

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 581

91ST GENERAL ASSEMBLY

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Reported from the Committee on Agriculture, March 8, 2001, with recommendation that the House Committee Substitute for House Bill No. 581 Do Pass.

Taken up for Perfection March 28, 2001. House Committee Substitute for House Bill No. 581 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

1516L.02P

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## AN ACT

To amend chapter 262, RSMo, by adding thereto four new sections relating to the farmland protection act.

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

Section A. Chapter 262, RSMo, is amended by adding thereto four new sections, to be known as sections 262.800, 262.802, 262.805 and 262.810, to read as follows:

**262.800. Sections 262.800 to 262.810 shall be known and may be cited as the "Farmland Protection Act". The purpose of the farmland protection act shall be to:**

**(1) Protect agricultural, horticultural and forestry land;**

**(2) Promote continued economic viability of agriculture, horticulture and forestry as a business;**

**(3) Promote the continued economic viability of those businesses dependent on providing materials, equipment and services to agriculture, horticulture and forestry; and**

**(4) Promote quality of life in the agriculture community.**

**262.802. 1. This state or any political subdivision of this state shall hold water and sewer assessments in abeyance, without interest, until improvements on such property are connected to the water or sewer system for which the assessment was made.**

**2. The provisions of this section shall apply only to tracts of real property:**

**(1) Comprised of ten or more contiguous acres; and**

**(2) Used as agricultural or single-family residential property, or both; and**

**(3) Not in a platted subdivision.**

8           **3. At the time improvements on such property are connected to the water or sewer**  
9 **system, the owner shall pay to the political subdivision an amount equal to the**  
10 **proportionate charge for the number of system lines connected to improvements on such**  
11 **property.**

12           **4. The owner shall not be charged based on the total cost of running the water or**  
13 **sewer assessments to or across the owner's real property. Rather, the assessment shall be**  
14 **based on:**

15           **(1) A reasonable hookup charge; and**

16           **(2) A proportionate charge for the number of improvements requested to be**  
17 **connected to such assessments in relation to the total capacity of the system; and**

18           **(3) The anticipated proportionate burden to the system.**

19           **5. The period of abeyance shall end when the owner exercises the option to connect**  
20 **to the improvements for which the assessment was made.**

21           **6. When the period of abeyance ends, the assessment is payable in accordance with**  
22 **the terms set forth in the assessment resolution, so long as such terms are not inconsistent**  
23 **with sections 262.800 to 262.810. To the extent that such terms are inconsistent, the**  
24 **provisions of sections 262.800 to 262.810 shall control.**

25           **7. All statutes of limitation shall be suspended during the time that any assessment**  
26 **is held in abeyance without interest.**

27           **8. The political subdivision responsible for assessments shall notify the owner of the**  
28 **amount proposed to be charged and the terms of payment for each improvement requested**  
29 **to be connected to such assessment. The notice shall:**

30           **(1) Be provided in writing to the owner at the address listed on records of the**  
31 **county for the receipt of real property tax statements for such tract of land;**

32           **(2) Be sent by certified mail, return receipt requested within forty-five days of**  
33 **receipt of the request for hookup from the owner;**

34           **(3) State in the body of the letter as follows: "As owners of the property proposed**  
35 **to be assessed, you have thirty days from the date of receipt of this notice to accept, in**  
36 **writing, the amount of the assessment stated herein or to dispute the amount by filing an**  
37 **action in the circuit court of the county where the real property is located. Your property**  
38 **may be eligible for protection under the Missouri Farmland Protection Act as provided in**  
39 **Chapter 262, RSMo." A copy of the act shall be included in the letter.**

40           **9. If the owner disputes the amount of assessment when the period of abeyance**  
41 **ends, the owner may file an action disputing the amount of the assessment to the circuit**  
42 **court of the county in which the real property subject to the assessment is located within**  
43 **thirty days of the receipt of the notice.**

44       **10. Nothing in this section shall be construed as diminishing the authority of**  
45 **counties of other political subdivisions to hold assessments in abeyance.**

46       **11. The provisions of this section shall not apply to public water supply districts as**  
47 **defined by chapter 247.010, RSMo, to and including chapter 247.227, RSMo, except that**  
48 **a public water supply district shall not require payment from landowners whose property**  
49 **is crossed to service another tract of land until the owner of such property crossed requests**  
50 **connection to the rural water supply district.**

51       **12. In a city with a population of at least four hundred thousand located in more**  
52 **than one county, the assessments on a tract of property otherwise entitled to protection**  
53 **pursuant to the provisions of the farmland protection act shall be for the proportionate**  
54 **cost of water or sewer improvements, but the portion of the assessment initially payable**  
55 **shall not exceed five hundred dollars per acre of the tract, up to an amount not to exceed**  
56 **ten thousand dollars. The remaining portion of an assessment in excess of that amount,**  
57 **if any, shall be held in abeyance without interest during the abeyance period until new**  
58 **improvements on the protected property are connected to the water or sewer for which the**  
59 **property is being assessed, or until the property is conveyed to a new owner who does not**  
60 **continue to utilize the property for farming purposes. "Farming purposes" shall be**  
61 **defined as at least three-fourths of the property used for farming, tillage of the soil, dairy**  
62 **farming, ranching, production or raising of crops, poultry or livestock, breeding, training**  
63 **or boarding of equines or mules, and production of poultry or livestock products in an**  
64 **unmanufactured state. At the time the new improvements are connected or at the time of**  
65 **the conveyance to a new owner using the property for other than farming purposes, the**  
66 **portion of assessment held in abeyance shall become due and payable. However, any**  
67 **facility or improvement located on the property at the time the special assessment project**  
68 **is approved by the political subdivision may be connected to the water or sewer system at**  
69 **no additional charge, other than the per acre charge allowed in this subsection, without**  
70 **affecting the portion of assessment to be held in abeyance. The political subdivision shall**  
71 **provide the same payment options to the property owner as are available to owners of**  
72 **other properties assessed for the same improvements but not protected pursuant to this**  
73 **section to pay both the assessment initially payable and the portion of any assessment held**  
74 **in abeyance.**

75       **13. If a political subdivision files an action to have all or a portion of sections**  
76 **262.800 to 262.810 declared null and void, for declaratory judgment, the owner of the**  
77 **property for purposes of this section shall be considered a state agency and shall be**  
78 **provided legal defense or representation by the state of Missouri. If the political**  
79 **subdivision is declared to have lost, in whole or in part, in the proceedings, the cost of**

80 providing defense to the landowner, including reasonable attorney fees and costs, shall be  
81 fully reimbursed to the state of Missouri by the political subdivision.

262.805. The following notice shall be given to purchasers to property located  
2 within one-half mile of any property used for agriculture or farming purposes prior to the  
3 time of final sale:

4 "You have purchased property that is located within one-half mile of an  
5 agricultural operation. Agriculture operations are commercial operations that include, but  
6 are not limited to, the following: breeding and rearing of livestock, weaning and treating  
7 of livestock, raising and harvesting crops, application of fertilizers and pesticides, dust,  
8 noise, odors, gunfire, burning, extended hours of operation, seasonal operations, timber  
9 operations, cultivated and idle land.

10 Agriculture operations typically consist of open and timbered spaces that are  
11 private property and are not open to the public or to public access. Agriculture operations  
12 contain many hazards, including but not limited to, open water (including ponds, streams,  
13 ditches), open pits, brush, brush piles, snakes, untamed and unpredictable animals, electric  
14 and barbed fences, storage building and structure, tractors and equipment, and hidden  
15 obstacles. Children and adults are not permitted to roam, play or trespass on farm or  
16 agriculture property."

262.810. Property subject to the farmland protection act shall not be taken in whole  
2 or in part by any political subdivision of this state by eminent domain except after a public  
3 hearing pursuant to chapter 610, RSMo.