

SECOND REGULAR SESSION

# SENATE BILL NO. 886

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATORS CAUTHORN AND KLINDT.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 261, RSMo, by adding thereto eleven new sections relating to the growers' district authorization act.

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

Section A. Chapter 261, RSMo, is amended by adding thereto eleven new sections, to be known as sections 261.250, 261.253, 261.256, 261.259, 261.262, 261.265, 261.268, 261.271, 261.277, 261.283, and 261.289, to read as follows:

**261.250. Sections 261.250 to 261.289 shall be known and may be cited as the "Growers' District Authorization Act".**

**261.253. As used in sections 261.250 to 261.289, the following terms shall mean:**

(1) "Clerk", the clerk or other official of the municipality or county who is the custodian of the official records of the municipality or county;

(2) "District" or "growers' district", a district organized pursuant to sections 261.250 to 261.289;

(3) "Federal government", the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America;

(4) "Municipality", any incorporated city, town, or village in the state;

(5) "Person", any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof;

(6) "Public body", the state or any municipality, county township, board, commission, authority, district, or any other subdivision of the state;

(7) "Real property", all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise, and the indebtedness

secured by such liens.

261.256. 1. It is hereby established that growers' districts may be voluntarily created by Missouri producers raising agricultural crops for food, feed, industrial, and pharmaceutical uses, to be known by the name established by the creators of the growers' district. Nothing in sections 261.250 to 261.289 shall force any private property owner to participate in a growers' district.

2. Upon organization, each district shall file with the clerk of the circuit court in the county in which the majority of the district is located and shall adopt bylaws addressing governance of the district, expansion of the district to include new members, and the exercise of any other powers necessary to effectuate the purposes of sections 261.250 to 261.289.

261.259. 1. The members of a district shall elect a board of commissioners of such district which shall consist of five commissioners.

2. All commissioners of a district shall be owners or operators of land used for the cultivation of commercial crops within the physical boundaries of the district.

3. Commissioners shall be appointed for a term of office of four years, except that all vacancies shall be filled for the unexpired term.

261.262. 1. The powers vested in each district pursuant to sections 261.250 to 261.289 shall be exercised by the board of commissioners. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. Meetings of the board of an authority may be held anywhere within the perimeter boundaries of the area of operation of the authority.

2. The commissioners of an authority shall elect a chairman from among the commissioners. A district may employ attorneys, engineers, agronomists, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. A district may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

261.265. A commissioner of a district shall receive no compensation for his or her services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties. Each commissioner shall hold office until such successor has been appointed and qualified.

261.268. For inefficiency or neglect of duty or misconduct in office, a commissioner of a district may be removed by a majority of the board of

commissioners, excluding the commissioner at issue, but a commissioner shall be removed only after a hearing at which the commissioner at issue is present and given an opportunity to be heard.

261.271. 1. A district shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections 261.250 to 261.289, including the following powers in addition to other granted herein:

(1) To sue and to be sued;

(2) To have a seal and to alter the same at pleasure;

(3) To have perpetual succession;

(4) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority;

(5) To make, and from time to time, amend and repeal bylaws, rules, and regulations not inconsistent with sections 261.250 to 261.289 to carry out the provisions of sections 261.250 to 261.289;

(6) Adopt regulations;

(7) Assess charges and penalties as may be necessary to effectuate the purpose of sections 261.250 to 261.289 and according to the regulations established by the district;

(8) Within its area of operation, to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property or any interest therein, including fee simple absolute title, together with any improvements thereon, necessary or incidental to its purposes, to hold, improve, or clear any such property; to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with public agencies containing covenants, restrictions, and conditions regarding the use of such property for the district's purposes and such other covenants, restrictions, and conditions as the district may deem necessary to effectuate the purposes of sections 261.250 to 261.289; to make any of the covenants, restrictions, or conditions of the foregoing contracts running with the land, and to provide appropriate remedies for any breach of any such covenants, or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto; to insure or provide for the insurance of any real or personal property or operations of authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into contracts necessary to effectuate the purposes of sections 261.250 to 261.289; provided, however, that no statutory provision with respect to the acquisition, clearance, or disposition of property by other public bodies shall

restrict an authority or other public bodies exercising powers pursuant to this section, in such functions, unless the general assembly shall specifically so state;

(9) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control;

(10) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, state, county, municipality, or other public body, or from any sources public or private, for the purposes of sections 261.250 to 261.289, to give such security as may be required and to enter into and carry out contracts in connection therewith;

(11) Acting through one or more commissioners or other persons designated by the authority, to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths; to make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, safety, or welfare;

(12) To make such expenditures as may be necessary to carry out the purposes of sections 261.250 to 261.289; and

(13) To exercise all powers or parts or combinations of powers necessary, convenient, or appropriate to undertake and carry out all the powers herein granted.

2. A grower district incorporated pursuant to the provisions of sections 261.250 to 261.289, shall be dissolved if, at any time the majority of owners of the acres of land within said district, petition the circuit court where said district was incorporated for a dissolution thereof.

261.277. For the purpose of aiding and cooperating with a district, any public body may, upon such terms, with reasonable consideration as it may determine:

(1) Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or any other rights or privileges therein to a district;

(2) Cause administrative and other services to be furnished to the authority of the character which the public body is otherwise empowered to undertake or furnish for the same or other purposes;

(3) Do any and all things necessary or convenient to aid and cooperate in the planning or carrying out the purposes of a district;

(4) Lend, grant, or contribute funds to a district;

(5) Employ any funds belonging to or within the control of such public body, including funds derived from the sale or furnishing of property, service, or facilities to a district; and

(6) Enter into agreements with a district representing action to be taken by such public body pursuant to any of the powers granted by sections 261.250 to 261.289.

261.283. Any two or more districts may join or cooperate with one another in the exercise of any or all of the powers conferred hereby to effectuate the purposes of sections 261.250 to 261.289.

261.289. The powers conferred by sections 261.250 to 261.289 shall be in addition and supplemental to the powers conferred by any other law.

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