

SECOND REGULAR SESSION

SENATE BILL NO. 992

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 23, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5147S.011

AN ACT

To amend chapter 262, RSMo, by adding thereto one new section relating to the Missouri farmland trust.

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

Section A. Chapter 262, RSMo, is amended by adding thereto one new section, to be known as section 262.815, to read as follows:

262.815. 1. This section shall be known and may be cited as the "Missouri Farmland Trust". The purpose of this section shall be to allow individuals and entities to donate, gift, or otherwise convey farmland to the Missouri department of agriculture for the purpose of preserving the land as farmland and to further give new farmers an opportunity to farm by allowing long-term, low and variable cost leases and thereby making it affordable for the next generation of farmers to continue to produce food, fiber, and fuel.

2. The Missouri farmland trust shall be implemented to accomplish the following objectives:

(1) Protect and preserve Missouri's farmland;

(2) Link new generations of prospective farmers with present farmers; and

(3) Promote best practices in environmental, livestock, and land stewardship.

3. (1) There is hereby created a board to be known as the "Missouri Farmland Trust Advisory Board" to consist of five members to be appointed by the director of the department of agriculture. Board members shall serve without financial compensation but may be reimbursed for actual and necessary expenses.

(2) The board shall make recommendations to the director of the

22 department of agriculture on the appropriate uses of farmland in the
23 trust, criteria to be used to select applicants for the Missouri farmland
24 trust program, and shall review and make recommendations regarding
25 applications to lease farmland in the trust.

26 (3) The board members shall serve five-year terms, with each
27 term beginning July first and ending June thirtieth; except that of the
28 members initially appointed, two shall be appointed for a term of two
29 years, two shall be appointed for a term of three years, and one shall
30 be appointed for a term of five years. Each member appointed
31 thereafter shall be appointed for a term ending five years from the date
32 of expiration of the term for which said person's predecessor was
33 appointed; except that, a person appointed to fill a vacancy prior to the
34 expiration of such a term shall be appointed for the remainder of the
35 term. Each member shall be limited to two consecutive terms.

36 4. The department of agriculture is hereby authorized to accept
37 or acquire by purchase, lease, donation, or agreement, any agricultural
38 lands, easements, real and personal property, or rights in lands,
39 easements, or real and personal property, including but not limited to,
40 buildings, structures, improvements, equipment, or facilities subject to
41 preservation and improvement. Such lands shall be properties of the
42 Missouri farmland trust for purposes of this section and shall be
43 governed by the provisions of this section and rules promulgated
44 thereto.

45 5. There is hereby created in the state treasury the "Missouri
46 Farmland Trust Fund" which shall consist of all gifts, donations,
47 transfers, and moneys appropriated by the general assembly, and
48 bequests to the fund. The fund shall be administered by the
49 department of agriculture.

50 6. The state treasurer shall be custodian of the fund and may
51 approve disbursements from the fund in accordance with sections
52 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to
53 the contrary, any moneys remaining in the fund at the end of the
54 biennium shall not revert to the credit of the general revenue
55 fund. The state treasurer shall invest moneys in the fund in the same
56 manner as other funds are invested. Any interest and moneys earned
57 on such investments shall be credited to the fund.

58 7. Subject to appropriation, moneys in the fund may be used to

59 make payments to counties for the value of land as payment in lieu of
60 real and personal property taxes for privately owned land acquired
61 after August 28, 2010, in such amounts as may be determined by the
62 department but the amount determined to be paid shall not be less than
63 the real property tax paid at the time of acquisition. The department
64 of agriculture may require applicants who are awarded leases to pay
65 the property taxes owed under this section.

66 8. The department of agriculture is authorized to accept all
67 funds, appropriations, gifts, bequests, donations, or contributions of
68 moneys or other real or personal property to be expended or used for
69 any of the purposes of this section. The department of agriculture is
70 authorized to improve, maintain, operate, and regulate any such lands,
71 easements, or real or personal property to promote agriculture and the
72 general welfare, using moneys in the Missouri farmland trust
73 fund. Property acquired by the department of agriculture under this
74 section shall be used for agricultural purposes. The director of
75 agriculture shall establish guidelines for leasing farmland in the trust
76 to beginning farmers for a period not to exceed twenty years. All
77 property acquired by the department under this section shall be farmed
78 and maintained using the best environmental, conservation, and
79 stewardship practices as outlined by the department. The department
80 of agriculture may charge an administrative fee for lease application
81 processing under this section.

82 9. The department of agriculture, after consulting with the
83 Missouri farmland trust advisory board, shall promulgate rules for the
84 administration of the Missouri farmland trust that shall include, but
85 not be limited to, requirements for lessees, selection process for
86 granting leases, and the terms of the lease, including requirements to
87 be met by applicants, a renewal process, requirements for the
88 maintenance of real and personal property by the lessee, and
89 conditions for the termination of leases.

90 10. The department of agriculture shall promulgate rules to
91 implement the provisions of this section. Any rule or portion of a rule,
92 as that term is defined in section 536.010 that is created under the
93 authority delegated in this section shall become effective only if it
94 complies with and is subject to all of the provisions of chapter 536, and,
95 if applicable, section 536.028. This section and chapter 536 are

96 nonseverable and if any of the powers vested with the general assembly
97 pursuant to chapter 536, to review, to delay the effective date, or to
98 disapprove and annul a rule are subsequently held unconstitutional,
99 then the grant of rulemaking authority and any rule proposed or
100 adopted after August 28, 2010, shall be invalid and void.

✓

Unofficial

Bill

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