

HCS SCS SB 631 -- AGRICULTURE

SPONSOR: Parson (Reiboldt)

COMMITTEE ACTION: Voted "do pass" by the Committee on Agriculture Policy by a vote of 14 to 0.

This substitute designates "Pet Breeders Appreciation Month"; changes the laws regarding animal rights, the tax credit for wood energy producers, the Missouri Qualified Biodiesel Producer Incentive Fund, vocational agriculture programs in private schools, the right to raise livestock, exhibiting livestock, University of Missouri Extension districts, rodeos, grain dealers, agricultural crimes, weight limits for trucks hauling livestock, agricultural products, or milk, and confiscated animals; and establishes the Missouri International Agricultural Exchange website and the Agritourism Promotion Act.

ANIMAL RIGHTS (Section 1.195, RSMo)

The substitute prohibits any state law from providing an animal a right, privilege, or legal status that is equivalent to or exceeds those of a human being.

PET BREEDERS APPRECIATION MONTH (Section 9.180)

The month of December is designated as "Pet Breeders Appreciation Month" 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 our citizen's cherished pets.

TAX CREDIT FOR WOOD ENERGY PRODUCERS (Section 135.305)

The provisions regarding the tax credit for a Missouri wood energy producer are extended from June 30, 2013, to June 30, 2018, and the substitute limits the total amount of all tax credits in any fiscal year to \$4.5 million.

MISSOURI QUALIFIED BIODIESEL PRODUCER INCENTIVE FUND (Section 142.031)

Currently, a producer is eligible to collect from the Missouri Qualified Biodiesel Producer Incentive Fund for 60 months unless it fails to receive the full amount due to a lack of appropriations, in which case it is eligible for up to 24 additional months to collect. The 24-month limitation is removed and allows a producer's eligibility to continue until the full

amount due has been received.

AGRICULTURAL EDUCATION IN PRIVATE SCHOOLS (Section 178.530)

The State Board of Education within the Department of Elementary and Secondary Education is required to develop standards for agricultural vocational education that may be adopted by a private school in order to qualify the school to apply to the state chapter of the Future Farmers of America for the approval of a local chapter. The standards must be equivalent to those for federal vocational education, but the local chapter will not be eligible to receive state or federal vocational education funding and must annually reimburse the department for the cost of oversight and maintenance of the program.

RIGHT TO RAISE LIVESTOCK (Section 262.005)

The substitute specifies that citizens have the right to raise livestock in a manner adhering to state and local laws and ordinances as enacted on August 28, 2012, or at the commencement of operations, whichever is later. The provisions do not limit the authority of the Department of Agriculture or the state veterinarian to carry out the department's statutory and regulatory responsibilities under Chapters 261 to 281, Chapter 350, and Chapters 411 to 414.

EXHIBITION OF LIVESTOCK AT FAIRS AND EXPOSITIONS (Sections 262.255 and 262.257 and Sections 1 and 2)

The Missouri State Fair Commission and the governing bodies of all national, state, and local fairs and expositions that include the exhibition of livestock are required to permit all qualifying 4-H and Future Farmers of America members to exhibit livestock at the fair or exposition.

The substitute also requires the Missouri State Fair Commission and the governing bodies of all national, state, and local fairs; expositions; and pet shows that include the exhibition of livestock or domestic animals to permit livestock breeders and domestic animal owners to exhibit livestock and animals at its fair, exposition, or pet show in Missouri.

The State Fair Commission or the governing body has the authority to establish rules and fees for participation in its individual events.

UNIVERSITY OF MISSOURI EXTENSION DISTRICTS (Section 262.598)

University of Missouri extension councils are authorized to form extension districts made up of cooperating counties for the

purpose of funding extension programming. An extension district can be a single-council district or a consolidated district, which consists of two or more extension councils. A majority vote of each participating council is required to form an extension district.

In a single-council district, the existing University of Missouri extension council will serve as the extension district's governing body. In a consolidated district, the governing board will consist of at least three but no more than five representatives appointed by each participating council. The powers and duties of a district's governing body are specified in the substitute.

The governing body of a district may submit a question to the voters of the district to institute a property tax levy in the district's counties. A property tax levy cannot exceed 30 cents per \$100 of assessed valuation. In a single-county district, the property tax levy will be imposed if a majority of the voters in the county approve it. In a consolidated district, the property tax levy will be imposed if a majority of the voters in each county in the district approve it. If one of the counties in a consolidated district does not approve it, that county's council may withdraw from the district by a majority vote of the council. If the county does not withdraw, the tax cannot be imposed.

A single-council district for which a tax has not been levied may be dissolved in the same manner in which it was formed. A county may withdraw from a consolidated district at any time by filing a petition with the circuit court having jurisdiction over the district signed by a specified number of persons. The court must hear evidence on the petition, and if it determines it is in the best interest of the county inhabitants, it must submit the question to the voters at the next general municipal election. If two-thirds of the voters vote in favor of withdrawing from the district, the court must issue an order withdrawing the county from the district. The withdrawal will not become effective until the following January 1 and the district will remain intact for the purposes of paying all outstanding and lawful obligations and disposing of the district's property.

The governing body of any district may seek voter approval to increase its current tax rate, provided the increase will not cause the total tax to exceed 30 cents per \$100 of assessed valuation. The governing body must submit the question to the voters at the next general municipal election. In a single-council district, if a majority of the voters in the county approve the question, the tax will be imposed. In a consolidated district, a majority of voters in the district is required.

RODEOS (Section 262.750)

The substitute specifies that the right to conduct and participate in rodeos is guaranteed and prohibits any law, ordinance, or rule restricting the conducting of or participating in rodeos in Missouri, except any reasonable restrictions regarding time, place, and manner consistent with other similar events. These provisions cannot supercede local zoning ordinances. Promoters of rodeos have the authority to establish fees and set rules for their specific events.

MISSOURI INTERNATIONAL AGRICULTURAL EXCHANGE WEBSITE (Section 262.975)

The Missouri International Agricultural Exchange website is established which:

- (1) Requires the Department of Agriculture to build and maintain, by contract or otherwise, the Missouri International Agricultural Exchange website with search engine optimization technology. The website is to contain content licensed by the department to promote Missouri agricultural products to international agricultural buyers;
- (2) Allows Missouri-based agricultural sellers to post their products produced in Missouri on the website at no charge to assist in marketing to international buyers. All sellers must register through the website and provide a Missouri address;
- (3) Specifies that the state will own all the content on the website, but the website developer, if contracted, may use the website's content, apply search engine optimization to the website's content to achieve a high search engine ranking, sell advertising on the website to any entity that will benefit from marketing to international agricultural producers or buyers;
- (4) Specifies that if contracted, the developer will be responsible for all costs associated with the development, marketing, and maintenance of the website and will retain all advertising revenues obtained from the website;
- (5) Requires the website developer, if contracted, to have proven experience and expertise in search engine optimization as determined by the department and to provide examples of increased search engine rankings for past clients;
- (6) Requires the Department of Agriculture, in consultation with the Department of Economic Development, to review all applications and award a contract for the development of the website with annual contract renewals; and

(7) Authorizes the Department of Agriculture to terminate a contract at any time without prior notice. Any company that does not operate under department guidelines will have his or her contract terminated and the department must award a new contract in accordance with the procedures for awarding the initial contract.

MISSOURI GRAIN DEALER LAW (Section 276.401)

The definition of "grain dealer" or "dealer" as it applies to the Missouri Grain Dealer Law is modified to exempt a manufacturer or processor of feed whose total grain purchases from producers during his or her fiscal year do not exceed 50,000 bushels and who pays for all grain purchases from producers at the time he or she takes possession of the grain and whose resale of the grain is solely in the form of manufactured or processed feed or feed by-products or whole feed grains to be used by the purchaser as feed. Currently, a manufacturer's total grain purchases cannot exceed \$100,000 in order for him or her not to be considered a grain dealer under these provisions.

AGRICULTURAL CRIMES (Sections 302.286, 537.345, 537.346, 537.351, 569.140, 575.010, 575.120, and 575.124)

The substitute changes the laws regarding agricultural crimes.
The substitute:

(1) Specifies that any person who dispenses or removes any motor fuel from a storage container with a capacity of 10 gallons or more at any residence, farm, or agricultural property without the express permission of the owner will be guilty of the crime of stealing under Section 570.030. This provision cannot prohibit the removal of fuel for nonpayment;

(2) Defines "trespasser" as it applies to agricultural crimes as any person who enters on the property of another without permission and without an invitation, express or implied, regardless of whether actual notice of trespass was given or the land was posted with signs or purple markings in accordance with Sections 569.140 and 569.145;

(3) Specifies that a possessor of real property owes no duty of care to a trespasser, except to refrain from harming the trespasser by an intentional, willful, or wanton act and may use justifiable force to repel a criminal trespasser. A possessor of real property may be subject to liability for physical injury or death to a trespasser in specified situations, including if the trespasser is a child who is harmed by a dangerous artificial condition on the land, the possessor knew or should have known that trespassers consistently intrude upon a limited area of the

land where the trespasser was harmed by a dangerous artificial condition on the land, or the possessor knew of the trespasser's presence on the land and failed to exercise ordinary care as to active operations carried out on the land;

(4) Changes the crime of trespass in the first degree from a class B misdemeanor to a class A misdemeanor;

(5) Changes the crime of false impersonation from a class B misdemeanor to a class A misdemeanor and if impersonating a law enforcement officer from a class A misdemeanor to a class C felony; and

(6) Prohibits any person from attempting by means of any threat or violence to deter or prevent an inspector, agent, or other employee of the Department of Agriculture from performing any duties imposed by law. Any person who violates this provision will be guilty of a class B misdemeanor and any second or subsequent violation will be a class A misdemeanor.

VEHICLES HAULING LIVESTOCK, AGRICULTURAL PRODUCTS, OR MILK (Section 304.180)

Currently, the total gross weight of a vehicle or combination of vehicles hauling livestock on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36 cannot exceed 85,500 pounds. The substitute removes the specified highways and applies this weight limitation to any vehicle hauling livestock or agricultural products except local log trucks on any highway of this state. The weight limits will not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways. Any vehicle hauling more than 80,000 pounds must apply annually for a permit from the Department of Transportation and pay a \$25 fee. Upon renewal, the applicant must submit a list of roads traveled and the number of miles traveled on each road during the year.

The substitute also allows a vehicle weighing 85,500 pounds or less to haul milk from a farm to a processing facility on highways other than the interstate highway system.

AGRITOURISM PROMOTION ACT (Sections 537.850, 537.856, and 537.859)

The Agritourism Promotion Act is established which allows for the registration of any person who is engaged in a business which provides agritourism activities in Missouri. The substitute:

(1) Defines "agritourism activity" as any activity which allows the general public for recreational, entertainment, or

educational purposes to view or enjoy rural activities including, but not limited to, farming and ranching activities or historic, cultural, or natural attractions;

(2) Defines "inherent risks of a registered agritourism activity" as dangers or conditions which are an integral part of an agritourism activity including the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others;

(3) Allows any person who is engaged in a business providing an agritourism activity to register with the Director of the Department of Agriculture as an AgriMissouri member;

(4) Requires every registered agritourism operator to post and maintain signage at the agritourism location which contains a specified warning notice that there is no liability for certain injuries or the death of a participant in a registered agritourism activity;

(5) Specifies that a registered agritourism operator is not liable for an injury to or the death of a participant resulting from the inherent risks of agritourism activities if the warning is posted as required unless the injury to the participant was by the operator's willful or wanton conduct, the operator had actual knowledge or should have known of a dangerous condition and does not make such dangerous condition known to a participant and the dangerous condition injures the participant or the operator fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; and

(6) Specifies that the operator has an affirmative defense to liability if the injured person deliberately disregarded conspicuously posted signs, verbal instructions, or other warnings regarding safety measures during the activity or if any equipment, animals, or appliances used by the injured person during the activity were used in a manner or for a purpose other than that for which a reasonable person should have known they were intended.

CONFISCATED ANIMALS (Sections 578.018 and 578.030)

The substitute changes the laws regarding the confiscation of animals. The substitute:

(1) Removes a public health official from the individuals authorized to seek a warrant to enter property to inspect, care for, or impound neglected or abused animals;

(2) Includes dogs confiscated for multiple biting incidents or involved in dog fighting to those animals covered under these provisions;

(3) Specifies that no animal may be sterilized before the completion of the disposition hearing unless it is necessary to save life or relieve suffering;

(4) Includes a third party approved by the court to the authorized people who can care for impounded animals;

(5) Specifies that the owner of any impounded animal cannot be responsible for the animal's care and keeping prior to a disposition hearing if the court determines that the animal was taken unlawfully;

(6) Requires a reasonable bond or security to be posted within 72 hours for the care of the animals after the completion of the disposition hearing and until a final judgement, settlement, or dismissal of the case if the court decides that the animals were lawfully taken and the owner would like to prevent disposition of the animals while the case proceeds;

(7) Specifies that all animals impounded must receive proper care as determined by state law and regulations. Any facility or organization will be liable to the owner for damages for any negligent acts or abuse of the animal while in its custody;

(8) Allows an owner who posted a sufficient bond to demand the return of the animals if he or she is acquitted or there is a final discharge without a conviction unless there is a settlement agreement, consent judgment, or suspended imposition of sentence, and any organization or individual with custody of the animals must immediately return them to the owner. The animal owner is not liable for any costs incurred relating to the placement and care of the animals while the charges were pending;

(9) Specifies that any person or entity that intentionally euthanizes, other than as permissible under the provisions of the substitute, or intentionally sterilizes an animal prior to a disposition hearing or during any period for which a reasonable bond was secured for the animal's care will be guilty of a class B misdemeanor. Each individual animal for which a violation occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor and any entity licensed under state law will be subject to licensure sanction by its governing body; and

(10) Requires that any animals seized by the Missouri State Highway Patrol to be handled in accordance with the requirements of Section 578.018.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of a cost of Unknown less than \$100,000 in FY 2013, an income of \$0 to a cost of \$4,500,000 in FY 2014, and an income of \$0 to a cost of \$4,500,000 in FY 2015. Estimated Net Cost on Other State Funds of Unknown greater than \$100,000 in FY 2013, FY 2014, and FY 2015.

PROPONENTS: Supporters say that in the past 13 years, the price per bushel of grain has almost tripled. The bill allows a manufacturer or processor to purchase the same amount of grain as in the past and remain exempt from having to obtain a grain dealer's license.

Testifying for the bill was Representative Loehner for Senator Parson.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that the bill makes sense because of the increase in grain prices. This would not otherwise change the way the department regulates grain dealers.

Testifying on the bill was Department of Agriculture.