

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0830-06  
Bill No.: HCS No. 2 for SCS for SB 162  
Subject: Agriculture and Animals; Agriculture Dept.; Bonds-Surety;  
Type: Original  
Date: May 4, 2011

---

Bill Summary: Creates the Farm-to-Table Advisory Board.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
General Revenue	(Unknown more than \$100,000)	(Unknown more than \$100,000)	(Unknown more than \$100,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown more than \$100,000)</b>	<b>(Unknown more than \$100,000)</b>	<b>(Unknown more than \$100,000)</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 18 pages.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Conservation Commission	(Unknown)	(Unknown)	(Unknown)
Parks, Soil and Water	(Unknown)	(Unknown)	(Unknown)
School District Trust	(Unknown)	(Unknown)	(Unknown)
Livestock Brands Fund	Unknown	Unknown	Unknown
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Unknown to (Unknown)</b>	<b>Unknown to (Unknown)</b>	<b>(Unknown to (Unknown))</b>

\*Revenues and Expenditures net to zero

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Local Government</b>	<b>(Unknown more than \$100,000)</b>	<b>(Unknown more than \$100,000)</b>	<b>(Unknown more than \$100,000)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### Sections 144.010, 144.020, 144.030, 144.070 - Sales Tax Exemption for Captive Wildlife

In response to the previous version of this proposal, officials at the **Department of Revenue (DOR)** assumed the sales tax exemption for captive wildlife and accessories and upgrades to farm machinery will reduce total state revenue.

Officials from the **Office of Administration, Division of Budget and Planning (BAP)** assume this proposal would not result in additional costs or savings to their organization.

BAP officials assumes this proposal would create a sales tax exemption for sales of captive wildlife and feed products for captive wildlife. This proposal would reduce general and total state revenues, and local revenues by an unknown amount.

In response to the previous version of this proposal, officials from the **Department of Conservation (MDC)** assumed this proposal would have an unknown negative fiscal impact on their organization. MDC officials deferred to the Department of Revenue for an estimate of the revenue reduction related to this proposal.

In response to the previous version of this proposal, officials from the **Department of Elementary and Secondary Education** deferred to the Department of Revenue for an estimate of the fiscal impact for this proposal.

In response to the previous version of this proposal, officials from the **Department of Natural Resources (DNR)** assumed this proposal would create a state and local sales tax exemption on the amount paid for non-domestic game birds sold for hunting. This proposal would create a sales tax exemption for the purchase of feed for captive wildlife and for sales of captive wildlife. Adding exemptions from sales tax would have a negative effect on total state revenue.

DNR stated, additional sales tax exemptions would decrease the amount of funding available in the Parks & Soils Sales Tax Funds. These funds have been used for the acquisition and development, maintenance and operation of state parks and historic sites and to assist agricultural landowners through voluntary programs.

ASSUMPTION (Continued)

In response to the previous version of this proposal, officials from **St. Louis County** assumed that this proposal would reduce their revenues, and assume the loss would not be great but they could not define their sales tax revenue to this level of detail.

In response to the previous version of this proposal, officials from the **City of Raytown** stated that there is no fiscal impact from this proposal that they could easily identify at this time.

In response to the previous version of this proposal, officials from the **City of Richmond** responded to our request for information but did not provide an estimate of fiscal impact.

In response to the previous version of this proposal, officials from the **Parkway School District** assumed the impact is unknown, however any reduction in sales taxes as a result of additional exemptions will reduce revenues available to fund public education in Missouri and all school districts could be affected. to some degree.

**Oversight** has no information on the annual sales of captive wildlife or feed for captive wildlife; however, Oversight notes that sales in excess of \$3.333 million would be required to produce \$100,000 in sales and use taxes for the General Revenue Fund. Oversight will indicate an unknown reduction of revenues for the state General Revenue Fund and for those other state funds which receive sales tax revenues, and an unknown revenue reduction for local governments.

Section 144.030 - Sales Tax Exemptions for Certain Farm Equipment

Officials from the **Office of Administration, Division of Budget and Planning (BAP)** assumes this proposal would not result in additional costs or savings to their organization.

BAP officials stated that this proposal would create sales tax exemptions for any freight charges on any exempt item, any costs for fabrication labor in conjunction with the sale of tangible personal property, any accessories for and upgrades to certain farm machinery and equipment, and for rotary mowers used exclusively for agricultural purposes. This proposal would reduce General and Total State Revenues, including education revenues, and local revenues. BAP does not have the necessary data to provide an estimate.

ASSUMPTION (Continued)

In response to the previous version of this proposal, officials from the **Department of Conservation (MDC)** assumed that this proposal would have an unknown negative fiscal impact, but greater than \$100,000 to their organization, due to the loss of Conservation Sales Tax revenues.

In response to the previous version of this proposal, officials from the **State Tax Commission** assumed this proposal would have no fiscal impact on their organization.

In response to the previous version of this proposal, officials from the **Department of Natural Resources (DNR)** assumed this proposal would authorize state and local sales and use tax exemptions for the sale of any accessories and upgrades to farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, freight charges on exempt items, and any costs for fabrication labor in conjunction with the sale of an item.

DNR officials stated that their Parks and Soils Sales Tax Funds are derived from one-tenth of one percent sales and use tax pursuant to the Missouri Constitution. Therefore, any additional sales and use tax exemption would be a loss to the Parks and Soils Sales Tax Funds.

In response to the previous version of this proposal, officials from the **Department of Revenue (DOR)** assumed this proposal would add sales and use tax exemptions for:

- \* any freight charges on any exempt item, and any costs for fabrication labor in conjunction with the sale of tangible personal property, and
- \* any accessories for and upgrades to farm machinery and equipment, rotary mowers used exclusively for agricultural purposes.

DOR officials stated that in FY 2010, total state and local sales tax revenue was approximately \$4.9 billion dollars; the state portion of those collections was approximately \$2.5 billion. DOR estimates that labor as a percentage of sales price could average 4 percent. If fabrication labor is excluded from the sales and use tax base, it could result in a negative impact on Total State Revenue of approximately \$100 million and a negative impact on the General Revenue Fund of approximately \$70 million. The impact related to the other exemptions proposed in this legislation would be minimal.

DOR states, this legislation will reduce state revenues.

ASSUMPTION (Continued)

In response to the previous version of this proposal, officials from **St. Louis County** assumed this proposal would have no fiscal impact on their organization.

In response to the previous version of this proposal, officials from the **Parkway School District** assumed the impact is unknown, however any reduction in sales taxes as a result of additional exemptions will reduce revenues available to fund public education in Missouri and all school districts could be affected. to some degree.

In response to the previous version of this proposal, officials from the **City of Kansas City** assumed this proposal would have a negative fiscal impact on their organization in an indeterminate amount.

**Oversight** is not able to determine the revenue reduction which would result from this proposal and will indicate a revenue reduction greater than \$100,000 for the General Revenue Fund and for local governments and an unknown revenue reduction for other state funds which receive sales and use tax revenues.

Section 262.950 - Farm-to-Table Advisory Board

In response to a previous version of this proposal, officials at the **Department of Agriculture (AGR)** stated the fiscal impact on AGR is unknown. The amount of administrative assistance that may be required by this proposed legislation for the Farm-to-Table Advisory Board cannot be determined.

In response to a previous version of this proposal, Officials at the **Department of Elementary and Secondary Education (DESE)** assumed this proposal would create an advisory board, one member of which shall be a representative from DESE. The department will likely incur minimal administrative expenses related to service on this board.

Officials at the **Office of Administration Division of Budget and Planning (BAP)** estimate the proposed legislation should not result in additional costs or savings to BAP. There could be costs associated with travel for the Office of Administration committee member to attend meetings, although these costs should be minimal.

BAP stated the legislation does outline that costs related to this proposal could be reimbursed, but doesn't specify which agency would be responsible for reimbursement.

ASSUMPTION (Continued)

In response to a previous version of this proposal, **Department of Economic Development (DED)** assumed the proposed bill creates the Farm-to-Table Advisory Board under the administration of the Department of Agriculture. DED has a representative on the board and anticipates the need for \$4,000 associated with travel to board meetings and public meetings throughout the year.

**Oversight** assumes that any administrative costs related to this proposal for the departments could be absorbed with existing appropriation.

**Oversight** assumes each department would be responsible for its own reimbursement costs related to the Farm-to-Table Advisory Board.

In response to the previous version of this proposal, Officials at the **Department of Corrections, University of Missouri, Department of Health and Senior Services, Office of Administration, and Department of Mental Health** assumed there is no fiscal impact from this proposed legislation.

Sections 263.190, 263.200, 263.220, 263.240 - Noxious Weeds

In response to the previous version of this proposal, officials at the **Department of Natural Resources (DNR)** assumed the proposed legislation seeks to define noxious weed as those designated by rule by the Department of Agriculture.

DNR stated, this proposal would allow the adjoining or aggrieved entities to take civil action against a landowner for not controlling the spread of any designated noxious weed.

DNR stated, the **Division of State Parks (DSP)** operates 85 parks and historic sites in Missouri. Management of the parks includes controlling noxious weeds. This proposal appears to be trying to bring consistency to the rules governing the control of noxious weeks. This proposal may require additional operating costs for some of our parks if DSP was required to engage in more multiflora or thistle weed control.

DNR assumed, this proposal could impact DSP if we need to engage in more multiflora or thistle control. However, DSP would anticipate any additional costs to be minimal.

ASSUMPTION (Continued)

In response to the previous version of this proposal, officials at the **Office of Administration - Division of Facilities Maintenance, Design and Construction** assumed it is impossible to estimate the fines associated with noxious weeds left unattended on state owned property, therefore we have estimated the possible cost as zero to a possible excess of \$100,000.

In response to the previous version of this proposal, officials at the **Department of Conservation** assumed the fiscal impact is unknown as costs are dependent upon the cost of chemicals and labor needed to control problem plants and species added to the noxious plant list.

In response to the previous version of this proposal, officials at **Northwest Missouri State University** estimated this proposal would result in \$2,000 in additional chemical costs annually to the university.

In response to the previous version of this proposal, officials at the **City of Kansas City** stated, that the provisions on sales tax exemptions and noxious weeds in this legislation could have a negative fiscal impact on the city in an indeterminate amount.

In response to the previous version of this proposal, officials at the **Department of Elementary and Secondary Education** state the impact from this proposal is unknown.

In response to the previous version of this proposal, officials at the **Linn State Technical College** stated the impact from this proposal is unknown.

**Oversight** assumes any fiscal impact associated with this proposal for state agencies and local political subdivisions would be minimal and could be absorbed by the state agency or local political subdivision with existing resources.

In response to the previous version of this proposal, officials at the **Department of Agriculture, Department of Transportation, Parkway School District, and Department of Elementary and Secondary Education, Office of State Courts Administrator, State Public Defender's Office, City of Raytown, St. Louis County Government, University of Central Missouri, Missouri Western State University, Metropolitan Community College, Missouri State University, Lincoln University, and Missouri Southern State University** assumed there was no fiscal impact from this proposed legislation.

ASSUMPTION (Continued)

Section 268.121 - Livestock Brand Book

In response to the previous version of this proposal, officials at the **Department of Agriculture (AGR)** assumed this proposal removes the requirement that the Department print a livestock brands book and instead requires the list to be available on the internet.

AGR stated, there will be costs associated with making the brand book available on-line and the on-going maintenance and updating of the on-line brand book. However, those costs are not expected to exceed the printing and postage savings associated with this legislation.

AGR stated, the Division of Animal Health has an E&E appropriation to pay printing and postage expenses of the Livestock Brands book from the Livestock Brands Fund.

AGR stated, the department would save the printing and postage costs of the livestock brands book (printed once every 5 years) and the yearly supplements (in years when a new brand book isn't printed).

AGR stated, the livestock brands book is printed once every 5 years. It was last printed in FY10 at a cost of \$8,705. Associated postage costs were \$1,876 in FY10, bringing total costs for printing and postage to \$10,581.

AGR stated, a new livestock brands book will not be printed until FY15. However, an annual supplement to the brands book is printed each year at a cost of approximately 5 percent of the new book. Therefore, only the costs of the supplement ( $\$10,581 \times 5\% = \$529$ ) will be saved in FY11 through FY14. In FY15 total costs of approximately \$11,000 would be avoided as a result of this legislation.

AGR assumed there will be IT costs associated with moving the document to the internet along with on-going maintenance and update expenses. The exact dollar amount of those costs is unknown but for purposes of this fiscal note they are assumed to not exceed annual savings from not printing the supplement.

AGR stated, livestock brand registration fees and brand book sales revenues are deposited into the Livestock Brands Fund. Those fee revenues are used to pay for the printing and postage costs of this program. Although there will be a reduction in fee revenues due to the on-line availability of the brand book, the Department expects cost savings to offset most if not all of the revenue reductions.

ASSUMPTION (Continued)

**Oversight** assumes, as a result of this proposal, the Department of Agriculture would experience an unknown savings to the Livestock Brands Fund, related to the Livestock Brands Book and annual supplemental's availability online.

**Oversight** assumes the majority of the savings related to this proposal will be experienced outside of the fiscal note period in FY15, and every five years thereafter. However, an unknown savings to the Livestock Brands Fund, related to the cost of printing and mailing the annual supplemental, would occur within the fiscal note period.

Sections 275.360 and 276.401 - Refund of Fees and "Missouri Grain Dealer Law"

In response to the previous version of this proposal, officials at the **Department of Agriculture** stated section 275.360 relates to the Commodity Council Merchandising fees and refunds. Commodity merchandising councils are authorized to contract with the Department of Agriculture to collect commodity merchandising program fees (i.e. checkoffs) under Section 275.350. All fees collected by the Department, other than for administrative costs, shall not be considered state funds (275.350.5(1)). Therefore the addition of rice to 275.360 does not have any impact on state funds.

In response to the previous version of this proposal, officials at the **Department of Agriculture (AGR)** stated section 276.401 relates to Grain Dealer Law. The change is being made from \$100,000 DOLLARS to 50,000 BUSHEL, which changes both the quantity and the units. The effect is to increase the dollar amount of grain a person can buy for his own feeding purposes and still be exempt from obtaining a grain dealer license. The change is needed to account for modern grain prices, which are much higher (about 3 times) than they were when the law was originally written. AGR assumes there is no fiscal impact from this proposed legislation.

**Oversight** assumes there is no fiscal impact related to the refund of fees and Missouri grain dealers.

Sections 276.421, 276.436, 276.441, 411.280 - Grain Dealers and Grain Warehouses

In response to the previous version of this proposal, officials at the **Department of Agriculture** assumed there is no fiscal impact related to this section.

**Oversight** assumes there is no fiscal impact from this proposed legislation on state or local government funds.

ASSUMPTION (Continued)

Bill as a Whole

In response to the previous version of this proposal, officials at the **Department of Revenue** stated, due to budget constraints, reduction of staff and the limitations within the department's tax systems, changes from this proposal cannot be made without significant impact to the department's resources and budget. Therefore, the IT portion of the fiscal impact is estimated with a level of effort valued at \$17,808. The value of the level of effort is calculated on 672 FTE hours.

**Oversight** assumes that ITSD-DOR is provided with core funding to handle a certain amount of activity each year, and that ITSD-DOR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, ITSD-DOR could request funding through the appropriation process.

In response to the previous version of this proposal, officials from the **Office of the Secretary of State (SOS)** assumed many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the Secretary of State's Office for Administrative Rules is less than \$2,500.

The SOS recognized that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

ASSUMPTION (Continued)

In response to the previous version of this proposal, officials at the **Department of Economic Development Division of Tourism, Department of Transportation, State Treasurer’s Office,** and **University of Missouri** assumed there is no fiscal impact from this proposed legislation.

**Oversight** assumes that the overall impact of this proposal will have an unknown negative impact on state and local revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
<b>GENERAL REVENUE FUND</b>			
<u>Revenue Reduction</u> - sales tax exemptions - farm equipment (144.030)	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>Revenue Reduction</u> - sales tax exemptions - captive wildlife (144.010 - 144.525)	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT OF GENERAL REVENUE FUND</b>	<b><u>(Unknown more than \$100,000)</u></b>	<b><u>(Unknown more than \$100,000)</u></b>	<b><u>(Unknown more than \$100,000)</u></b>
<b>CONSERVATION COMMISSION FUND</b>			
<u>Revenue Reduction</u> - sales tax exemptions - farm equipment (144.030)	(Unknown)	(Unknown)	(Unknown)
<u>Revenue Reduction</u> - sales tax exemptions - captive wildlife (144.010 - 144.525)	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON CONSERVATION COMMISSION FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>

**PARKS, SOIL, AND WATER FUND**

<u>Revenue Reduction</u> - sales tax exemptions - farm equipment (144.030)	(Unknown)	(Unknown)	(Unknown)
--	-----------	-----------	-----------

<u>Revenue Reduction</u> - sales tax exemptions - captive wildlife (144.010 - 144.525)	(Unknown)	(Unknown)	(Unknown)
--	-----------	-----------	-----------

<b>ESTIMATED NET EFFECT ON PARKS, SOIL, AND WATER FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
--	-------------------------	-------------------------	-------------------------

**SCHOOL DISTRICT TRUST FUND**

<u>Revenue Reduction</u> - sales tax exemptions - farm equipment (144.030)	(Unknown)	(Unknown)	(Unknown)
--	-----------	-----------	-----------

<u>Revenue Reduction</u> - sales tax exemptions - captive wildlife (144.010 - 144.525)	(Unknown)	(Unknown)	(Unknown)
--	-----------	-----------	-----------

<b>ESTIMATED NET EFFECT ON SCHOOL DISTRICT TRUST FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
---	-------------------------	-------------------------	-------------------------

**LIVESTOCK BRANDS FUND**

<u>Revenue</u> - Paper Copy Livestock Brands Books Sold (268.121)	Unknown	Unknown	Unknown
---	---------	---------	---------

<u>Savings</u> - Free Printed Livestock Brands Books Available on Internet (268.121)	Unknown	Unknown	Unknown
--	---------	---------	---------

<u>Cost</u> - Website Maintenance and Updates (268.121)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
---	------------------	------------------	------------------

<b>ESTIMATED NET EFFECT ON LIVESTOCK BRANDS FUND</b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>
--	-----------------------	-----------------------	-----------------------

<u>FISCAL IMPACT - Local Government</u>	<u>FY 2012</u> <u>(10 Mo.)</u>	<u>FY 2013</u>	<u>FY 2014</u>
<b>LOCAL GOVERNMENTS</b>			
<u>Revenue Reduction</u> - sales tax exemptions (144.030)	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>Revenue Reduction</u> - sales tax exemptions (144.010 - 144.525)	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS</b>	<b><u>(Unknown more than \$100,000)</u></b>	<b><u>(Unknown more than \$100,000)</u></b>	<b><u>(Unknown more than \$100,000)</u></b>

FISCAL IMPACT - Small Business

Direct fiscal impact to small agricultural businesses and farms would be expected as a result of this proposal.

FISCAL DESCRIPTION

Sections 144.010, 144.020, 144.030, 144.070 - Sales Tax Exemption for Captive Wildlife -

This act creates state and local sales and use tax exemptions for sales of captive wildlife and all sales of feed for captive wildlife including liming and fertilizing crops which when harvested will be fed to captive wildlife that will be sold ultimately in processed form at retail. The act also repeals two incorrect inter-sectional references contained in Chapter 144.

Section 144.030 - Sales Tax Exemptions for Certain Farm Equipment - This bill exempts from state and local sales and use taxes the sale of any accessories and upgrades to farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, freight charges on exempt items, and any costs for fabrication labor in conjunction with the sale of an item.

Section 268.121 - Livestock Brand Book - Currently, the Director of the Department of Agriculture must publish a list of all livestock brands in a book form and send a copy of the book and any supplement to the county recorder of deeds in each county and to each licensed livestock market and slaughter plant in the state. This bill removes this requirement and instead requires

FISCAL DESCRIPTION (Continued)

the department director to create a list and make it available on a publicly accessible web site. The list must be updated from time to time.

(3) Allows any person who is engaged in a business providing an agritourism activity to register with the Director of the Department of Agriculture. The registration must contain a description of the agritourism activity he or she conducts or intends to conduct and the location where the activity will be conducted;

(4) Specifies that the registration is for a period of two years and a fee of up to \$100 may be imposed on an applicant to cover the actual administrative costs associated with registration and the placement and maintenance of directional signage;

(5) Requires the department to maintain and make available to the public a list of all registered agritourism operators, the registered agritourism activities conducted by each operator, and the registered agritourism location;

(6) Requires the department to promote and publicize registered agritourism operators, activities, and locations by promoting and encouraging tourism;

(7) 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;

(8) Specifies that any participant is assuming certain inherent risks when participating in an agritourism activity;

(9) 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 willful or wanton conduct or the

operator failed to make a dangerous condition known to a participant and the condition resulted in an injury;

(10) 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

FISCAL DESCRIPTION (Continued)

which a reasonable person should have known they were intended; and

(11) Creates the Agritourism Fee Fund consisting of registration fees and moneys appropriated to the fund to be used solely for the placement and maintenance of directional signage and the administration of the provisions of the bill.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Secretary of State  
Office of the State Treasurer  
Office of Administration  
    Division of Budget and Planning  
Office of Administration  
    Division of Facilities Maintenance, Design and Construction  
Department of Agriculture  
Department of Revenue  
University of Missouri  
Department of Economic Development  
    Division of Tourism  
Department of Transportation  
Department of Natural Resources  
    Division of State Parks  
Department of Conservation  
Department of Corrections  
Department of Health and Senior Services  
Department of Elementary and Secondary Education  
State Tax Commission  
St. Louis County Government  
University of Central Missouri  
Missouri Southern State University  
Parkway School District  
Missouri Western State University  
Linn State Technical College

SOURCES OF INFORMATION (Continued)

City of Raytown  
Lincoln University  
Metropolitan Community College  
Missouri State University  
Northwest Missouri State University  
Office of State Courts Administrator  
State Public Defender's Office  
City of Kansas City  
City of Richmond



Mickey Wilson, CPA  
Director  
May 4, 2011