

FIRST REGULAR SESSION

SENATE BILL NO. 790

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

3104S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 252.300, 252.303, 252.306, 252.309, 252.312, 252.315, 252.318, 252.321, 252.324, 252.327, 252.330, and 252.333, RSMo, relating to agroforestry.

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

Section A. Sections 252.300, 252.303, 252.306, 252.309, 252.312, 252.315, 252.318, 252.321, 252.324, 252.327, 252.330, and 252.333, RSMo, are repealed, to read as follows:

[252.300. 1. Sections 252.300 to 252.333 shall be known and may be cited as "The Missouri Economic Diversification and Afforestation Act of 1990".

2. It is the intent of sections 252.300 to 252.333 to address environmental, economic, and social programs with a long-term, integrated strategy that will result in soil conservation, improved water and air quality, enhanced wildlife habitat, increased job opportunities, and reduced social problems, to the benefit of all citizens of the state of Missouri.]

[252.303. The department may develop and implement, in cooperation with the University of Missouri college of agriculture, the University of Missouri center for agroforestry, the University of Missouri extension service, the Missouri department of natural resources, private industry councils and the Missouri department of agriculture, an agroforestry program. The program shall be designed to encourage the development of a state program of agroforestry, and shall encourage soil conservation and diversifications of the state's

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

agricultural base through the use of trees planted in an agroforestry configuration to accommodate alley cropping, forested-riparian buffers, silvopasture and windbreaks.]

[252.306. As used in sections 252.300 to 252.333, the following terms shall mean:

(1) "Alley cropping", planting rows of trees at wide spacings and cropping the alleyways;

(2) "Conservation reserve program", the conservation reserve program authorized by the Federal Food Security Act of 1985, as amended, (Title XII, P.L. 99-198), or its successor program;

(3) "Department", the Missouri department of conservation;

(4) "Director", the director of the Missouri department of conservation;

(5) "Eligible land", agricultural land which is susceptible to soil erosion that has a recent cropping history, marginal pastureland, land surrounding livestock enclosures and riparian zones;

(6) "Eligible practices", single or multiple rows of trees, alone or combined with other plants such as grass, conventional row crops or horticulture crops, and animals located at intervals of distance within or around fields, around livestock enclosures, and along streams and rivers, specifically designed to provide production and environmental enhancement benefits in accordance with the practices identified in section 252.303;

(7) "Enhancement phase", the period of time, not to exceed ten years, immediately following the establishment phase, during which payments are made by the state of Missouri to landowners who use their eligible land for agroforestry purposes as required by the department;

(8) "Establishment phase", the period of time during which eligible land is being prepared for planting trees and developing

40 agroforestry practices, as determined by the
41 director of the department;

42 (9) "Forested-riparian buffers", a
43 combination of trees and other vegetation
44 established parallel to streams and rivers;

45 (10) "Silvopasture", combining trees with
46 forage and livestock;

47 (11) "Windbreaks", planting single or
48 multiple rows of trees for protection and
49 enhanced production of crops and animals.]

[252.309. 1. The director may enter into
2 agreements with individual landowners to make
3 incentive payments during the enhancement phase
4 to landowners. Recipients of such payments
5 shall utilize the land for which such payment is
6 made for agroforestry purposes as required by
7 the director pursuant to sections 252.300 to
8 252.333.

9 2. The amount of state incentive payment
10 made to a landowner per acre of eligible land
11 shall be an amount which, when added to any cash
12 or in-kind net income produced by crops raised
13 on the land, is substantially equal to the
14 amount per acre previously paid or which would
15 have been paid to the landowner under the
16 federal conservation reserve program.

17 3. If an application made pursuant to
18 section 252.315 is approved by the director, the
19 director shall develop a schedule of annual
20 payments to be made by the state.

21 4. The state shall not make any payment to
22 a landowner to maintain the use of eligible land
23 during the enhancement phase for agroforestry
24 purposes after ten years have elapsed since the
25 first such incentive payment is made.]

[252.312. The state payments provided for
2 in sections 252.309, 252.330, and 252.333 may be
3 made from funds available to the department of
4 conservation, soil conservation funds made
5 available by the department of natural resources
6 from the tax imposed by Sections 47(a), 47(b)
7 and 47(c) of Article IV of the Constitution of
8 Missouri, funds appropriated by the general

9 assembly for that purpose, grants, bequests or
10 gifts, or any combination thereof.]

[252.315. 1. To participate in the
2 program, the landowner shall make application to
3 the director in writing. The written
4 application shall show the number of acres to be
5 placed in the program and that the land which is
6 to be placed in the agroforestry program meets
7 the eligibility requirements of this section.
8 The application shall also contain a detailed
9 plan of the landowner's proposal to meet the
10 requirements of sections 252.300 to 252.333,
11 including the type and number of trees to be
12 planted, established, or managed, the type of
13 compatible grass, other crops and such other
14 information as may be deemed necessary. The
15 number of trees required to satisfy eligibility
16 may vary with agroforestry practice, but in each
17 case shall be a sufficient number to guarantee
18 the success of the practice and shall be
19 consistent with standards established for each
20 practice.]

21 2. The director shall review each
22 application. In reviewing the application the
23 director shall determine the type or types of
24 soil located in the area of the land proposed to
25 be included in the agroforestry program and
26 shall apply the land capability classification
27 system to determine the potential or limitations
28 of the land for inclusion in the program.
29 Before the director acts upon the application,
30 an on-site inspection shall be made by a
31 representative of the department of conservation
32 or its approved agent. The inspecting
33 representative shall attest to the efficacy of
34 the agroforestry plan to be used, the number of
35 acres to be placed under agroforestry
36 management, the species and number of trees to
37 be planted, established, or managed, and other
38 crop components of the proposed program. After
39 the report of the on-site inspector and the
40 review by the director, the director shall
41 determine the landowner's eligibility to

42 participate in the agroforestry program and
43 shall determine the amount of cost sharing,
44 including in-kind and labor components, for the
45 landowner. If the director fails to approve an
46 application, the aggrieved landowner may request
47 a hearing before the conservation commission or
48 its authorized representative within thirty days
49 of notice to the landowner of the failure of the
50 conservation department to approve the
51 application, or the landowner may proceed under
52 the provisions of section 536.150 as if the act
53 of the conservation department was one not
54 subject to administrative review. If an action
55 is brought pursuant to section 536.150, venue
56 shall be in Cole County.]

2 [252.318. 1. All land participating in
3 the agroforestry program shall be inspected
4 annually by a representative of the director, to
5 ensure that the land continues to comply with
6 the requirements of sections 252.300 to 252.333
7 and that practice specifications are being
8 maintained in accordance with applicable rules
9 and regulations.

10 2. If the annual inspection determines
11 that the land is no longer in compliance with
12 the provisions of sections 252.300 to 252.333 or
13 with the rules and regulations promulgated
14 pursuant to the provisions of sections 252.300
15 to 252.333, the director shall notify the
16 landowner of that fact and shall detail the
17 specifics in which the land fails to meet the
18 requirements. The landowner may respond to the
19 notice within thirty days of receipt, either by
20 contesting the inspection report or by providing
21 the director with a proposal to correct the
22 problems which form the basis of the notice. If
23 the landowner contests the findings of the
24 annual inspection, the aggrieved landowner may
25 request a hearing before the conservation
26 commission or its authorized representative or
27 the landowner may proceed under the provisions
28 of section 536.150, as if the act of the
conservation department was one not subject to

29 administrative review. If an action is brought
30 pursuant to section 536.150, venue shall be in
31 Cole County. If the landowner provides the
32 director with a proposal to correct the problems
33 which form the basis of the notice, the director
34 shall review the proposal and, if the director
35 finds such proposal acceptable, shall allow the
36 landowner to implement the proposal to correct
37 the alleged problems and shall not suspend the
38 annual payment to the landowner under the
39 provisions of sections 252.300 to 252.333. If
40 the landowner is unable or unwilling to correct
41 the alleged problems in a manner acceptable to
42 the director, the landowner shall not receive
43 the subsequent payments due under the provisions
44 of sections 252.300 to 252.333.]

2 [252.321. The University of Missouri
center for agroforestry and extension service,
3 in consultation with the director, shall
4 establish agroforestry demonstration areas, and
5 develop and deliver the educational components
6 of sections 252.300 to 252.333.]

2 [252.324. 1. The director may promulgate
rules and regulations necessary to carry out the
3 provisions of sections 252.300 to 252.333.
4 Before promulgating any such rule, the director
5 shall seek the advice and comments of the
6 University of Missouri college of agriculture,
7 the University of Missouri center for
8 agroforestry, the University of Missouri
9 extension service, the Missouri department of
10 natural resources, private industry councils,
11 the Missouri department of economic development
12 and the Missouri department of agriculture. The
13 director may seek advice and comments before
14 promulgating rules and regulations from the
15 United States Department of Agriculture and any
16 other entities deemed advisable by the
17 director. No rule or portion of a rule
18 promulgated under the authority of this chapter
19 shall become effective unless it has been
20 promulgated pursuant to the provisions of
21 chapter 536.]

22 2. The Missouri department of conservation
23 may contract with the division of soil and water
24 conservation of the Missouri department of
25 natural resources for any administrative
26 functions required under the provisions of
27 sections 252.300 to 252.333.]

 [252.327. 1. The department of
2 conservation and the department of economic
3 development and the University of Missouri
4 college of agriculture shall, by each of the
5 dates specified in subsection 2 of this section,
6 jointly produce a report on the agroforestry
7 program which:

8 (1) Provides a status report on the
9 afforestation aspects of the agroforestry
10 program by presenting a forecast of anticipated
11 economic developments from the afforestation in
12 the state as a result of the agroforestry
13 program;

14 (2) Suggests public or private sector
15 initiatives that will potentially serve to
16 maximize the economic benefits for related new
17 development and expansion of existing businesses
18 resulting from the agroforestry program;

19 (3) Suggests methods to promote the
20 development of wood and other forestry related
21 products;

22 (4) Suggests public or private sector
23 initiatives or methods which will result in
24 significant increases in job opportunities and
25 employment.

26 2. The report shall be submitted to the
27 governor and to the general assembly by January
28 thirty-first of each of the following years:
29 1996, 2001, 2006, 2011, 2016, 2021, and 2026.]

 [252.330. During the establishment phase,
2 the director may pay for the planting of trees
3 on eligible land which is used for agroforestry
4 pursuant to sections 252.300 to 252.333. Such
5 payment shall be limited to expenses which are
6 determined to be reasonable and necessary by the
7 director, but shall not exceed seventy-five
8 percent of the cost of establishment.]

2 [252.333. The director may make incentive
3 payments for agroforestry purposes of land
4 enrolled in this program. The duration of such
5 payments shall not exceed ten years. The
6 director may also expend funds to plant trees on
7 such land. Such expenditures may include both
8 planting and associated practices as determined
 by the director.]

✓