

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 742**  
**96TH GENERAL ASSEMBLY**

1880L.06C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 256.400, RSMo, and to enact in lieu thereof eight new sections relating to rural community development.

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

Section A. Section 256.400, RSMo, is repealed and eight new sections enacted in lieu thereof, to be known as sections 67.4500, 67.4505, 67.4510, 67.4515, 67.4520, 256.400, 256.433, and 262.675, to read as follows:

**67.4500. As used in sections 67.4500 to 67.4520, the following terms shall mean:**

- (1) "Authority", any county drinking water supply lake authority created by sections 67.4500 to 67.4520;
- (2) "Conservation storage level", the target elevation established for a drinking water supply lake at the time of design and construction of such lake;
- (3) "Costs", the sum total of all reasonable or necessary expenses incidental to the acquisition, construction, expansion, repair, alteration, and improvement of the project, including without limitation the following: the expense of studies and surveys; the cost of all lands, properties, rights, easements, and franchises acquired; land title and mortgage guaranty policies; architectural and engineering services; legal, organizational marketing, or other special services; provisions for working capital; reserves for principal and interest; and all other necessary and incidental expenses, including interest during construction on bonds issued to finance the project and for a period subsequent to the estimated date of completion of the project;
- (4) "Project", recreation and tourist facilities and services, including, but not limited to, lakes, parks, recreation centers, restaurants, hunting and fishing reserves, historic sites and attractions, and any other facilities that the authority may desire to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 undertake, including the related infrastructure buildings and the usual and convenient  
19 facilities appertaining to any undertakings, and any extensions or improvements of any  
20 facilities, and the acquisition of any property necessary therefore, all as may be related to  
21 the development of a water supply source, recreational and tourist accommodations, and  
22 facilities;

23 (5) "Water commission", a water commission owning a reservoir formed under  
24 sections 393.700 to 393.770;

25 (6) "Watershed", the area that contributes or may contribute to the surface water  
26 of any lake as determined by the authority.

67.4505. 1. Any county of the third classification with a township form of  
2 government and with more than seven thousand two hundred but fewer than seven  
3 thousand three hundred inhabitants or any county of the second classification with more  
4 than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred  
5 inhabitants may establish a county drinking water supply lake authority, which shall be  
6 a body corporate and politic and a political subdivision of this state.

7 2. The authority may exercise the powers provided to it under section 67.4520 over  
8 the reservoir area encompassing any drinking water supply lake of one thousand five  
9 hundred acres or more, as measured at its conservation storage level, and within the lake's  
10 watershed.

11 3. It shall be the purpose of each authority to promote the general welfare and a  
12 safe drinking water supply through the construction, operation, and maintenance of a  
13 drinking water supply lake.

14 4. The income of the authority and all property at any time owned by the authority  
15 shall be exempt from all taxation or any assessments whatsoever to the state or of any  
16 political subdivision, municipality, or other governmental agency thereof.

17 5. No county in which an authority is organized shall be held liable in connection  
18 with the construction, operation, or maintenance of any project or program undertaken  
19 under sections 67.4500 to 67.4520, including any actions taken by the authority in  
20 connection with such project or program.

67.4510. A county drinking water supply lake authority shall consist of at least six  
2 but not more than thirty members, appointed as follows:

3 (1) Members of the water commission shall appoint all members to the authority,  
4 one-third of the initial members for a six-year term, one-third for a four-year term, and  
5 the remaining one-third for a two-year term, until a successor is appointed; provided that,  
6 if there is an odd number of members, the last person appointed shall serve a two-year  
7 term. Upon the expiration of each term, a successor shall be appointed for a six-year term;

8           (2) No person shall be appointed to serve on the authority unless he or she is a  
9 registered voter in the state for more than five years, a resident in the county where the  
10 water commission is located for more than five years, and over the age of twenty-five years.  
11 If any member moves outside such county, the seat shall be deemed vacant and a new  
12 member shall be appointed by the county commission to complete the unexpired term.

2           **67.4515. 1.** The water commission shall by resolution establish a date and time for  
the initial meeting of the authority.

3           **2.** At the initial meeting, and annually thereafter, the authority shall elect one of its  
4 members as chairman and one as vice chairman, and appoint a secretary and a treasurer  
5 who may be a member of the authority. If not a member of the authority, the secretary or  
6 treasurer shall receive compensation that shall be fixed from time to time by action of the  
7 authority. The authority may appoint an executive director who shall not be a member of  
8 the authority and who shall serve at its pleasure. If an executive director is appointed, he  
9 or she shall receive such compensation as shall be fixed from time to time by action of the  
10 authority. The authority may designate the secretary to act in lieu of the executive  
11 director. The secretary shall keep a record of the proceedings of the authority and shall  
12 be the custodian of all books, documents, and papers filed with the authority, the minute  
13 books or journal thereof, and its official seal. The secretary may cause copies to be made  
14 of all minutes and other records and documents of the authority and may give certificates  
15 under the official seal of the authority to the effect that the copies are true and correct  
16 copies, and all persons dealing with the authority may rely on such certificates. The  
17 authority, by resolution duly adopted, shall fix the powers and duties of its executive  
18 director as it may from time to time deem proper and necessary.

19           **3.** Each member of the authority shall execute a surety bond in the penal sum of  
20 fifty thousand dollars or, in lieu thereof, the chairman of the authority shall execute a  
21 blanket bond covering each member and the employees or other officers of the authority,  
22 each surety bond to be conditioned upon the faithful performance of the duties of the office  
23 or offices covered, to be executed by a surety company authorized to transact business in  
24 the state as surety, and to be approved by the attorney general and filed in the office of the  
25 secretary of state. The cost of each such bond shall be paid by the authority.

26           **4.** No authority member shall participate in any deliberations or decisions  
27 concerning issues where the authority member has a direct financial interest in contracts,  
28 property, supplies, services, facilities, or equipment purchased, sold, or leased by the  
29 authority. Authority members shall additionally be subject to the limitations regarding the  
30 conduct of public officials as provided in chapter 105.

**67.4520. 1.** The authority may:

- 2           **(1) Acquire, own, construct, lease, and maintain recreational or water quality**  
3 **projects;**
- 4           **(2) Acquire, own, lease, sell, or otherwise dispose of interests in and to real property**  
5 **and improvements situated thereon and in personal property necessary to fulfill the**  
6 **purposes of the authority;**
- 7           **(3) Contract and be contracted with, and to sue and be sued;**
- 8           **(4) Accept gifts, grants, loans, or contributions from the federal government, the**  
9 **state of Missouri, political subdivisions, municipalities, foundations, other public or private**  
10 **agencies, individuals, partnerships, or corporations;**
- 11           **(5) Employ such managerial, engineering, legal, technical, clerical, accounting,**  
12 **advertising, stenographic, and other assistance as it may deem advisable. The authority**  
13 **may also contract with independent contractors for any of the foregoing assistance;**
- 14           **(6) Disburse funds for its lawful activities and fix salaries and wages of its**  
15 **employees;**
- 16           **(7) Fix rates, fees, and charges for the use of any projects and property owned,**  
17 **leased, operated, or managed by the authority;**
- 18           **(8) Adopt, alter, or repeal its own bylaws, rules, and regulations governing the**  
19 **manner in which its business may be transacted; however, said bylaws, rules, and**  
20 **regulations shall not exceed the powers granted to the authority by sections 67.4500 to**  
21 **67.4520;**
- 22           **(9) Either jointly with a similar body, or separately, recommend to the proper**  
23 **departments of the government of the United States, or any state or subdivision thereof,**  
24 **or to any other body, the carrying out of any public improvement;**
- 25           **(10) Provide for membership in any official, industrial, commercial, or trade**  
26 **association, or any other organization concerned with such purposes, for receptions of**  
27 **officials or others as may contribute to the advancement of the authority and development**  
28 **therein, and for such other public relations activities as will promote the same, and such**  
29 **activities shall be considered a public purpose;**
- 30           **(11) Cooperate with municipalities and other political subdivisions as provided in**  
31 **chapter 70;**
- 32           **(12) Enter into any agreement with any other state, agency, authority, commission,**  
33 **municipality, person, corporation, or the United States, to effect any of the provisions**  
34 **contained in sections 67.4500 to 67.4520;**
- 35           **(13) Sell and supply water and construct, own, and operate infrastructure projects**  
36 **in areas within its jurisdiction, including but not limited to roads, bridges, water and sewer**  
37 **systems, and other infrastructure improvements;**

38 (14) Issue revenue bonds in the same manner as provided under section 67.789; and

39 (15) Adopt tax increment financing within its boundaries in the same manner as  
40 provided under section 67.790.

41 2. The state or any political subdivision or municipal corporation thereof may in  
42 its discretion, with or without consideration, transfer or cause to be transferred to the  
43 authority or may place in its possession or control, by deed, lease, or other contract or  
44 agreement, either for a limited period or in fee, any property wherever situated.

45 3. The state or any political subdivision may appropriate, allocate, and expend such  
46 funds of the state or political subdivision for the benefit of the authority as are reasonable  
47 and necessary to carry out the provisions of sections 67.4500 to 67.4520.

48 4. The authority is authorized to contract for or to provide for and maintain a  
49 security force with respect to any project or other property owned, leased, operated, or  
50 under the control of the authority and within the territory thereof. A member of such  
51 force shall be certified as a peace officer under chapter 590 and, as such, shall have  
52 authority equivalent to the authority of a law enforcement officer of the county in which  
53 the officer is discharging his or her duties.

54 5. The authority shall have the authority to exercise all zoning and planning powers  
55 that are granted to cities, towns, and villages under chapter 89, except that the authority  
56 shall not exercise such powers inside the corporate limits of any city, town, or village which  
57 has adopted a city plan under the laws of this state before August 28, 2011.

256.400. As used in sections 71.287 and 256.400 to [256.430] **256.433**, unless the  
2 context clearly indicates otherwise, the following terms mean:

3 (1) "Department", the department of natural resources;

4 (2) "Director", the director of the department of natural resources;

5 (3) "Division", the division of geology and land survey of the department of natural  
6 resources;

7 (4) "Major water user", any person, firm, corporation or the state of Missouri, its  
8 agencies or corporations and any other political subdivision of this state, their agencies or  
9 corporations, with a water source and equipment necessary to withdraw or divert one hundred  
10 thousand gallons or more per day from any stream, river, lake, well, spring or other water source;

11 (5) "State geologist", the director of the division of geology and land survey of the  
12 department of natural resources;

13 (6) "Water source", any stream, river, lake, well, spring or other water source.

**256.433. Notwithstanding any provision of law to the contrary, no major water user  
2 shall convey water withdrawn or diverted from within the Southeast Missouri Regional  
3 Water District created under section 256.643 when such withdrawal or diversion and**

4 subsequent conveyance to a location outside such district unduly interferes with the  
5 reasonable and customary activities of a major water user registered under section 256.410  
6 located within said district. If such conveyance occurs, the attorney general or the party  
7 or parties affected may file an action for an injunction, however, in no case shall an  
8 injunction be issued if the injunction would be detrimental to public health or safety.

262.675. 1. There is hereby created the "Missouri Sustainable Local Food Policy  
2 Council" within the department of agriculture for the purpose of building a local food  
3 economy benefitting Missouri by creating jobs, stimulating statewide economic  
4 development, preservation of farmlands and water resources, increasing consumer access  
5 to fresh and nutritious foods, and providing greater food security for all Missourians.

6 2. The council shall be comprised of the following members:

- 7 (1) The director of the department of agriculture, or the director's designee;
- 8 (2) A member of the house of representatives appointed by the speaker of the  
9 house;
- 10 (3) A member of the senate appointed by the president pro tem of the senate;
- 11 (4) The commissioner of education, or the commissioner's designee;
- 12 (5) The director of the department of health and senior services, or the director's  
13 designee;
- 14 (6) The director of the department of social services, or the director's designee;
- 15 (7) The director of the department of economic development, or the director's  
16 designee;
- 17 (8) The president of the Missouri Farm Bureau, or the president's designee;
- 18 (9) Three local food producers, at least one of whom shall be a sustainable local  
19 food producer, to be appointed by the director of the department of agriculture;
- 20 (10) One representative of a food bank located in Missouri to be appointed by the  
21 director of the department of agriculture;
- 22 (11) One representative of Truman State University, to be appointed by the  
23 chancellor of the university;
- 24 (12) One representative of Missouri State University, to be appointed by the  
25 chancellor of the university;
- 26 (13) One representative from Northwest Missouri State University, to be appointed  
27 by the president of the university;
- 28 (14) One representative from the University of Missouri extension service;
- 29 (15) One registered dietician appointed by the Missouri Dietetic Association  
30 (MDA);

31           **(16) One representative of a business specializing in retail or direct food sales**  
32 **appointed by the director of the department of agriculture;**

33           **(17) One representative of a farmers market management organization appointed**  
34 **by the director of the department of agriculture;**

35           **(18) One representative from the Missouri Soybean Association, appointed by the**  
36 **president of the association;**

37           **(19) One representative from the Missouri Cattlemen's Association, appointed by**  
38 **the president of the association;**

39           **(20) One representative from the Missouri Corn Growers Association, appointed**  
40 **by the president of the association;**

41           **(21) One representative from the Missouri Pork Association, appointed by the**  
42 **chairman of the board of directors of the association;**

43           **(22) One representative from the Missouri Dairy Producers Association, appointed**  
44 **by the president of the association.**

45           **3. The director of the department of agriculture shall appoint the chair of the**  
46 **council, and all other officers, if any, shall be elected by the membership of the council.**  
47 **The director shall convene the council for its first meeting no later than December 1, 2011.**  
48 **Support staff for the council shall be provided by the departments and agencies of the**  
49 **executive branch, as requested by the chair of the council. The council shall meet at**  
50 **regularly scheduled intervals, not less than quarterly, and at the call of the chair thereafter.**

51           **4. Members of the council shall serve at the pleasure of the appointing authority.**  
52 **Vacancies shall be filled in the same manner as the original appointment.**

53           **5. Council members shall not receive additional compensation or a per diem for**  
54 **servng on the council; except that, legislative members shall receive the same per diem and**  
55 **travel allowance as is normally provided for meetings of legislative committees, payable out**  
56 **of funds appropriated for expenses of the general assembly.**

57           **6. In developing sustainable local food policies for Missouri, the council may**  
58 **consider the following policy issues:**

59           **(1) An assessment of the foods that are served to public school students under the**  
60 **National School Lunch Program and the School Breakfast Program and the possibility of**  
61 **increasing the amount of sustainable local food used in such programs;**

62           **(2) An analysis of the possibility of making sustainable local food available under**  
63 **public assistance programs, including the possibility of the use of food stamps and the**  
64 **Women's, Infant's and Children's (WIC) benefits at local farmers markets;**

65           **(3) An analysis of the potential of promoting urban gardens and backyard gardens**  
66 **for the purpose of improving the health of citizens, making use of idle urban property, and**  
67 **lowering food costs for Missouri;**

68           **(4) An evaluation of the potential impacts that the production of sustainable local**  
69 **food would have on economic development, both the direct impacts for the producers of**  
70 **sustainable local food and the actual and potential indirect impacts;**

71           **(5) Identification of local and regional efforts that could provide information and**  
72 **training programs to assist entrepreneurs and local farmers pursuing opportunities related**  
73 **to a sustainable local food economy;**

74           **(6) Issues regarding the identification and development of solutions to regulatory**  
75 **and policy barriers to developing a strong sustainable local food economy;**

76           **(7) Issues regarding strengthening local infrastructure and entrepreneurial efforts**  
77 **related to a sustainable local food economy;**

78           **(8) Any other strategies, initiatives, or policy issues that the council deems**  
79 **necessary in carrying out its duties and responsibilities under this section.**

80           **7. The council may seek and accept gifts, grants, and donations from public and**  
81 **private entities to use for the purpose of this section.**

82           **8. The council may use existing programs that it determines to be useful in**  
83 **performing its duties under this section.**

84           **9. On or before November 1, 2014, the council shall report its findings and**  
85 **recommendations, including any legislative proposals or proposals for administrative**  
86 **action, to the general assembly and the director of the department of agriculture.**

87           **10. The provisions of this section shall expire on June 30, 2015.**