

FIRST REGULAR SESSION

SENATE BILL NO. 368

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHILDERS,

Read 1st time January 25, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1521S.011

AN ACT

To repeal sections 254.020 and 254.040, RSMo 2000, relating to forestry, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 254.020 and 254.040, RSMo 2000, are repealed and three new sections enacted in lieu thereof, to be known as sections 254.020, 254.040 and 254.225, to read as follows:

254.020. As used in this chapter, the following words [shall have the following meanings] **mean:**

(1) [The word "commission" shall mean] **"Best management practices", forest management practices, as defined by the commission, that ensure protection of water quality;**

(2) **"Commission"**, the conservation commission of Missouri upon which[, by the terms hereof impressed,] are vested the responsibilities for the administration [hereof in conformity] **of this chapter in conformance** with sections 40 to 46 of article IV of the Constitution of Missouri; and the words "rules and regulations" shall mean those made by the commission pursuant thereto;

[(2)] **(3)** "Conservation commission fund" [as used in this chapter, shall mean], only the moneys arising from the additional sales and use taxes provided for in section 43(a) of article IV of the Constitution of Missouri;

[(3)] **(4)** "Forest croplands" [shall mean], those lands devoted exclusively to growing wood and timber, except for such other uses as shall be approved by the commission by regulations and which are tendered to the commission by any person and accepted and classified by the commission as such; and the commission shall prescribe the terms and conditions of such tender, acceptance and

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

classification;

[(4) The word "person" shall mean] (5) **"Person"**, any individual, male or female, singular or plural, of whatever age[, and this term]. **The term person** shall include and refer to any owner, grantee, lessee, licensee, permittee, firm, association, copartnership, corporation, municipality or county, as the context may require;

(6) **"Precommercial forestry activities", proper forest management activities, as defined by the commission, that do not generate an immediate profit for the landowner;**

(7) **"Soil and water district", the state soil and water district commission of the state of Missouri as established in section 278.080;**

(8) **"Soil and water district fund", only the moneys arising from the additional sales and use taxes provided for in section 47(a) of article IV of the constitution of Missouri;**

[(5) The title "state forester" shall mean] (9) **"State forester"**, the administrative head of the state forestry program;

(10) **"Sustainable forestry principles", forest management activities, as defined by the commission, that ensure efficient use and continued availability of forest resources.**

254.040. 1. Any person desiring to have lands designated as forest croplands shall submit an application [therefor] to the state forester on [form or] forms [to be] provided by the commission. The state forester [will] **shall** make or cause to be made an examination of the lands covered by [said] **such** application and shall forward a copy of [same] **such application**, together with his **or her** recommendations, to the commission. If the commission [approve and classify] **approves and classifies such** lands as forest croplands, they shall be subject to the provisions of this chapter and [such] rules and regulations **promulgated pursuant to this chapter**.

2. If the commission [refuse so] **refuses** to accept and classify [said] **such** lands, the applicant may appeal [from] the decision of the commission to the circuit court in which such lands, or major part [thereof] **of such lands**, are located and the decision of the circuit court in all such matters shall be final.

3. No application **to designate lands as forest croplands** shall be accepted for a tract of land containing less than twenty acres; and no such land shall be classified for tax relief if the value thereof shall exceed one hundred twenty-five dollars per acre or a greater value as set by regulation of the commission.

254.225. 1. The commission may administer a forest landowner cost-share incentive program to promote sustainable forestry on private lands. Such program may provide reimbursement cost share for up to fifty percent of the cost of precommercial forestry activities on eligible lands. Eligible forestry activities shall be carried out in accordance with best management practices and sustainable forestry principles.

2. The soil and water district may administer a soil and water conservation cost-share program for soil erosion control practices related to sustainable forestry practices on private lands.

3. Any forest landowner may submit a program application to the state forester or soil and water district on forms provided by the commission. Application procedures and acceptance criteria shall be specified by the commission and the soil and water district.

4. No application for such program shall be accepted for a tract of land containing less than forty acres. The total amount of incentives to any person shall not exceed five thousand dollars in any calendar year.

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