

FIRST REGULAR SESSION

SENATE BILL NO. 361

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WESTFALL.

Read 1st time January 27, 1999, and 1,000 copies ordered printed.

S1469.021

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 278.130, RSMo 1994, relating to soil and water districts, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 278.130, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 278.130 and 278.135, to read as follows:

278.130. 1. The soil and water supervisors of any soil and water district shall not:

- (1) Have or exercise the right of eminent domain;
- (2) Incur indebtedness beyond available funds;
- (3) Issue bonds;
- (4) Levy taxes;
- (5) Make or levy benefit assessments or any other kind of assessments;
- (6) Take contributions from that soil and water district by exactions or persuasions;
- (7) Engage in the marketing of farm products or in the buying and selling of farm supplies

other than those products or supplies used or needed directly or indirectly in soil and water conservation work, **subject to section 278.135;**

(8) Engage in agricultural research or agricultural extension teaching except under the instruction of the Missouri college of agriculture.

2. They may accept voluntary contributions from any source, if the donations are offered for the sole and exclusive purpose of promoting the saving of soil and water within the soil and water district, and if the soil and water supervisors satisfactorily guarantee to the donors the faithful use of their donations for that purpose.

278.135. 1. Prior to the marketing or buying and selling of farm products used directly or indirectly in soil and water conservation by a soil and water district, such district shall receive approval for the activity from the state soil and water districts

commission.

2. The commission shall consider requests and grant approval only upon finding that the products being marketed, bought and sold are:

- (1) Reasonably related to soil and water conservation; and**
- (2) Not readily available in the area.**

The commission shall publish notice of the request by the district in a paper of general circulation in the district's area. The commission shall consider written comments from concerned citizens and businesses in making its determination.

3. The commission shall enact rules to allow districts that currently have an inventory of products to sell that inventory within a reasonable time, pending approval of the district's request to market or buy and sell those products. In no manner does this allow the districts to restock or replenish their inventory until they have received approval from the commission.

4. The commission is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

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