

SECOND REGULAR SESSION

HOUSE BILL NO. 1949

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SHIVELY (Sponsor), QUINN, HARRIS, BLACK, LOEHNER,
RUZICKA, SCHIEFFER AND CAUTHORN (Co-sponsors).

4073L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 278.080, RSMo, and to enact in lieu thereof one new section relating to The State Soil and Water Districts Commission.

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

Section A. Section 278.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 278.080, to read as follows:

278.080. 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water districts commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts, and shall give consideration to the districts' needs based on their character; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the general assembly for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and it shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

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.

16 2. The state soil and water districts commission shall be composed of four ex officio
17 members and six farmer members. The six farmer members shall be appointed by the governor
18 of Missouri with the advice and consent of the senate. Three of the farmer members shall reside
19 in the portion of this state which is north of the Missouri River and three of the farmer members
20 shall reside in the portion of this state which is south of the Missouri River. The membership
21 shall be geographically dispersed with no more than one of the farmer members appointed from
22 a state senatorial district. Not more than four of the farmer members shall be from the same
23 political party. The ex officio members shall be the director of the department of natural
24 resources, the director of the department of agriculture, the director of the department of
25 conservation, and the dean of the college of agriculture of the University of Missouri. Each of
26 the six farmer members shall be holding legal title to a farm, [and] shall be earning at least the
27 principal part of the member's livelihood from a farm, **and shall have soil and water**
28 **conservation district board experience**, all at the time of appointment to the commission. The
29 farmer members shall each be appointed for a period of three years. All members of the
30 commission serving as of June 27, 2000, may continue to serve the unexpired portion of the
31 member's current term. There is no limitation on the number of terms that any of the farmer
32 members appointed by the governor may serve. If any farmer member vacates his or her term
33 for any reason prior to the expiration of such term, the governor may appoint a farmer member
34 to serve for the remainder of the unexpired term. Each member of the commission shall continue
35 to serve until the member's successor has been duly appointed and qualified.

36 3. The state soil and water districts commission may call upon the attorney general of
37 the state for such legal services as it may require.

38 4. At its first meeting in each calendar year, the state soil and water districts commission
39 shall select from its current members a chairman and a vice chairman. The ex officio members
40 shall not have the power to vote on any matter before the commission. A quorum shall consist
41 of four farmer members. For the determination of any matter within the commission's authority,
42 at a meeting comprised of four farmer members, a concurrence of three shall be required. No
43 business of the commission shall be executed in absence of a quorum. Each farmer member of
44 the soil and water commission shall be entitled to expenses, including travel expenses,
45 necessarily incurred in the discharge of his or her duties as a member of this commission. The
46 state soil and water districts commission shall provide for the execution of surety bonds for all
47 of its employees and officers who shall be entrusted with funds or property; shall provide for the
48 keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations,
49 and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts
50 and disbursements.

51 5. In addition to the authority and duty herein assigned to the state soil and water districts
52 commission, it shall have the following authority and duty:

53 (1) To encourage the formation of soil and water conservation districts in areas where
54 their establishment seems necessary and their administration seems feasible;

55 (2) To formulate and fix the rules and procedures for fair and impartial referendums on
56 the establishing or disestablishment of soil and water districts and for fair and impartial selection
57 of soil and water district supervisors;

58 (3) To receive petitions for the establishing of soil and water conservation districts as
59 provided in section 278.100; to determine the validity of these petitions; to conduct hearings
60 upon the subject of these petitions; to determine whether the establishment of a soil and water
61 district as petitioned would be effective in the saving of soil and water within the proposed area,
62 and whether a soil and water district if established could be feasibly administered; and, upon
63 reaching a favorable conclusion on these matters, to call for a referendum on the establishing of
64 the soil and water district as petitioned;

65 (4) To advise any soil and water conservation district in developing its program for
66 saving the soil and water in order that such district may become eligible for any form of aid from
67 state or federal sources;

68 (5) Subject to district allocations by the commission and other resources, to provide
69 training, programs and other assistance to soil and water conservation districts to identify
70 programs that respond to the character of the districts' needs;

71 (6) To obtain or accept the cooperation and financial, technical or material assistance of
72 the United States or any of its agencies, and of this state or any of its agencies, for the work of
73 such soil and water districts;

74 (7) To enter into agreements with the United States or any of its agencies on policies and
75 general programs for the saving of Missouri soil and water by the extension of federal aid to any
76 soil and water conservation district; to advise any soil and water conservation district; to advise
77 any soil and water conservation district on the amount or kind of federal aid needed for the
78 effective saving of soil and water in that district; to determine within the limits of available funds
79 or other resources the amount or kind of state aid to be used for saving of soil and water in any
80 soil and water conservation district; and to determine the withholding of state aid of any amount
81 or kind from any soil and water conservation district that has failed to follow the policies of the
82 state soil and water districts commission in any matter under the provisions of sections 278.060
83 to 278.300;

84 (8) To give such other proper assistance as the soil and water commission may judge to
85 be useful to any soil and water district in the saving of soil and water in that district;

86 (9) To promulgate such rules and regulations as may be necessary to effectively
87 administer a state-funded soil and water conservation cost-share program. Any rule or portion
88 of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective
89 only if it has been promulgated pursuant to the provisions of chapter 536.

90 6. Unless prohibited by any federal or state law, the commission may grant individual
91 variances to any rule or regulation promulgated thereto, upon presentation of adequate proof, that
92 compliance with sections 278.070 to 278.300, or any rule or regulation, standard, requirement,
93 limitation or order of the commission will have an arbitrary and unreasonable impact on
94 landowners participating in soil and water conservation eligible practices. The commission shall
95 promulgate such rules, regulations and administrative guidelines as necessary to effectively
96 administer this section.

✓