

HCS SS SCS SB 12 -- AGRICULTURE

This bill changes the laws regarding agriculture.

URBAN AGRICULTURAL ZONES (Section 262.900, RSMo)

The bill modifies the definition of "processing UAZ" to include a type of urban agricultural zone (UAZ) that processes produce for human consumption. The bill requires any local sales tax revenues received from the sale of agricultural products sold by a mobile unit, defined as a motor vehicle, associated with a vending UAZ to be deposited into the Urban Agricultural Zone Fund. Fund moneys must be equally allocated to school districts and to municipalities that have urban agricultural zones for UAZ improvements. A municipality's allocation of fund moneys must be based upon the municipality's percentage of local sales tax revenues deposited into the fund. The municipalities must, upon appropriation, provide fund moneys to urban agricultural zones within the municipality for improvements.

BEEF COMMODITY MERCHANDISING PROGRAM (Section 275.352)

Currently, state fees are not allowed to be collected by the Beef Commodity Merchandising Program in excess of a commensurate amount credited against a federal assessment of beef producers. The bill establishes a referendum procedure for the Beef Commodity Council to follow in order to authorize the collection of state fees or to change the amount of the fee that includes submitting a petition approved by a two-thirds vote of the council or signed by 25% of Missouri beef producers to the Director of the Department of Agriculture. The petition must establish or modify a checkoff fee and specify the amount and manner of collection of the fee to be assessed.

Upon receipt of the petition, the department director must perform specified tasks including determining the legal sufficiency of the petition, establishing a list of beef producers, holding a public hearing on the proposed program, publishing a notice to beef producers, providing forms for beef producers to register with the department in order to be eligible to vote, approving or disapproving the petition, and holding a referendum after approval of a petition. The bill specifies the criteria to determine if the referendum passes.

A proposal to terminate the checkoff fee may be made by a majority of the council or by a petition of 10% of the registered beef producers. The proposed termination must be submitted to a referendum under which a simple majority is required for termination.

A referendum to change the amount of the fee or to make other major changes cannot be held within 12 months of a referendum conducted for a similar purpose. The fees imposed must be collected in the same manner as that used to collect the federal assessment and remitted to the Missouri Beef Industry Council.

MISSOURI LIVESTOCK MARKETING LAW (Section 277.040)

The bill specifies that all license fees collected by the Department of Agriculture under the Missouri Livestock Marketing Law cannot yield revenue greater than the total cost of administering the law during the ensuing year.

CERTIFIED COMMERCIAL PESTICIDE APPLICATORS (Section 281.065)

Currently, a certified commercial pesticide applicator must furnish evidence of financial responsibility with the Director of the Department of Agriculture in order to receive a license. Following the receipt of the initial license, the bill removes the requirement for an applicant to furnish the evidence for license renewal unless upon request of the department. Annual renewals for surety bonds or liability insurance must be maintained at the business location from which the applicator is licensed. If the department director so requests in writing, the applicator must furnish a copy of the bond or certificate within 10 working days of receiving the request. The amount of the required bond or insurance is increased from not less than \$25,000 for property damage and bodily injury insurance, each separately and for each occurrence, to not less than \$50,000 for each occurrence. The department director must be notified by the surety or insurer within 20 days prior to any cancellation or reduction of a bond or insurance policy that provides the financial responsibility for the applicator. If the bond or insurance policy is provided by the employer, the employer must immediately notify the department director upon the applicator's termination from employment or when a condition exists under which the applicator is not longer provided bond or insurance coverage by the employer. The applicator or applicator's employer must maintain the bond or insurance certificate at the business location from which the applicator is licensed. If the financial responsibility furnished becomes unsatisfactory, new financial responsibility instruments must be immediately executed and maintained at the business location or the department director can cancel the applicator's license.

VEHICLES HAULING LIVESTOCK AND AGRICULTURAL PRODUCTS (Section 304.180)

Currently, the total gross weight of any vehicle or combination of vehicles hauling livestock cannot exceed 85,000 pounds while operating on specified highways in the state. The bill repeals those provisions and specifies that the total gross weight of a vehicle or combination of vehicles hauling livestock cannot exceed 85,500 pounds while operating on highways other than the interstate highway system with the exception of vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

The bill allows any vehicle or combination of vehicles hauling grain or grain co-products during times of harvest to exceed the maximum allowable weight limitations by up to 10% while operating on highways other than the interstate highway system. This provision must not apply to vehicles operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

LABELING OF MOTOR FUEL PUMPS (Section 414.300)

The bill requires the Department of Agriculture to propose a rule regarding renewable fuels and the labeling of motor fuel pumps by January 1, 2016.

FOREIGN OWNERSHIP OF AGRICULTURAL LAND (Section 442.571)

Currently, the sale, transfer, or acquisition of any agricultural land by an alien or foreign business must be approved by the Director of the Department of Agriculture. The bill requires a sale or transfer of agricultural land by an alien or foreign business to be submitted to the department director for review only if there is no completed Internal Revenue Service Form W-9 signed by the purchaser. Any security interest in the agricultural land held by a person as an agent, trustee, or other fiduciary for an alien or foreign business cannot be divested or invalidated by a violation of specified provisions regarding aliens and corporations of foreign countries acquiring and holding real estate.

LIABILITY FOR LIVESTOCK ACTIVITIES (Section 537.325)

Currently, an equine activity sponsor, an equine professional, or any other person or corporation have limited liability for injuries or death from accidents resulting from the inherent risks of equine activities. The bill expands the limited liability to include a livestock activity sponsor, a livestock owner, a livestock facility, and a livestock auction market or any of their employees for injuries or death of a participant resulting from the inherent risks of livestock activities with the exception of specified circumstances.

Livestock activities include grazing, herding, feeding, branding,

milking, or other activities that involve the care or maintenance of livestock; a livestock show, fair, competition, or auction; a livestock training or teaching activity; boarding livestock; and inspecting or evaluating livestock.

Currently, equine activity sponsors must post a warning sign on or near specified areas where equine activities are conducted. The bill requires the warning sign to also be posted where livestock activities are conducted.