

SECOND REGULAR SESSION

# SENATE BILL NO. 1514

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GREGORY (21).

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6191S.01I

KRISTINA MARTIN, Secretary

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### 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.

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*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,  
2 252.312, 252.315, 252.318, 252.321, 252.324, 252.327, 252.330,  
3 and 252.333, RSMo, are repealed, to read as follows:

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

5 2. It is the intent of sections 252.300 to  
6 252.333 to address environmental, economic, and  
7 social programs with a long-term, integrated  
8 strategy that will result in soil conservation,  
9 improved water and air quality, enhanced  
10 wildlife habitat, increased job opportunities,  
11 and reduced social problems, to the benefit of  
12 all citizens of the state of Missouri.]

[252.303. The department may develop and  
2 implement, in cooperation with the University of  
3 Missouri college of agriculture, the University  
4 of Missouri center for agroforestry, the  
5 University of Missouri extension service, the  
6 Missouri department of natural resources,  
7 private industry councils and the Missouri  
8 department of agriculture, an agroforestry  
9 program. The program shall be designed to  
10 encourage the development of a state program of  
11 agroforestry, and shall encourage soil

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

12 conservation and diversifications of the state's  
13 agricultural base through the use of trees  
14 planted in an agroforestry configuration to  
15 accommodate alley cropping, forested-riparian  
16 buffers, silvopasture and windbreaks.]

[252.306. As used in sections 252.300 to  
2 252.333, the following terms shall mean:

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

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

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

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

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

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

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

37 (8) "Establishment phase", the period of  
38 time during which eligible land is being

39 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.]

1 [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.]

1 [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.]

1 [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.]

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

9 2. If the annual inspection determines  
10 that the land is no longer in compliance with  
11 the provisions of sections 252.300 to 252.333 or  
12 with the rules and regulations promulgated  
13 pursuant to the provisions of sections 252.300  
14 to 252.333, the director shall notify the  
15 landowner of that fact and shall detail the  
16 specifics in which the land fails to meet the  
17 requirements. The landowner may respond to the  
18 notice within thirty days of receipt, either by  
19 contesting the inspection report or by providing  
20 the director with a proposal to correct the  
21 problems which form the basis of the notice. If  
22 the landowner contests the findings of the  
23 annual inspection, the aggrieved landowner may  
24 request a hearing before the conservation  
25 commission or its authorized representative or  
26 the landowner may proceed under the provisions  
27 of section 536.150, as if the act of the

28 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.]

[252.321. The University of Missouri  
2 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.]

[252.324. 1. The director may promulgate  
2 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

promulgated pursuant to the provisions of chapter 536.

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

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

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

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

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

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

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

[252.330. During the establishment phase, the director may pay for the planting of trees on eligible land which is used for agroforestry pursuant to sections 252.300 to 252.333. Such payment shall be limited to expenses which are determined to be reasonable and necessary by the

7 director, but shall not exceed seventy-five  
8 percent of the cost of establishment.]

1 [252.333. The director may make incentive  
2 payments for agroforestry purposes of land  
3 enrolled in this program. The duration of such  
4 payments shall not exceed ten years. The  
5 director may also expend funds to plant trees on  
6 such land. Such expenditures may include both  
7 planting and associated practices as determined  
8 by the director.]

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