

HCS SS SCS SB 931 -- AGRICULTURAL INCENTIVES AND PROGRAMS

SPONSOR: Purgason (Dethrow)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Agri-Business by a vote of 10 to 0.

This substitute changes the laws regarding the administration of agricultural incentive programs.

NATIONAL ANIMAL IDENTIFICATION SYSTEM

The substitute allows the Department of Agriculture to support a voluntary animal identification program. The department is prohibited from mandating National Animal Identification System (NAIS) premises registration or participation in the NAIS administered by the United States Department of Agriculture without specific authorization from the General Assembly except for current or future disease monitoring or control programs.

Any person who participates in the NAIS may withdraw from the system at any time, and all personal information related to a participant will be deleted from the system unless the participant is part of an ongoing disease investigation or disease monitoring or control program.

If these provisions interfere with the marketing of Missouri livestock, the Governor, by executive order, can waive the requirements until the General Assembly takes action to reinstate or modify the provisions during the next regular session of the General Assembly or any special session called by the Governor.

PESTICIDE REGISTRATION FEES

The Pesticide Fee Fund is created for the deposit of moneys collected from annual pesticide registration fees. Moneys in the fund will be used solely for the administration of programs within the Bureau of Pesticide Control in the Department of Agriculture.

Beginning January 1, 2009, the annual pesticide registration fee will increase from \$15 to \$50 for each registered product.

LARGE ANIMAL VETERINARY STUDENT LOAN ASSISTANCE

The substitute changes the laws regarding the Large Animal Veterinary Medicine Loan Repayment Program and the Large Animal Veterinary Student Loan Program within the Department of Agriculture. The substitute:

- (1) Adds lawful permanent residency in the United States to the criteria for a student to be eligible to participate in the Large Animal Veterinary Medicine Loan Repayment Program;
- (2) Specifies that up to six qualifying veterinarian students can be awarded a maximum of \$20,000 per academic year up to a cumulative total of \$80,000 with priority given to eligible students who have established financial need;
- (3) Specifies that the maximum amount the department can forgive for each year of qualifying service is \$20,000;
- (4) Requires a loan recipient who fails to meet the qualified service requirement to begin repayment of the loan within six months of the first day on which he or she did not meet the service requirement; and
- (5) Authorizes the department to grant a loan deferment to a student who is on active duty in any branch of the armed forces of the United States.

AGRICULTURAL TAX CREDITS

The definition of "agricultural tax credits" as it relates to the Missouri Agricultural and Small Business Development Authority is revised to include family farm breeding livestock loan tax credits and qualified beef tax credits and makes them subject to the reporting requirements under the Tax Credit Accountability Act of 2004. The substitute increases from \$150,000 to \$300,000 the maximum amount of tax credits that the authority is authorized to issue annually to eligible lenders participating in the Family Farm Livestock Loan Program.

The substitute also requires new generation cooperatives to report under the act if the agricultural tax credit is issued as a result of a producer member investing in the new generation cooperative. Certain types of agricultural production facilities must be located in Missouri in order to qualify its producer member for agricultural tax credits.

QUALIFIED BIOMASS

Beginning January 1, 2009, through December 31, 2019, Missouri qualified fuel ethanol producers producing fuel ethanol from qualified biomass will be eligible to receive grants from the Department of Agriculture. Grants of up to \$7.5 million will be available for up to two qualified fuel ethanol producers.

STATE AND LOCAL SALES AND USE TAX EXEMPTION FOR AGRICULTURAL FENCING, FORESTRY EQUIPMENT, AND MOTOR FUEL

A state and local sales and use tax exemption is authorized for fencing materials, forestry equipment, and motor fuel used for agricultural purposes.

HAZARDOUS SUBSTANCES

The substitute specifies that when a hazardous substance release occurs the person having control of the hazardous substance is liable for the reasonable and necessary costs for the cleanup or containment incurred by the political subdivision or volunteer fire protection association providing the emergency services. No later than 60 days after completion of the hazardous substance cleanup, the political subdivision or the emergency services provider is required to furnish the liable person with an itemized statement of all costs associated with the hazardous substance release. The statement of costs must include certain explanations for why the costs were incurred. A cleanup cost statement may be appealed to the Director of the Department of Natural Resources with the burden of proof on the political subdivision or the emergency services provider.

NAME CHANGES

The Marketing Division within the Department of Agriculture is renamed the Agriculture Business Development Division, the Marketing Development Fund as the Agriculture Business Development Fund, the Missouri Agricultural Products Marketing Development Fund as the AgriMissouri Fund, and the Citizens' Advisory Commission for Marketing Missouri Agricultural Products as the AgriMissouri Advisory Commission for Marketing Missouri Agricultural Products.

ALTERNATIVE FUEL REFUELING STATION INCENTIVES

The substitute authorizes a tax credit, from January 1, 2009, to December 31, 2011, for eligible applicants who install and operate a qualified alternative fuel vehicle refueling station. The credit may be claimed for any tax year in which the applicant is constructing the station. The credit will be the lesser of \$20,000 or 20% of the total direct costs for the purchase and installation of any alternative fuel storage and dispensing equipment. The costs of purchasing land or an existing alternative fuel vehicle refueling station or the construction or purchase of a structure are not considered eligible costs. The total amount of tax credits which can be claimed cannot exceed \$3 million in 2009, \$2 million in 2010, and \$1 million in 2011. Tax credits may be carried forward for two years and sold, but will be forfeited if a tax credit recipient stops selling alternative fuel.

NOXIOUS WEEDS

Persons, corporations, the Highways and Transportation Commission, state departments, state agencies, county commissions, township boards, school boards, drainage boards, governing bodies of incorporated cities, railroad companies and other transportation companies, and persons supervising state-owned lands are required to control the spread of and eradicate spotted knapweed (*Centaurea stoebe* ssp. *micranthos*, including all subspecies), which are designated as noxious and dangerous weeds to agriculture.

DAIRY COWS AND DAIRY OPERATIONS

Subject to appropriations, the Missouri Agricultural and Small Business Development Authority must pay the first year of charged interest payments on all linked deposit loans used for the acquisition of dairy cows. The authority is authorized to charge a service fee, not to exceed \$50, to defray the administrative costs of processing a loan.

The authority is required to develop and implement dairy business planning grants. The aggregate amount of the grants will not exceed \$50,000; and no single grant can exceed \$5,000. An application fee may be charged, not to exceed \$50 per grant application, to defray the administrative costs of administering the grant.

The applicant's dairy operation must be located in Missouri and be at least 51% owned by Missouri residents. The grant proceeds must be used solely to contract with a dairy business planning professional approved by the authority. The authority is required to establish rules on eligibility and award criteria including improved profitability, modernization, and expansion of the dairy operation. The experience, education, and relevant dairy experience of both the grant applicant and the dairy business planning professional are required to be part of the respective selection criteria.

LIVESTOCK FEED AND CROP INPUT LOAN GUARANTEE PROGRAM

The Missouri Agricultural and Small Business Development Authority must provide assistance to independent livestock and poultry family farm operations by implementing a livestock feed and crop input loan guarantee program to grant partial loan guarantees on loans for the purchase of livestock feed and crop inputs to produce crops for feeding livestock.

The Livestock Feed and Crop Input Loan Guarantee Fund is created consisting of moneys appropriated by the General Assembly;

bequests from federal, private, or other sources; and investment income on the fund. The General Assembly may appropriate up to \$4 million to the fund. Qualified independent livestock and poultry family farm operations may borrow up to \$40,000. The authority provides a 50% first-loss guarantee, on a declining principal basis, to local lenders and will charge a one-time participation fee of \$50 on the loan. A special loan guarantee fee of up to 1% per annum of the outstanding principal of the loan may be charged by the lender and paid to the authority.

AUTOMOTIVE LUBRICANTS AND PETROLEUM PRODUCTS

Automotive lubricants are required to meet the American Society for Testing and Materials (ASTM) current standards. If no ASTM standard exists for certain fuels and petroleum-based products, the Department of Agriculture may adopt other generally recognized national consensus standards by rule.

The department is authorized to regulate the posting of prices at gas stations and convenience stores for fuels, petroleum products, and automotive lubricants.

Currently, the penalty for a first violation of the product standards or labeling and advertisement requirements for certain fuels and petroleum products is not to exceed a written reprimand.

The substitute also:

- (1) Requires dealers, distributors, producers, or compounders of certain fuels and oils to immediately provide a sample upon a department request;
- (2) Allows the department director to have access during business hours to all places where automotive lubricants are marketed;
- (3) Prohibits the storing or selling of automotive lubricants in a deceptive manner;
- (4) Allows the directors of the departments of Agriculture and Revenue, upon request, to have access to shipping records of automotive lubricants as kept by common carriers and marketers of fuels or petroleum products; and
- (5) Increases the maximum inspection fee on gasoline, gasoline-alcohol blends, kerosene, diesel fuel, heating oil, aviation turbine fuel, and other motor fuels from 2.5 cents per barrel to three cents per barrel.

The Large Animal Veterinary Student Loan Program will expire June 30, 2013, and the provisions regarding tax credits for alternative fuel vehicle refueling stations will expire six years from the effective date.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Greater than \$3,602,642 in FY 2009, Greater than \$1,213,454 to \$3,763,454 in FY 2010, and Greater than \$1,299,100 to \$4,445,767 in FY 2011. Estimated Effect on Other State Funds of an income of \$120,099 to a cost of Unknown in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the National Animal Identification System should remain voluntary; the associated costs of the program are disproportionately higher for small producers; and price premiums earned for voluntary participation in certain programs may disappear.

Testifying for the bill were Senator Purgason; James Reed; Jim Foster; Tim Gibbous; Ronald Conway; Ray Cunio; Rhonda Perry, Missouri Rural Crisis Center; and Russ Kramer, Missouri Farmer's Union.

OPPOSERS: Those who oppose the bill say that the National Animal Identification System is necessary to prevent large area quarantines in the event of an animal disease outbreak. Other states and most countries require source verification as a condition of marketing livestock. Premises registration is free, and identification tags would not be required for livestock that never leave the farm.

Testifying against the bill were Missouri AgriBusiness Association; Missouri Farm Bureau; Don Nikodim, Missouri Pork Producers Association; Steve Stubberg and Bud Hertzog, Missouri Veterinary Medical Association; Jeff Windett and Merrel Breyer, Missouri Cattlemens Association; Missouri Dairy Association; Ken Disselhorst; Jeff Hazaleus; Bob Parker; and Kay Barns.

OTHERS: Others testifying on the bill say that 65% of animal diseases can be transmitted to humans. Various aspects of the National Animal Identification System were explained.

Testifying on the bill was Department of Agriculture.