

FIRST REGULAR SESSION

# SENATE BILL NO. 9

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0359S.011

## AN ACT

To amend chapter 262, RSMo, by adding thereto eight new sections relating to agriculture.

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

Section A. Chapter 262, RSMo, is amended by adding thereto eight new sections, to be known as sections 262.750, 262.753, 262.756, 262.759, 262.762, 1, 2 and 3, to read as follows:

**262.750. The "Missouri Agricultural Advocate's Office" is hereby created as a type II entity, as defined in the Reorganization Act of 1974, within the Missouri department of agriculture. It shall be the purpose of the Missouri agricultural advocates office to assist Missouri's family farmers and agriculture economy throughout the state in their efforts to protect, sustain, expand and promote Missouri agriculture economy and way of life with priority given to family farms and family farm corporations as defined in section 350.010, RSMo. Such assistance may include:**

**(1) To review and challenge, when and where appropriate, federal and state regulatory agencies' rules, regulations and policies which may have an impact on Missouri agriculture;**

**(2) To review, keep the commission and the public informed about state and federal legislation, and to act as an advocate and liaison in the state and federal legislative processes for Missouri agriculture;**

**(3) To review and challenge, when appropriate, ordinances, orders and policies of political subdivisions which may have an impact on Missouri agriculture;**

**(4) To act as a liaison and information source in coordination with the department of agriculture for Missouri agriculture among all levels of government and the general public;**

**(5) To enter and defend original actions at the federal and state level, act as an**

interpleader, file amicus curia briefs, and other such actions deemed necessary by the council to protect Missouri's agricultural interests. When the council determines that it is necessary to contest original actions at the federal or state level, the Missouri agricultural advocate's office shall adhere to the following procedure:

- (a) Attempt to resolve the action or dispute through informal negotiations;
- (b) Utilize informal or formal dispute resolution procedures;
- (c) Exhaust administrative remedies including testifying before the joint committee on administrative rules;
- (d) If the above procedures fail, enter actions in the appropriate court; and
- (e) Determine that the actions are appropriate pursuant to subdivisions (1) and (2) of this section and to the purposes of the office.

The Missouri agricultural advocate's office may defend all actions as defined in this section. The council shall have discretion to represent or refrain from representing the agricultural interest in any proceeding. The council shall consider, in exercising its discretion, the importance and the extent of the agricultural interest involved and whether that interest would be adequately represented without the action of its office; and

- (6) Assist in any other legitimate purpose deemed necessary by the council, to protect, sustain and expand Missouri's agricultural economy.

**262.753.** There shall be an executive director of the Missouri agriculture advocate's office, within the limits of the appropriations and other funding sources, to carry out the mission and purpose of the office. At least one of the staff shall be an attorney licensed to practice in Missouri and other jurisdictions deemed necessary by the council. The executive director and staff will be employed solely for the purpose of providing advocacy for Missouri's family farmers, agricultural economy and for other legitimate purposes deemed necessary by the council in order to provide the assistance set forth in section 262.750.

**262.756. 1.** The Missouri agriculture advocate's council is created to be composed of a president, vice-president, secretary and immediate past president and the director of the department of agriculture or his or her designee. In addition, the director of the department of agriculture shall submit the names of three independent producers with experience in each of the following areas of expertise to the governor who, with the advice and consent of the senate, shall appoint one person to the council to represent each area of expertise at least one livestock representative shall operate a class II or larger concentrated animal feeding operation as defined in section 640.073, RSMo:

- (1) Family farming in cattle;
- (2) Family farming in poultry;

- (3) Family farming in pork;**
- (4) Family farming in the equine industry;**
- (5) Family farming in soybean;**
- (6) Family farming in corn;**
- (7) Family farming in dairy;**
- (8) Family farming in the forestry industry;**
- (9) Family farming using organic or sustainable agriculture;**
- (10) Family farming in the aquaculture industry;**
- (11) Family farming in cotton;**
- (12) The production of wine; and**
- (13) Family farming in rice.**

**2. The initial terms of appointment shall be as follows: two members shall be appointed for terms of two years, three members shall be appointed to terms of three years, and six members shall be appointed for terms of six years. After the expiration of the initial members' terms, all appointments shall be for a term of six years, except that any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of such term. Not more than one-half of the commission members may be from the same political party.**

**262.759. 1. The council shall establish its own procedures and requirements with respect to quorum, place and conduct of its meetings and other matters. The council shall meet at least four times each year and shall hold meetings when called by the president, or, in the absence of the president, by the vice-president, or upon the request of the director of the department of agriculture, or upon the written request of five members of the council. The members of the council shall serve without compensation but shall be entitled to their actual expenses incurred in attending meetings and in the performance of their duties.**

**2. The council shall elect the officers by majority vote of the council and appoint the executive director of the Missouri agriculture advocate's office, fix the conditions of his or her employment and tenure in office, in accordance with the laws of the state of Missouri, and shall be responsible for the efficient discharge of his or her duties. The executive director, with the advice and consent of the council, shall employ the persons needed to carry out the duties of the office and shall fix their compensation within the total sum of money available from appropriations, and from all other available sources including but not limited to federal, state, local and private grants, gifts, contributions and fees.**

**262.762. 1. There is hereby established in the state treasury the "Missouri Agricultural Advocate's Office Fund".**

**2. Any moneys received from sources other than appropriation by the general assembly, including from private sources, gifts, donations and grants, shall be credited to the Missouri agricultural advocate's office fund and shall be appropriated by the general assembly.**

**3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the Missouri agricultural advocate's office fund shall not be transferred and placed to the credit of the general revenue fund.**

**Section 1. 1. Sections 1 to 3 of this act shall be known and may be cited as the "Farmland Protection Act".**

**2. The purpose of the farmland protection act shall be to:**

**(1) Protect agricultural, horticultural and forestry land;**  
**(2) Promote the continued economic viability of agriculture, horticulture and forestry as a business;**

**(3) Promote the continued economic viability of those businesses dependent on providing materials, equipment and services to agriculture, horticulture or forestry; and**

**(4) Promote quality of life in the agriculture community.**

**Section 2. 1. The state or any political subdivision shall hold water and sewer assessments in abeyance, without interest, until improvements on such property are connected to the water or sewer system for which the assessment was made.**

**2. This section shall only apply to tracts of real property and to property owners who, in writing, permit the state or political subdivision, not including rural water districts, to traverse their property by easement and understand that the improvements located within said easement shall be deemed a taking of property without compensation. The tracts of real property shall:**

**(1) Be comprised of ten or more contiguous acres; and**  
**(2) Be used as agricultural property; and**  
**(3) Not be in a platted subdivision.**

**3. At the time improvements on such property are connected to either the water or sewer system, the owner shall pay to the political subdivision an amount equal to the proportionate charge for the number of system lines connected to improvements on such property.**

**4. The owner shall not be charged an assessment based on the total cost of running the water main or sewer line to or across the owner's real property. Rather, the assessment shall be based on:**

**(1) A reasonable hookup charge; and**  
**(2) A proportionate charge for the number of improvements requested to be**

connected to such water main or sewer line in relation to the total capacity of the system; and

(3) The anticipated proportionate burden to the system.

5. The period of abeyance shall end when the owner exercises the option to connect to the improvements for which the assessment was made.

6. When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution, so long as said terms are not inconsistent with sections 1 to 3 of this act. To the extent that such terms are inconsistent, the provisions of sections 1 to 3 of this act shall control.

7. Statutes of limitations are tolled during the time that any assessment is held in abeyance without interest.

8. The political subdivision responsible for assessments shall notify the owner of the amount proposed to be charged and the terms of payment for each improvement requested to be connected to said assessment. The notice shall:

(1) Be provided in writing to the owner at the address provided by the owner as the address for receiving receipt of notice;

(2) Be sent by certified mail, return receipt requested within forty-five days of receipt of the request for hookup from the owner;

(3) State in the body of the letter as follows: "As owner of the property proposed to be assessed, you have thirty days from the date of receipt of this notice to accept, in writing, the amount of the assessment stated herein or to appeal the amount to the circuit court of the county where the real property is located."

9. If the owner disputes the amount of assessment when the period of abeyance ends, the owner may appeal the amount of the assessment to the circuit court of the county in which the application was filed within thirty days of the receipt of the notice.

10. Nothing in this section is intended to diminish the authority of counties to hold assessments in abeyance.

**Section 3. Property subject to the farmland protection act may not be taken in whole or in part by any political subdivision of this state by eminent domain except after a public hearing pursuant to chapter 610, RSMo.**