

HCS SB 342 -- AGRICULTURE

SPONSOR: Parson (Guernsey)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Agri-Business by a vote of 11 to 4.

This substitute changes the laws regarding agriculture.

SALES TAX EXEMPTION FOR CERTAIN FARM PRODUCTS (Section 144.527, RSMo)

The substitute authorizes a state and local sales and use tax exemption for specified farm products sold at a farmers' market.

CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT (Section 178.550)

The substitute establishes the Career and Technical Education Student Protection Act. The Career and Technical Education Advisory Council is established within the Department of Elementary and Secondary Education and the provisions regarding the State Advisory Committee for Vocational Education are repealed.

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. The membership will consist of a director or administrator of a career and technical education center, an individual from the business community with a background in commerce, a representative from Linn State Technical College, three current or retired career and technical education teachers who serve or have served as an advisor to any of the specified nationally recognized career and technical education student organizations, a representative from a business organization, a representative from a Missouri community college, a representative from Southeast Missouri State University or the University of Central Missouri, 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 a school administrator or school superintendent of a school that offers career and technical education.

A director of guidance and counseling services at the Department of Elementary and Secondary Education, the Director of the Division of Workforce Development within the Department of Economic Development, and one member of the Coordinating Board for Higher Education within the Department of Higher Education selected by the board will serve as ex-officio members.

The Assistant Commissioner for the Office of College and Career Readiness of the Department of Elementary and Secondary Education will provide staff support to the advisory council. 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 report regarding the state budget for career and technical education and must annually submit recommendations regarding the oversight and procedures for the handling of students career and technical education organization funds to the State Board of Education and the Commissioner of Education.

The advisory council must develop a statewide short-range and long-range strategic plan for career and technical education; identify service gaps and provide advice on methods to close the gaps as they relate to youth and adult employees, workforce development, and employers on training needs; 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.

The Department of Elementary and Secondary Education must provide documentation and information to allow the advisory council to be effective.

ORDINANCES PASSED BY COUNTY HEALTH CENTER BOARDS (Section 192.300)

Beginning August 28, 2013, in any county with both a county commission and a county health center board, each of the entities must be in agreement to pass orders, ordinances, rules, or regulations to protect public health. Each entity, by a recorded majority vote, must pass identical orders, ordinances, rules, or regulations. Either entity may initiate prosecution of violation of the jointly passed orders, ordinances, rules, or regulations. However, a county prosecutor must not initiate a misdemeanor prosecution unless he or she has confirmed that an order, ordinance, rule, or regulation has been jointly adopted.

EGGS (Section 196.311)

The definition of "eggs" is revised as it relates to the regulation of the sale of eggs 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 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 substitute.

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. If the county 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 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 at the general municipal 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, provided 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 at the election must be paid by the district. In a single-council district, if a majority of the voters in the county approve the question, the tax will be imposed. In a consolidated district, a majority of voters in the district is required.

RODEOS (Section 262.750)

The substitute specifies that the right to conduct and participate in rodeos is guaranteed and any law, ordinance, or rule restricting the conducting of or participating in rodeos in Missouri is prohibited, except the protections under Chapter 267, regarding diseased animals as determined by the State Veterinarian and any reasonable restrictions regarding time, place, and manner consistent with other similar events. Promoters of rodeos have the authority to establish fees and set rules for specific events.

CHILDREN WORKING ON FAMILY FARMS (Section 262.795)

A child may perform agriculture work on a farm owned and operated by the child's parent, sibling, grandparent, or sibling of a parent or, if performed by the child with the knowledge and consent of the child's parent, on any family farm or family farm corporation, including operating power driven machinery or motor vehicles; oiling, cleaning, maintaining, or washing machinery; using ladders, scaffolding, or other substitutes; and performing occupations involving exposure to any toxic or hazardous chemicals. A child may not be allowed to engage in other activities prohibited in Section 294.040.

A child working on a family farm may do so without obtaining a work certificate and is not subject to specified limitations on the hours that he or she may work.

VIOLATIONS OF 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 the Missouri Livestock Disease Control and Eradication Law, or any regulations related to the law, the department director must have 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 circuit court of Cole

County for an order enforcing the assessed penalty or restitution.

VEHICLES HAULING AGRICULTURAL PRODUCTS (Section 304.180)

Currently, the total gross weight of a vehicle or combination of vehicles hauling livestock on specified highways in the state cannot exceed 85,500 pounds. The substitute removes the specified highways and applies this weight limitation to any vehicle hauling livestock or agricultural products, not including local log trucks, on any highway of this state. Any vehicle hauling livestock or agricultural products weighing more than 80,000 pounds must apply to the Department of Transportation yearly for a permit and must receive a permit upon paying a \$25 fee. Upon renewal of the permit, the applicant must submit to the department a list of roads traveled and the number of miles traveled on each road during the year.

RECYCLABLE WASTE (Section 304.184)

A truck hauling recyclable waste for use in the production of animal feed to a recycling facility approved by the Department of Natural Resources, Department of Health and Senior Services, or Department of Revenue is allowed to carry the same weight as a truck carrying solid waste.

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.

FOREIGN OWNERSHIP OF AGRICULTURAL LAND (Sections 442.571 and 442.576)

Currently, no alien or foreign business may purchase agricultural land in Missouri. The substitute prohibits the purchase of agricultural land by an alien or foreign business if the total aggregate alien and foreign ownership of agricultural acreage in the state exceeds .5% of the total aggregate agricultural acreage in this state. The Director of the Department of Agriculture must approve any sale, transfer, or acquisition of any agricultural land. The department must establish the requirements for the submission and approval of requests to purchase, transfer, or acquire any agricultural land.

STEALING OF LIVESTOCK (Section 570.030)

The substitute specifies that stealing any animal considered to be

livestock is a class B felony.

CRIMES AGAINST ANIMALS (Sections 578.009 - 578.012)

Currently, a person is guilty of animal neglect when he or she has custody, ownership, or both of an animal and fails to provide adequate care or adequate control that results in substantial harm to the animal. The substitute specifies that a person will be guilty of animal neglect if he or she has custody, ownership, or both and fails to provide adequate care.

The substitute specifies that a person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period of 12 hours or more. The first conviction for animal trespass is an infraction and punishable by a fine of up to \$200. A second or subsequent conviction is a class C misdemeanor punishable by imprisonment, a fine of up to \$500, or both. The court may waive all fines for the first conviction if the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived.

Currently, a person is guilty of animal abuse when the person having ownership or custody of an animal knowingly fails to provide adequate care or adequate control. The substitute specifies that a person is guilty of animal abuse if a person having ownership or custody of an animal knowingly fails to provide adequate control that results in substantial harm to the animal.

The term "custody" as it is used in these provisions must apply only to an agent or employee of the owner who is in possession of the animal.

TRICHOMONIASIS TESTING (Section 1)

Any cattle initially testing positive for trichomoniasis may be retested within 10 days of the laboratory report. If the producer does not retest the animal or if the retest is positive, it will be considered trichomoniasis positive. If the retest is negative, the producer must retest the animal again. If the subsequent retest is negative, the animal will be considered trichomoniasis negative.

SPECIES-SPECIFIC ANIMAL HEALTH ADVISORY COMMITTEES (Section 2)

The Department of Agriculture must create and utilize a species-specific animal health advisory committee during the development and evaluation of all animal health rules, regulations, and legislative positions. In addition, the department director or

his or her designated representative must meet with a representative of each species-specific committee on the first Tuesday of each month.

PROPOSERS: Supporters of the bill say that lenders are not currently participating in the program based on the small amount the loan allows. By increasing the loan amount to \$100,000, the loans will help more farmers, and more lenders will participate in the program.

Testifying for the bill were Representative Kelley; Missouri Agriculture and Small Business Development Authority, Department of Agriculture; FCS Financial; Missouri Farm Bureau and Missouri Bankers Association.

OPPOSERS: There was no opposition voiced to the committee.