

SS SCS HB 542 -- AGRICULTURE

This bill changes the laws regarding agriculture.

LIQUEFIED PETROLEUM GAS INSTALLATIONS (Section 64.196, RSMo)

The bill prohibits a county building ordinance adopted by a first or second classification county commission from conflicting with liquefied petroleum gas installations governed by Section 323.020.

CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT (Section 178.550)

The bill establishes the Career and Technical Education Student Protection Act and the Career and Technical Education Advisory Council within the Department of Elementary and Secondary Education and repeals the provisions regarding the State Advisory Committee for Vocational Education. The advisory council will consist of 11 members appointed by the Governor with the advice and consent of the Senate. Members will serve a term of five years, except for the initial appointees who will serve specified staggered terms. Members will consist of the following individuals:

- (1) A director or administrator of a career and technical education center;
- (2) An individual from the business community with a background in commerce;
- (3) A representative from Linn State Technical College;
- (4) Three current or retired career and technical education teachers who serve or have served as an advisor to a career and technical education student organization specified in the bill;
- (5) A representative from a business organization, association of businesses, or a business coalition;
- (6) A representative from a community college;
- (7) A representative from Southeast Missouri State University or the University of Central Missouri;
- (8) An individual participating in an apprenticeship recognized by the Department of Labor and Industrial Relations or approved by the United States Department of Labor's Office of Apprenticeship; and
- (9) A school administrator or superintendent of a school offering career and technical education.

A director of career and guidance counseling at the Department of Elementary and Secondary Education, the Director of the Division of Workforce Development, and a member of the Coordinating Board for Higher Education will serve as ex-officio members of the advisory council, and the Assistant Commissioner for the Office of College and Career Readiness of the Department of Elementary and Secondary Education will provide staff support. The advisory council must meet at least four times annually. Any business coming before the advisory council, including all decisions, votes, exhibits, outcomes, and materials, must be made available on the council's Internet website.

The advisory council must make an annual written report regarding the state budget for career and technical education and must annually submit written recommendations regarding the oversight and procedures for the handling of funds for student career and technical education organizations to the State Board of Education and the Commissioner of Education within the Department of Elementary and Secondary Education.

The advisory council must develop a statewide short-range and long-range plan for career and technical education, identify service gaps, confer with public and private entities to promote and improve career and technical education, identify legislative recommendations to improve career and technical education, and promote coordination of existing career and technical education programs.

EGGS (Section 196.311)

The definition of "eggs" as it relates to the regulation of the sale of eggs is revised to mean the shell eggs of a domesticated chicken, turkey, duck, goose, or guinea that are intended for human consumption.

UNIVERSITY OF MISSOURI EXTENSION DISTRICTS (Section 262.598)

A University of Missouri extension council, except a council that is located in St Louis County, is authorized to form an extension district made up of cooperating counties for the purpose of funding extension programming. An extension district can be a single-council district or a consolidated district consisting of two or more extension councils. A majority vote of each participating council is required to form an extension district.

In a single-council district, the existing University of Missouri extension council will serve as the extension district's governing body. In a consolidated district, the governing board will consist

of at least three but no more than five representatives appointed by each participating council. The powers and duties of a district's governing body are specified in the bill.

The governing body of a district may submit a question to the voters of the district to institute a property tax levy in the district's counties. A property tax levy cannot exceed 30 cents per \$100 of assessed valuation. The costs of submitting the question to the voters at the general municipal election must be paid by the district. In a single-county district, the property tax levy will be imposed if a majority of the voters in the county approve it. In a consolidated district, the property tax levy will be imposed if a majority of the voters in each county in the district approve it. If one of the counties in a consolidated district does not approve it, that county's council may withdraw from the district. Upon the withdrawal, the district will be made up of the remaining counties and the tax will be imposed in those counties. However, if the county that did not approve the tax levy does not withdraw, the tax cannot be imposed.

A single-council district for which a tax has not been levied may be dissolved in the same manner in which it was formed. A county may withdraw from a consolidated district at any time by filing a petition signed by at least 10% of the voters in the county who voted in the most recent presidential election with the circuit court having jurisdiction over the district. The court must hear evidence on the petition, and if it determines that it is in the best interest of the county inhabitants, it must submit the question to the voters at the next general municipal election. If two-thirds of the voters vote in favor of withdrawing from the district, the court must issue an order withdrawing the county from the district. The costs of the election are to be paid by the district. The withdrawal will not become effective until the following January 1, and the district will remain intact for the purposes of paying all outstanding and lawful obligations and disposing of the district's property.

The governing body of any district may seek voter approval to increase its current tax rate if the increase will not cause the total tax to exceed 30 cents per \$100 of assessed valuation. The governing body must submit the question to the voters at the next general municipal election. The costs of submitting the question to the voters must be paid by the district. If a majority of the voters in the county in a single-council district approve the question, the tax will be imposed. In a consolidated district, a majority of the voters in the district is required.

URBAN AGRICULTURE ZONES (Section 262.900)

The bill authorizes the establishment of urban agriculture zones. In its main provisions, the bill:

- (1) Defines an "urban agriculture zone" (UAZ) as a zone that contains an organization or person who grows produce or other agricultural products, raises or processes livestock or poultry, or sells at a minimum 75% locally grown or raised food;
- (2) Establishes three types of UAZs:
  - (a) A "grower UAZ" is a UAZ that grows produce, raises livestock, or produces other value-added agricultural products;
  - (b) A "processing UAZ" is a UAZ that processes livestock or poultry for human consumption; and
  - (c) A "vending UAZ" is a UAZ that sells produce, meat, or value-added locally grown agricultural products;
- (3) Specifies the requirements that each type of UAZ must meet in order to be approved by a municipality;
- (4) Allows any person or organization to submit an application to an incorporated municipality to develop a UAZ on a blighted area of land;
- (5) Specifies that an application must identify the type or combination of types of UAZs the applicant is applying for and that it meets the appropriate requirements; the number of jobs to be created by the UAZ; the types of products to be produced; and if applying for a vending UAZ, the ability to accept food stamps as a form of payment;
- (6) Specifies that the municipality must review and modify the application as necessary before approving or denying the request;
- (7) Requires the municipality to review approval of the UAZ five and 10 years after the development of the UAZ. After 25 years, the UAZ must dissolve. If during its review the municipality finds that the UAZ is not meeting the requirements, it may dissolve the UAZ;
- (8) Requires the municipality seeking the designation of a UAZ to establish a seven-member urban agricultural zone board to advise the municipality in setting up the UAZ and to review and assess zone activities. The requirements for membership on the board are specified in the bill;
- (9) Requires the board to hold a public hearing on seeking the UAZ

designation. The board must notify the taxing districts and political subdivisions within the zone about the designation. Other notification requirements are specified in the bill. Following the conclusion of the public hearing, the municipality may adopt an ordinance designating the UAZ;

(10) Prohibits the assessment of taxes on the real property of any UAZ for 25 years as specified in the municipal ordinance once the application requirements have been met except an amount as may be imposed by the county assessor that is not greater than the amount of tax due and payable during the preceding calendar year during which the UAZ was designated;

(11) Requires a grower UAZ to pay wholesale water rates for water consumed on the zone property and pay 50% of the standard cost to hook onto the water source if the water service is provided by the municipality; and

(12) Requires any local sales tax revenues, less 1% that is to be retained by the Director of the Department of Revenue, from the sale of agricultural products sold in a UAZ to be deposited into the newly created Urban Agricultural Zone Fund. The State Treasurer is to be the custodian of the fund. School districts may apply to the State Treasurer for money to develop curriculum on urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district in which the UAZ is located.

These provisions cannot apply to St. Charles County.

#### MISSOURI LIVESTOCK DISEASE CONTROL AND ERADICATION LAW (Section 267.655)

If the Director of the Department of Agriculture determines, after inquiry and an opportunity for a hearing, that a person violated any provision of the Missouri Livestock Disease Control and Eradication Law or any regulations related to the law, the department director has the authority to assess a civil penalty of up to \$1,000 per incident. If the person fails to pay the penalty or restitution, the department director may apply to the Cole County Circuit Court for an order enforcing the assessed penalty or restitution.

#### WEIGHTS AND MEASURES (Sections 323.100 and 413.225)

Currently, the Department of Agriculture is authorized to charge \$10 per test to test liquid meters used for the measurement and retail sale of liquefied petroleum gas. The bill increases the

testing fee to \$25 per meter on January 1, 2014, \$50 per meter on January 1, 2015, and allows the department director, as of January 1, 2016, to set the testing fee per meter at a rate to cover the expenses of the testing for the ensuing year up to \$75 per meter. Beginning October 1, 2014, the department director must submit an annual report to the General Assembly that states the current fee, the expenses for administering the testing for the previous year, any proposed changes to the fee, and the estimated administration expenses for the ensuing year. The department director must publish the testing fee schedule on the department's website that must be updated within 30 days of a change in the schedule.

Currently, the established fee for the registration, inspection, and calibration services performed by the Division of Weights and Measures within the department is deposited into general revenue. The bill requires the fees to be deposited into the Agricultural Protection Fund. The division is also authorized to compute the charges for metrology calibrations to the nearest quarter of an hour rather than the nearest hour and set, beginning January 1, 2014, the fee at a rate that will not yield more revenue than the total cost of operating the metrology laboratory, but not more than \$125, during the ensuing year. The bill specifies the devices that are to be included in the test fees. Devices that require participation in on-site field evaluations for National Type Evaluation Program Certification and all tests of in-motion scales must be charged a fee plus mileage from the inspector's official domicile to and from the inspection site. Beginning October 1, 2014, the department director must submit an annual report to the General Assembly stating the current laboratory fees for metrology calibration, the administrative expenses for the previous year, any proposed changes to the fee structure, and the estimated administrative expenses during the ensuing year. The department director must annually publish the laboratory fee schedule on the department's website that must be updated within 30 days of a change in the schedule.

#### LIVESTOCK FEED AND CROP LOANS (Section 348.521)

The maximum amount of certificates of guaranty that the Missouri Agricultural and Small Business Development Authority within the Department of Agriculture may issue on a loan for livestock feed and crop input is increased from \$40,000 to \$100,000.

#### ANIMAL WASTE HANDLING (Section 640.725)

The owner or operator of a flush system animal waste wet handling facility must visually inspect the gravity outfall lines, recycle pump stations, recycle force mains, and any other accessory for any release to any containment structure once per week and visually

inspect any lagoon where the water is less than 12 inches from an emergency spillway once per day.

#### WASTEWATER PERMIT MODIFICATIONS (Section 644.052)

The bill allows an entity that doesn't charge a service connection fee and requests a nonsubstantive modification to a sewage treatment permit to pay a \$100 fee to the Department of Natural Resources. Currently, the fee for a modification is 25% of the annual operating fee assessed.