and in the form that the state board requires. Upon receipt of a satisfactory report, the state board
15 of education shall certify to the commissioner of administration for his approval the amount of
16 the state and federal moneys due the school district or Linn State Technical College. The amount
17 due the school district shall be certified by the commissioner of administration and proper
18 warrant therefor shall be issued to the district treasurer or Linn State Technical College.

19 **2. Notwithstanding the provisions of subsection 1 of this section, the state board of**
20 **education shall establish standards for agricultural education that may be adopted by a**
21 **private school accredited by an agency recognized by the United States Department of**
22 **Education as an accreditor of private schools that wishes to provide quality vocational**
23 **programming outside the requirements of, but consistent with, the federal vocational**
24 **Education Act. Such standards shall be sufficient to qualify a private school to apply to**
25 **the state chapter for approval of a local chapter of a federally chartered national**
26 **agricultural education association on a form developed for that purpose by the department**
27 **of elementary and secondary education without eligibility to receive state or federal**
28 **funding for agricultural vocational education; however, such private school shall**
29 **reimburse the department annually for the cost of oversight and maintenance of the**
30 **program.**

2 **262.005. 1. Agriculture which provides food, energy, and security is the foundation**
3 **and stabilizing force of Missouri's economy. To protect this vital sector of Missouri's**
4 **economy, it shall be the right of persons to raise livestock, as defined in section 144.010, in**
5 **a manner adhering to state and local laws and ordinances as enacted on August 28, 2012,**
6 **or at the commencement of operations, whichever is later.**

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

2 **262.255. The state fair commission shall permit all qualifying 4-H and Future**
3 **Farmers of America (FFA) members to exhibit livestock at the state fair. The state fair**

3 commission shall have the authority to establish rules and fees for participation in its
4 individual events.

262.257. The state fair commission shall permit all livestock breeders to exhibit
2 livestock at the state fair. The state fair commission shall have the authority to establish
3 rules and fees for participation in its individual events.

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

2 (1) "Consolidated district", a district formed jointly by two or more councils;

3 (2) "Council", a University of Missouri extension council authorized under section
4 262.563;

5 (3) "District" or "extension district", a political subdivision formed by one or more
6 councils;

7 (4) "Single-council district", a district formed by one council;

8 (5) "Governing body", the group of individuals who govern a district.

9 2. University of Missouri extension councils are hereby authorized to form
10 extension districts made up of cooperating counties for the purpose of funding extension
11 programming. An extension district may be a single-council district or a consolidated
12 district. A single-council district shall be formed upon a majority vote of the full council.
13 A consolidated district shall be formed upon a majority vote of each participating council.

14 3. In a single-council district, the council shall serve as the district's governing
15 body. In addition to any other powers and duties granted to the council under sections
16 262.550 to 262.620, the council shall also have the powers and duties provided under
17 subsection 5 of this section.

18 4. In a consolidated district, the governing body of the district shall consist of at
19 least three, but no more than five, representatives appointed by each participating council.
20 The term of office shall be two years. Representatives may be reappointed. This governing
21 body shall elect officers, who shall serve as officers for two years, and establish a regular
22 meeting schedule which shall be not less than once every three months.

23 5. The governing body of a district shall have the following powers and duties:

24 (1) Review the activities and annual budgets of each participating council;

25 (2) Determine, by September first of each year, the tax rate necessary to generate
26 sufficient revenue to fund the extension programming in the district, which includes annual
27 funding for each participating council for the costs of personnel and the acquisition,
28 supply, and maintenance of each council's property, work, and equipment;

29 (3) Oversee the collection of any tax authorized under this section by ensuring the
30 revenue is deposited into a special fund and monitoring the use of the funds to ensure they
31 are used solely for extension programming in the district;

32 (4) Approve payments from the special fund in which the tax revenue is deposited;
33 and

34 (5) Work cooperatively with each participating council to plan and facilitate the
35 programs, equipment, and activities in the district.

36 6. The governing body of a district may submit a question to the voters of the
37 district to institute a property tax levy in the county or counties that compose the district.
38 Questions may be submitted to the voters of the district at any general municipal election.
39 Any such proposed tax shall not exceed thirty cents per one hundred dollars of assessed
40 valuation. Such question shall be submitted in substantially the following form:

41 "Shall the Extension District in County (insert name of county) be authorized
42 to levy an annual tax of (insert amount not to exceed thirty) cents per one hundred
43 dollars of assessed valuation for the purpose of funding the University of Missouri
44 Extension District programs, equipment, and services in the district?"

45

46 In a single-council district, if a majority of the voters in the county approve the question,
47 then the district shall impose the tax. In a consolidated district, if a majority of voters in
48 each county in the district approve the tax, then the district shall impose the tax. In a
49 consolidated district, if a majority of voters in a county do not approve the tax, the council
50 in the county that did not approve the tax may withdraw from the district. Upon such
51 withdrawal, the district shall be made up of the remaining counties and the tax shall be
52 imposed in those counties. However, if the county that did not approve the tax does not
53 withdraw from the district, the tax shall not be imposed. Revenues collected from the
54 imposition of a tax authorized under this section shall be deposited into a special fund
55 dedicated only for use by the local district for programming purposes. If a majority of the
56 voters in a single-council district do not approve the question, then no tax shall be imposed.
57 If a majority of the voters in a consolidated district do not approve the question, then no
58 tax shall be imposed in any county of the district.

59 7. The county commission of any county in which the tax authorized under this
60 section is levied and collected:

61 (1) Shall be exempt from the funding requirements under section 262.597 if revenue
62 derived from the tax authorized under this section is in excess of an amount equal to two
63 hundred percent of the average funding received under section 262.597 for the immediately
64 preceding three years; or

65 (2) May reduce the current year's funding amount under section 262.597 by thirty-
66 three percent of the amount of tax revenues derived from the tax authorized under this

67 section which exceed the average amount of funding received under section 262.597 for the
68 immediately preceding three years.

69 **8. Any county that collects tax revenues authorized under this section shall transfer**
70 **all attributable revenue plus monthly interest for deposit into the district's special fund.**
71 **The governing body of the district shall comply with the prudent investor standard for**
72 **investment fiduciaries as provided in section 105.688.**

73 **9. In any county in which a single-council district is established, and for which a**
74 **tax has not been levied, the district may be dissolved in the same manner in which it was**
75 **formed.**

76 **10. A county may withdraw from a consolidated district at any time by the filing**
77 **of a petition with the circuit court having jurisdiction over the district. The petition shall**
78 **be signed by not fewer than ten percent of those who voted in the most recent presidential**
79 **election in the county seeking to withdraw that is part of a consolidated district stating that**
80 **further operation of the district is contrary to the best interests of the inhabitants of the**
81 **county in which the district is located and that the county seeks to withdraw from the**
82 **district. The circuit court shall hear evidence on the petition. If the court finds that it is**
83 **in the best interest of the inhabitants of the county in which the district is located for the**
84 **county to withdraw from the district, the court shall make an order reciting the same and**
85 **submit the question to the voters. The question shall be submitted in substantially the**
86 **following format:**

87 **"Shall the County of (insert name of county) being part of (insert name**
88 **of district) Extension District withdraw from the district?"**.

89
90 **The question shall be submitted at the next general municipal election date. The election**
91 **returns shall be certified to the court. If the court finds that two-thirds of the voters voting**
92 **on the question voted in favor of withdrawing from the district, the court shall issue an**
93 **order withdrawing the county from the district, which shall contain a proviso that the**
94 **district shall remain intact for the sole purposes of paying all outstanding and lawful**
95 **obligations and disposing of the district's property. No additional costs or obligations for**
96 **the withdrawing county shall be created except as necessary. The withdrawal shall occur**
97 **on the first day of the following January after the vote. If the court finds that two-thirds**
98 **of the voters voting on the question shall not have voted favorably on the question to**
99 **withdraw from the district, the court shall issue an order dismissing the petition and the**
100 **district shall continue to operate.**

101 **11. The governing body of any district may seek voter approval to increase its**
102 **current tax rate authorized under this section, provided such increase shall not cause the**

103 total tax to exceed thirty cents per one hundred dollars of assessed valuation. To propose
104 such an increase, the governing body shall submit the question to the voters at the general
105 municipal election in the county in which the district is located. The question shall be
106 submitted in substantially the following form:

107 "Shall the Extension District in (insert name of county or counties) be
108 authorized to increase the tax rate from (insert current amount of tax) cents to
109 (insert proposed amount of tax not to exceed thirty) cents per one hundred dollars of
110 assessed valuation for the purpose of funding the University of Missouri Extension District
111 programs, equipment, and services in the district?"

112

113 In a single-council district, if a majority of the voters in the county approve the question,
114 then the district shall impose the tax. In a consolidated district, if a majority of voters in
115 the district approve the tax rate, then the district shall impose the new tax rate. Revenues
116 collected from the imposition of the tax authorized under this section shall be deposited
117 into the special fund dedicated only for use by the district. If a majority of the voters in
118 a single-council district do not approve the question, then the tax shall not be imposed. If
119 a majority of the voters in a consolidated district do not approve the question, then the tax
120 shall not be imposed in any county of the district.

262.750. Notwithstanding any other provision of law, the right to conduct and
2 participate in rodeos in this state shall be guaranteed and no law, ordinance, or rule shall
3 be enacted to prohibit the conducting of or participation in rodeos in this state; except that,
4 nothing in this section shall be construed as prohibiting any reasonable restrictions
5 regarding time, place, and manner consistent with other similar events or be construed as
6 superceding local zoning ordinances. Promoters of rodeos shall have the authority to
7 establish fees and set rules for their specific events, including but not limited to
8 qualifications and procedures for participation.

262.975. 1. The department of agriculture shall build and maintain, by contract or
2 otherwise, a Missouri international agricultural exchange website with search engine
3 optimization technology. Such website shall contain content licensed by the department to
4 promote Missouri agricultural products to international agricultural buyers.

5 2. The exchange shall be a website to post Missouri-based agricultural products to
6 the producer to assist in marketing such products to international buyers. All sellers shall
7 be required to register through the department and provide a Missouri address. Only
8 agricultural products produced in this state shall be allowed on the exchange website.

9 3. The state of Missouri retains ownership of all content on the exchange. The
10 department or a website developer, if contracted, is authorized to:

11 **(1) Use all informational content approved by the department of agriculture, and**
12 **apply search engine optimization to the website content to achieve a high search engine**
13 **ranking; and**

14 **(2) Sell advertising on the exchange website to any entity that will benefit from**
15 **marketing to international agriculture producers and buyers. If contracted, the website**
16 **developer shall be solely responsible for all costs associated with the development,**
17 **marketing, and maintenance of the exchange website, with the website developer retaining**
18 **all advertising revenues obtained from such exchange website to provide the financing for**
19 **such exchange website.**

20 **4. If contacted, the website developer shall:**

21 **(1) Have proven experience and expertise in search engine optimization, as**
22 **determined by the department;**

23 **(2) Demonstrate prior experience with website development projects which**
24 **increased search engine rankings for the client.**

25 **5. If contracted, the department of agriculture, in consultation with the department**
26 **of economic development, shall review all applications and award a contract for the**
27 **development, design, marketing, and maintenance of the exchange website, with renewals**
28 **for continuing upgrades, marketing, and maintenance of the website. The department shall**
29 **have the authority to terminate any contract under this section at the department's**
30 **discretion. Any website developer under contract with the department may have a contract**
31 **terminated for failure to operate under the department's guidelines for the exchange**
32 **website. If a contract is terminated, the department shall award a new contract in**
33 **accordance with the procedures for awarding the initial contract under this section.**

 276.401. 1. Sections 276.401 to 276.582 shall be known as the "Missouri Grain Dealer
2 Law".

3 2. The provisions of the Missouri grain dealer law shall apply to grain purchases where
4 title to the grain transfers from the seller to the buyer within the state of Missouri.

5 3. Unless otherwise specified by contractual agreement, title shall be deemed to pass to
6 the buyer as follows:

7 (1) On freight on board (FOB) origin or freight on board (FOB) basing point contracts,
8 title transfers at time and place of shipment;

9 (2) On delivered contracts, when and where constructively placed, or otherwise made
10 available at buyer's original destination;

11 (3) On contracts involving in-store commodities, at the storing warehouse and at the time
12 of contracting or transfer, and/or mailing of documents, if required, by certified mail, unless and

13 to the extent warehouse tariff, warehouse receipt and/or storage contract assumes the risk of loss
14 and/or damage.

15 4. As used in sections 276.401 to 276.582, unless the context otherwise requires, the
16 following terms mean:

17 (1) "Auditor", a person appointed under sections 276.401 to 276.582 by the director to
18 assist in the administration of sections 276.401 to 276.582, and whose duties include making
19 inspections, audits and investigations authorized under sections 276.401 to 276.582;

20 (2) "Authorized agent", any person who has the legal authority to act on behalf of, or for
21 the benefit of, another person;

22 (3) "Buyer", any person who buys or contracts to buy grain;

23 (4) "Certified public accountant", any person licensed as such under chapter 326;

24 (5) "Claimant", any person who requests payment for grain sold by him to a dealer, but
25 who does not receive payment because the purchasing dealer fails or refuses to make payment;

26 (6) "Credit sales contracts", a conditional grain sales contract wherein payment and/or
27 pricing of the grain is deferred to a later date. Credit sales contracts include, but are not limited
28 to, all contracts meeting the definition of deferred payment contracts, and/or delayed price
29 contracts;

30 (7) "Current assets", resources that are reasonably expected to be realized in cash, sold,
31 or consumed (prepaid items) within one year of the balance sheet date;

32 (8) "Current liabilities", obligations reasonably expected to be liquidated within one year
33 and the liquidation of which is expected to require the use of existing resources, properly
34 classified as current assets, or the creation of additional liabilities. Current liabilities include
35 obligations that, by their terms, are payable on demand unless the creditor has waived, in writing,
36 the right to demand payment within one year of the balance sheet date;

37 (9) "Deferred payment agreement", a conditional grain sales transaction establishing an
38 agreed upon price for the grain and delaying payment to an agreed upon later date or time period.
39 Ownership of the grain, and the right to sell it, transfers from seller to buyer so long as the
40 conditions specified in section 276.461 and section 411.325 are met;

41 (10) "Deferred pricing agreement", a conditional grain sales transaction wherein no price
42 has been established on the grain, the seller retains the right to price the grain later at a mutually
43 agreed upon method of price determination. Deferred pricing agreements include, but are not
44 limited to, contracts commonly known as no price established contracts, price later contracts, and
45 basis contracts on which the purchase price is not established at or before delivery of the grain.
46 Ownership of the grain, and the right to sell it, transfers from seller to buyer so long as the
47 conditions specified in section 276.461 and section 411.325 are met;

- 48 (11) "Delivery date" shall mean the date upon which the seller transfers physical
49 possession, or the right of physical possession, of the last unit of grain in any given transaction;
- 50 (12) "Department", the Missouri department of agriculture;
- 51 (13) "Designated representative", an employee or official of the department designated
52 by the director to assist in the administration of sections 276.401 to 276.582;
- 53 (14) "Director", the director of the Missouri department of agriculture or his designated
54 representative;
- 55 (15) "Generally accepted accounting principles", the conventions, rules and procedures
56 necessary to define accepted accounting practice, which include broad guidelines of general
57 application as well as detailed practices and procedures generally accepted by the accounting
58 profession, and which have substantial authoritative support from the American Institute of
59 Certified Public Accountants;
- 60 (16) "Grain", all grains for which the United States Department of Agriculture has
61 established standards under the United States Grain Standards Act, Sections 71 to 87, Title 7,
62 United States Code, and any other agricultural commodity or seed prescribed by the director by
63 regulation;
- 64 (17) "Grain dealer" or "dealer", any person engaged in the business of, or as a part of his
65 business participates in, buying grain where title to the grain transfers from the seller to the buyer
66 within the state of Missouri. "Grain dealer" or "dealer" shall not be construed to mean or
67 include:
- 68 (a) Any person or entity who is a member of a recognized board of trade or futures
69 exchange and whose trading in grain is limited solely to trading with other members of a
70 recognized board of trade or futures exchange; provided, that grain purchases from a licensed
71 warehouseman, farmer/producer or any other individual or entity in a manner other than through
72 the purchase of a grain futures contract on a recognized board of trade or futures exchange shall
73 be subject to sections 276.401 to 276.582. Exempted herein are all futures transactions;
- 74 (b) A producer or feeder of grain for livestock or poultry buying grain for his own
75 farming or feeding purposes who purchases grain exclusively from licensed grain dealers or
76 whose total grain purchases from producers during his or her fiscal year do not exceed fifty
77 thousand bushels;
- 78 (c) Any person or entity whose grain purchases in the state of Missouri are made
79 exclusively from licensed grain dealers;
- 80 (d) A manufacturer or processor of registered or unregistered feed whose total grain
81 purchases from producers during his or her fiscal year does not exceed [one hundred thousand
82 dollars] **fifty thousand bushels** and who pays for all grain purchases from producers at the time

83 of physical transfer of the grain from the seller or his or her agent to the buyer or his or her agent
84 and whose resale of such grain is solely in the form of manufactured or processed feed or feed
85 by-products or whole feed grains to be used by the purchaser thereof as feed;

86 (18) "Grain transport vehicle", a truck, tractor-trailer unit, wagon, pup, or any other
87 vehicle or trailer used by a dealer, whether owned or leased by him, to transport grain which he
88 has purchased; except that, bulk or bagged feed delivery trucks which are used principally for
89 the purpose of hauling feed and any trucks for which the licensed gross weight does not exceed
90 twenty-four thousand pounds shall not be construed to be a grain transport vehicle;

91 (19) "Insolvent" or "insolvency", (a) an excess of liabilities over assets or (b) the inability
92 of a person to meet his financial obligations as they come due, or both (a) and (b);

93 (20) "Interested person", any person having a contractual or other financial interest in
94 grain sold to a dealer, licensed, or required to be licensed;

95 (21) "Location", any site other than the principal office where the grain dealer engages
96 in the business of purchasing grain;

97 (22) "Minimum price contract", a conditional grain sales transaction establishing an
98 agreed upon minimum price where the seller may participate in subsequent price gain, if any.
99 Ownership of the grain, and the right to sell it, transfers from the seller to the buyer so long as
100 the conditions specified in section 276.461 and section 411.325 are met;

101 (23) "Person", any individual, partnership, corporation, cooperative, society, association,
102 trustee, receiver, public body, political subdivision or any other legal or commercial entity of any
103 kind whatsoever, and any member, officer or employee thereof;

104 (24) "Producer", any owner, tenant or operator of land who has an interest in and
105 receives all or any part of the proceeds from the sale of grain or livestock produced thereon;

106 (25) "Purchase", to buy or contract to buy grain;

107 (26) "Sale", the passing of title from the seller to the buyer in consideration of the
108 payment or promise of payment of a certain price in money, or its equivalent;

109 (27) "Value", any consideration sufficient to support a simple contract.

302.286. 1. No person shall:

2 (1) Drive a motor vehicle so as to cause it to leave the premises of an establishment at
3 which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle
4 unless payment or authorized charge for motor fuel dispensed has been made; **or**

5 (2) **Dispense or otherwise remove any motor fuel from a storage container with a**
6 **capacity of ten gallons or greater at any residence, farm, or agricultural property without**
7 **the express permission of the owner of such residence, farm, or agricultural property;**
8 **except that, nothing in this subdivision shall prohibit the removal of any such motor fuel**

9 **for nonpayment. Any such unauthorized dispensing or removal of motor fuel is theft of**
10 **motor fuel and is punishable as the crime of stealing under section 570.030.**

11

12 A person found guilty or pleading guilty to stealing pursuant to section 570.030 for the theft of
13 motor fuel as described in this section shall have his or her driver's license suspended by the
14 court, beginning on the date of the court's order of conviction.

15 2. The person shall submit all of his or her operator's and chauffeur's licenses to the court
16 upon conviction and the court shall forward all such driver's licenses and the order of suspension
17 of driving privileges to the department of revenue for administration of such order.

18 3. Suspension of a driver's license pursuant to this section shall be made as follows:

19 (1) For the first offense, suspension shall be for sixty days, provided that persons may
20 apply for hardship licenses pursuant to section 302.309 at any time following the first thirty days
21 of such suspension;

22 (2) For the second offense, suspension shall be for ninety days, provided that persons
23 may apply for hardship licenses pursuant to section 302.309 at any time following the first sixty
24 days of such suspension; and

25 (3) For the third or any subsequent offense, suspension shall be for one hundred eighty
26 days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any
27 time following the first ninety days of such suspension.

28 4. At the expiration of the suspension period, and upon payment of a reinstatement fee
29 of twenty-five dollars, the director shall terminate the suspension and shall return the person's
30 driver's license. The reinstatement fee shall be in addition to any other fees required by law, and
31 shall be deposited in the state treasury to the credit of the state highway department fund,
32 pursuant to section 302.228.

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:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise		Maximum load in pounds			
feet	2 axles	3 axles	4 axles	5 axles	6 axles
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			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000

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

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

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

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

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

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

108 8. Notwithstanding the provision of this section to the contrary, the maximum gross
109 vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an
110 idle reduction technology may be increased by a quantity necessary to compensate for the
111 additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as
112 amended. In no case shall the additional weight increase allowed by this subsection be greater
113 than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle
114 operator shall provide proof that the idle reduction technology is fully functional at all times and

115 that the gross weight increase is not used for any purpose other than for the use of idle reduction
116 technology.

117 9. **(1)** Notwithstanding subsection 3 of this section or any other provision of law to the
118 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock **or**
119 **agricultural products not including local log trucks as defined in section 301.010** may be
120 as much as, but shall not exceed, eighty-five thousand five hundred pounds [while operating on
121 U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa
122 state line to U.S. Highway 36]. **The provisions of this subsection, however, shall not apply**
123 **to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense**
124 **Highways.**

125 **(2)** Any vehicle hauling greater than eighty thousand pounds under the provisions
126 of this subsection, shall apply yearly to the department of transportation for a permit and
127 upon payment of a twenty-five dollar fee, the department shall grant the applicant a
128 permit. Upon renewal of the permit, an applicant shall submit to the department a list of
129 roads traveled and the number of miles traveled on each road during the year.

130 **10.** Notwithstanding any provision of this section or any other law to the contrary,
131 the total gross weight of any vehicle or combination of vehicles hauling milk from a farm
132 to a processing facility may be as much as, but shall not exceed, eighty-five thousand five
133 hundred pounds while operating on highways other than the interstate highway system.

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

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

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

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

11 (4) "Recreational use", hunting, fishing, camping, picnicking, biking, nature study,
12 winter sports, viewing or enjoying archaeological or scenic sites, or other similar activities
13 undertaken for recreation, exercise, education, relaxation, or pleasure on land owned by another;

14 (5) "Trespasser", any person who enters on the property of another without
15 permission and without an invitation, express or implied regardless of whether actual

16 **notice of trespass was given or the land was posted in accordance with the provisions of**
17 **sections 569.140 and 569.145.**

537.346. Except as provided in sections 537.345 to 537.348, **and section 537.351**, an
2 owner of land owes no duty of care to any person who enters on the land without charge to keep
3 his land safe for recreational use or to give any general or specific warning with respect to any
4 natural or artificial condition, structure, or personal property thereon.

537.351. 1. Except as provided in subsection 2 of this section, a possessor of real
2 **property, including an owner, lessee, or other occupant, or an agent of such owner, lessee,**
3 **or other occupant, owes no duty of care to a trespasser except to refrain from harming the**
4 **trespasser by an intentional, willful, or wanton act. A possessor of real property may use**
5 **justifiable force to repel a criminal trespasser as provided by section 563.074.**

6 **2. A possessor of real property may be subject to liability for physical injury or**
7 **death to a trespasser in the following situations:**

8 **(1) If the trespasser is a child who is harmed by a dangerous artificial condition on**
9 **the land; and**

10 **(a) The possessor knew or should have known that children were likely to trespass**
11 **at the location of the condition;**

12 **(b) The condition is one which the possessor knew or reasonably should have**
13 **known involved an unreasonable risk of death or serious physical injury to such children;**

14 **(c) The injured child because of the child's youth did not discover the condition or**
15 **realize the risk involved in the intermeddling with the condition or in coming within the**
16 **area made dangerous by the condition;**

17 **(d) The utility to the possessor of maintaining the condition and the burden of**
18 **eliminating the danger were slight as compared with the risk to the child involved; and**

19 **(e) The possessor failed to exercise reasonable care to eliminate the danger or**
20 **otherwise protect the injured child; or**

21 **(2) The possessor knew or should have known that trespassers consistently intrude**
22 **upon a limited area of the possessor's land where the trespasser was harmed, the harm**
23 **resulted from a dangerous artificial condition on the land; and**

24 **(a) The possessor created or maintained the artificial condition that caused the**
25 **injury;**

26 **(b) The possessor knew that the condition was likely to cause death or serious**
27 **bodily harm to trespassers;**

28 **(c) The possessor knew or should have known that the condition was of such a**
29 **nature that trespassers would not discover it; and**

30 (d) The possessor failed to exercise reasonable care to warn trespassers of the
31 condition and the risk involved; or

32 (3) If the possessor knew of the trespasser's presence on the land and failed to
33 exercise ordinary care as to active operations carried out on the land.

34 3. This section does not create or increase the liability of any possessor of real
35 property and does not affect any immunities from or defenses to liability established under
36 state law or available under common law to which a possessor of real property may be
37 entitled under circumstances not covered by this section.

537.850. 1. Sections 537.850 to 537.862 shall be known and may be cited as the
2 "Agritourism Promotion Act".

3 2. As used in sections 537.850 to 537.862, the following terms shall mean:

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

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

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

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

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

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

25 (7) "Registered agritourism location", a specific parcel of land which is registered
26 with the director of the department of agriculture under section 537.853, and any rules

27 promulgated thereunder, and where a registered agritourism operator engages in
28 registered agritourism activities;

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

537.856. 1. At every registered agritourism location, the registered agritourism
2 operator shall post and maintain signage which contains the warning notice specified in
3 subsection 3 of this section. The requirements of this section shall be deemed satisfied if
4 such signage is placed in a clearly visible location at or near the registered agritourism
5 location. The warning notice shall appear on the sign in black letters, with each letter to
6 be at least one inch in height.

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

10 3. The required signage under this section shall contain the following warning
11 notice:

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

20 4. Upon request, the registered agritourism operator shall provide to any
21 participant a written description of the registered agritourism activity, as set forth in the
22 registration under section 537.853 for which sections 537.850 to 537.862 limits the
23 registered agritourism operator's liability at the registered agritourism location.

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

6 registered agritourism operator for injury, loss, damage, or death of the participant
7 resulting exclusively from any of the inherent risks of agritourism activities.

8 2. Nothing in sections 537.850 to 537.862 shall prevent or limit the liability of a
9 registered agritourism operator if the registered agritourism operator:

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

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

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

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

20 (1) The injured person assumed the risk;

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

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

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

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

7 (1) Actual communication to the actor; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 [(11)] (12) "Victim" means any natural person against whom any crime is deemed to
33 have been perpetrated or attempted;

34 [(12)] (13) "Witness" means any natural person:

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

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

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

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

575.120. 1. A person commits the crime of false impersonation if such person:

2 (1) Falsely represents himself or herself to be a public servant with purpose to induce
3 another to submit to his or her pretended official authority or to rely upon his or her pretended
4 official acts, and

5 (a) Performs an act in that pretended capacity; or

6 (b) Causes another to act in reliance upon his or her pretended official authority;

7 (2) Falsely represents himself or herself to be a person licensed to practice or engage in
8 any profession for which a license is required by the laws of this state with purpose to induce
9 another to rely upon such representation, and

10 (a) Performs an act in that pretended capacity; or

11 (b) Causes another to act in reliance upon such representation; or

12 (3) Upon being arrested, falsely represents himself or herself, to a law enforcement
13 officer, with the first and last name, date of birth, or Social Security number, or a substantial
14 number of identifying factors or characteristics as that of another person that results in the filing
15 of a report or record of arrest or conviction for an infraction, misdemeanor, or felony that
16 contains the first and last name, date of birth, and Social Security number, or a substantial
17 number of identifying factors or characteristics to that of such other person as to cause such other
18 person to be identified as the actual person arrested or convicted.

19 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to
20 any conviction of the person actually arrested for an underlying charge, then the prosecuting
21 attorney, bringing any action on the underlying charge, shall notify the court thereof, and the
22 court shall order the false-identifying factors ascribed to the person actually arrested as are
23 contained in the arrest and court records amended to correctly and accurately identify the
24 defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and
25 court records.

26 3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any
27 conviction of the person actually arrested for an underlying charge, then the prosecuting attorney
28 of the county in which the conviction occurred shall file a motion in the underlying case with the
29 court to correct the arrest and court records after discovery of the fraud upon the court. The court
30 shall order the false identifying factors ascribed to the person actually arrested as are contained
31 in the arrest and court records amended to correctly and accurately identify the defendant and
32 shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

33 4. Any person who is the victim of a false impersonation and whose identity has been
34 falsely reported in arrest or conviction records may move for expungement and correction of said
35 records under the procedures set forth in section 610.123. Upon a showing that a substantial
36 number of identifying factors of the victim was falsely ascribed to the person actually arrested

37 or convicted, the court shall order the false identifying factors ascribed to the person actually
38 arrested as are contained in the arrest and court records amended to correctly and accurately
39 identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and
40 court records.

41 5. False impersonation is a class [B] A misdemeanor unless the person represents himself
42 to be a law enforcement officer in which case false impersonation is a class [A misdemeanor]
43 C felony.

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

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

578.018. 1. Any duly authorized [public health official or] law enforcement official may
2 seek a warrant from the appropriate court to enable him to enter private property in order to
3 inspect, care for, or impound neglected or abused animals. All requests for such warrants shall
4 be accompanied by an affidavit stating the probable cause to believe a violation of sections
5 578.005 to [578.023] **578.025** has occurred. A person acting under the authority of a warrant
6 shall:

7 (1) Be given a disposition hearing before the court through which the warrant was issued,
8 within thirty days of the filing of the request for the purpose of granting immediate disposition
9 of the animals impounded. **No animal shall be sterilized prior to the completion of such
10 disposition hearing unless necessary to save life or relieve suffering;**

11 (2) Place impounded animals in the care or custody of a veterinarian, the appropriate
12 animal control authority, [or] an animal shelter, **or third party approved by the court.** If no
13 appropriate veterinarian, animal control authority, [or] animal shelter, **or third party** is
14 available, the animal shall not be impounded unless it is diseased or disabled beyond recovery
15 for any useful purpose;

16 (3) Humanely kill any animal impounded if it is determined by a licensed veterinarian
17 that the animal is diseased or disabled beyond recovery for any useful purpose;

18 (4) Not be liable for any necessary damage to property while acting under such warrant.

19 2. **(1) The owner of any animal that has been impounded under this section shall
20 not be responsible for the animal's care and keeping prior to a disposition hearing if the
21 court determines that the animal was taken unlawfully.**

22 **(2) After completion of the disposition hearing,** the owner or custodian or any person
23 claiming an interest in any animal that has been impounded because of neglect or abuse may
24 prevent disposition of the animal **after the disposition hearing and until final judgment,**
25 **settlement, or dismissal of the case** by posting **reasonable** bond or security **within 72 hours**
26 **of the disposition hearing** in an amount sufficient to provide for the animal's care and keeping
27 [for at least thirty days, inclusive of the date on which the animal was taken into custody].
28 Notwithstanding the fact that **reasonable** bond may be posted pursuant to this [subsection]
29 **subdivision,** the authority having custody of the animal may humanely dispose of the animal at
30 the end of the time for which **reasonable** expenses are covered by the bond or security, unless
31 there is a court order prohibiting such disposition. Such order shall provide for a **reasonable**
32 bond or other security in the amount necessary to protect the authority having custody of the
33 animal from any cost of the care, keeping or disposal of the animal.

34 **(3)** The authority taking custody of an animal shall give notice of the provisions of this
35 section by posting a copy of this section at the place where the animal was taken into custody or
36 by delivering it to a person residing on the property.

37 3. The owner or custodian of any animal humanely killed pursuant to this section shall
38 not be entitled to recover any damages related to nor the actual value of the animal if the animal
39 was found by a licensed veterinarian to be diseased or disabled **beyond recovery for any useful**
40 **purpose,** or if the owner or custodian failed to post bond or security for the care, keeping and
41 disposition of the animal after being notified of impoundment **and after completion of the**
42 **disposition hearing.**

43 4. All animals impounded under this section shall receive proper care as
44 determined by state law and regulations for each specific animal and facility or
45 organization where the animal is placed after such impoundment. Any such facility or
46 organization shall be liable to the owner for damages for any negligent acts or abuse of
47 such animal which occurs while the animal is in the care, custody, and control of such
48 facility or organization.

49 5. If the owner posted a sufficient bond and is acquitted or there is a final discharge
50 without conviction, unless there is a settlement agreement, consent judgment, or a
51 suspended imposition of sentence, the owner may demand the return of the animal held in
52 custody. Any entity with care, custody, and control of such animal shall immediately
53 return such animal to the owner upon demand and proof of such acquittal or final
54 discharge without conviction. Upon acquittal or final discharge without conviction unless
55 there is a settlement agreement, consent judgment, or a suspended imposition of sentence,

56 the owner shall not be liable for any costs incurred relating to the placement or care of the
57 animal during the pendency of the charges.

58 6. Any person or entity that intentionally euthanizes, other than as permissible
59 under this section, or intentionally sterilizes an animal prior to a disposition hearing or
60 during any period for which reasonable bond was secured for the animal's care is guilty
61 of a class B misdemeanor. Each individual animal for which a violation occurs is a
62 separate offense. Any second or subsequent violation is a class A misdemeanor and any
63 entity licensed under state law shall be subject to licensure sanction by its governing body.

578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state
2 highway patrol or other law enforcement officer may apply for and serve a search warrant, and
3 shall have the power of search and seizure in order to enforce the provisions of sections 578.025
4 to 578.050.

5 2. Any member of the state highway patrol or other law enforcement officer making an
6 arrest under section 578.025 shall lawfully take possession of all dogs or other animals **in**
7 **accordance with the provisions of 578.018** and all paraphernalia, implements, or other property
8 or things used or employed, or about to be employed, in the violation of any of the provisions
9 of section 578.025. Such officer, after taking possession of such dogs, animals, paraphernalia,
10 implements or other property or things, shall file with the court before whom the complaint is
11 made against any person so arrested an affidavit stating therein the name of the person charged
12 in such complaint, a description of the property so taken and the time and place of the taking
13 thereof together with the name of the person from whom the same was taken and the name of
14 the person who claims to own such property, if known, and that the affiant has reason to believe
15 and does believe, stating the ground of such belief, that the property so taken was used or
16 employed, or was about to be used or employed, in such violation of section 578.025. He shall
17 thereupon deliver the property so taken to the court, which shall, by order in writing, place the
18 same in the custody of an officer or other proper person named and designated in such order, to
19 be kept by him until the conviction or final discharge of such person complained against, and
20 shall send a copy of such order without delay to the prosecuting attorney of the county. The
21 officer or person so named and designated in such order shall immediately thereupon assume the
22 custody of such property and shall retain the same, subject to the order of the court before which
23 such person so complained against may be required to appear for trial. **If the property includes**
24 **animals or dogs, the placement of the animals or dogs shall be handled in accordance with**
25 **the provision of 578.018.** Upon the conviction of the person so charged, all property so seized
26 shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise
27 disposed of as the court may order. In the event of the acquittal or final discharge without

28 conviction of the person so charged, such court shall, on demand, direct the delivery of such
29 property so held in custody to the owner thereof.

**Section 1. The governing body of all national, state, and local fairs and expositions
2 conducted in this state which include the exhibition of livestock shall permit all qualifying
3 4-H and Future Farmers of America (FFA) members to exhibit livestock at such fair or
4 exposés. The governing body of each national, state, and local fair or exposition shall have
5 the authority to establish rules and fees for participation in its individual events.**

**Section 2. The governing body of all national, state, and local fairs, expositions, and
2 pet shows conducted in this state which include the exhibition of livestock or domestic
3 animals shall permit all livestock breeders and domestic animal owners to exhibit livestock
4 and domestic animals at such fair, exposition, or pet show. The governing body of each
5 national, state, and local fair, exposition, or pet show shall have the authority to establish
6 rules and fees for participation in its individual events.**

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