

HCS SS SCS SB 12 -- AGRICULTURE

SPONSOR: Munzlinger

COMMITTEE ACTIONS: Voted "Do Pass with Amendments" by the Standing Committee on Agriculture Policy by a vote of 13 to 4 with 1 present. Voted "Do Pass with HCS" by the Select Committee on Agriculture by a vote of 8 to 3.

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 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.

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. This 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 2/3 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 registered beef

producers. The proposed termination must be submitted to a referendum under which a simple majority is required.

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 and remitted to the Missouri Beef Industry Council.

MISSOURI LIVESTOCK MARKETING LAW (Section 277.040)

The bill specifies that all license fees collected under the Missouri Livestock Marketing Law cannot yield revenue greater than the total cost of administrating 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. The bill removes the requirement 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 to not less than \$50,000 for each occurrence. The applicator must immediately notify the department director of the cancellation or reduction of financial responsibility for any applicator or employer of the applicator. 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.

VEHICLES HAULING LIVESTOCK AND AGRICULTURAL PRODUCTS (Section 304.180)

Currently, the total gross weight of a vehicle or combination of vehicles hauling milk from a farm to a processing facility in the state cannot exceed 85,500 pounds with the exception of vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways. The bill adds livestock to the current weight limit exemption for milk haulers and allows vehicles hauling livestock to carry up to 85,500 pounds on all state highways other than the interstate system with the specified exception.

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% 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 (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 or an equine professional 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 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.

PROPONENTS: Supporters say that the bill contains many provisions that would help the largest industry in the state, agriculture. The dairy revitalization program will help an area of agriculture in the state that has struggled in recent years. The language relating to the foreign ownership of land would make the process of purchasing agricultural land smoother. Currently, every transaction over five acres needs to be approved by the Department of Agriculture.

Testifying for the bill were Representative Munzlinger; Missouri Poultry Federation; Missouri Dairy Association; Missouri Cattlemens Association; Missouri Soybean Association; Missouri Corn Growers Association; Missouri Farm Bureau; Alliance Of Automobile Manufacturers; Associated Industries Of Missouri; Missouri Pork Association; Missouri Land And Title Association; Missouri Dairy Products Association; Missouri Bankers Association; and Missouri Federation Of Animal Owners.

OPPONENTS: Those who oppose the bill say that the amount of agricultural land allowed to be owned by foreign ownership should be reduced below 1% of all agricultural land. Also, the opponents do not believe the Beef Checkoff program has performed at a level which warrants providing additional funding for the program.

Testifying against the bill was Brian Smith, Missouri Rural Crisis Center.

OTHERS: Others testifying on the bill say the fuel labeling requirements in the bill need to give the department more direction and focus in regards to necessary signage. The Missouri Beef Industry Council also provided additional information on the Beef Checkoff program.

Testifying on the bill was Missouri Petroleum Marketers & Convenience Store Association and Davin Althoff, Missouri Beef Industry Council.