

FIRST REGULAR SESSION

HOUSE BILL NO. 1080

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MUNZLINGER (Sponsor) AND LOEHNER (Co-sponsor).

2381L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 261, RSMo, by adding thereto five new sections relating to the sustainable agriculture and local foods initiative.

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

Section A. Chapter 261, RSMo, is amended by adding thereto five new sections, to be known as sections 261.325, 261.328, 261.331, 261.334, and 261.337, to read as follows:

261.325. 1. Sections 261.325 to 261.337 shall be known and may be cited as the "Sustainable Agriculture and Local Foods Initiative".

2. For the purposes of sections 261.325 to 261.337, the following terms shall mean:

(1) "Locally grown and processed", food products grown in the state and, to the extent processing was required, processed in the state;

(2) "Micro agricultural enterprise", an operation with five or less employees and forty thousand dollars or less in start-up funding that will produce or process agricultural products in Missouri.

(3) "Percentage price preference", the percent by which a responsive bid by a responsible bidder whose product is locally grown and processed may exceed the lowest responsive bid by a responsible bidder whose product is not locally grown and processed;

(4) "Small farmer and business", an agricultural operation based in Missouri that produces or processes food products and that has gross annual sales of less than two hundred fifty thousand dollars or an agribusiness based in Missouri that produces or processes food products and has less than five million in gross annual sales.

3. There is hereby created the "Office of Sustainable Agriculture and Local Foods" to be housed within the department of agriculture. The office of sustainable agriculture

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 and local foods shall employ staff consisting of not less than one full-time or the equivalent
19 of one full-time program staff member and one full-time or the equivalent of one full-time
20 administrative assistant.

21 4. The mission of the office of sustainable agriculture and local foods created in this
22 section shall be to improve the climate for agricultural products that are produced or
23 processed by small farmers and businesses and to promote a sustainable Missouri food
24 system. To accomplish this mission, the office will provide technical and financial
25 assistance to small farmers and businesses for the branding, marketing, and distribution
26 of sustainable, natural, and organic Missouri agricultural products.

27 5. The duties of the office of sustainable agriculture and local foods shall be to:

28 (1) Administer the Missouri farm-to-cafeteria program created under section
29 261.328;

30 (2) Administer the beginning farmer program created under section 261.331;

31 (3) Administer the Missouri-branded program created under section 261.334;

32 (4) Administer the new markets program created under section 261.337;

33 (5) Administer up to two million in tax credits for the acquisition of best
34 management practice technology by small farmers and businesses;

35 (6) Promulgate rules for the programs in this section. Any rule or portion of a rule,
36 as that term is defined in section 536.010, RSMo, that is created under the authority
37 delegated in this section shall become effective only if it complies with and is subject to all
38 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
39 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
40 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or
41 to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
42 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be
43 invalid and void;

44 (7) Administer funding appropriated or received for its operations and programs.

261.328. 1. The department of agriculture, in collaboration with the departments
2 of elementary and secondary education and health and senior services, shall create the
3 "Farm Fresh Schools Program" to reduce obesity and improve nutrition and public health,
4 as well as strengthen local agricultural economies by increasing access to and promoting
5 the consumption of locally grown fruits and vegetables in schools and increasing physical
6 activities and programs that promote pupil wellness.

7 2. The farm fresh schools program shall:

8 (1) Link schools with local and regional farms in order to provide schools with
9 fresh and minimally processed farm commodities for inclusion in school meals, vending
10 machines, salad bars, and snacks;

11 (2) Help students develop nutritional awareness and healthy eating habits;

12 (3) Include activities that provide students with hands-on learning opportunities,
13 such as farm visits, cooking demonstrations, and school gardening and composting
14 programs, and integrate nutritional and agricultural education into school curricula; and

15 (4) Emphasize the purchase of farm fresh foods by schools in order to improve
16 child nutrition and strengthen local and regional farm economies.

17 **3. In implementing the farm fresh schools program, the departments shall:**

18 (1) Manage procurement of food;

19 (2) Promote and market the program;

20 (3) Ensure proper food safety and compliance with all health code requirements
21 and certifications;

22 (4) Conduct workshops, training sessions, and technical assistance to school, farm,
23 and food processing personnel;

24 (5) Assist schools in developing and implementing nutrition education plans that
25 include locally grown foods;

26 (6) Seek funding for the program by gift, bequest, donation, and other sources for
27 the issuance of grants under subsection 4 of this section;

28 (7) Promote school gardens and encourage local authorities to permit school-grown
29 foods to be served in school cafeterias;

30 (8) Encourage education about nutrition and growing methods, including but not
31 limited to incorporating gardening and nutrition into grade-level expectations;

32 (9) Work to amend state and school procurement restrictions to:

33 (a) Require development of food procurement procedures to maximize the purchase
34 of state-grown food by the state and schools; and

35 (b) Require all state food contracts to include a plan to maximize the purchase of
36 state-grown food.

37 **4. The departments of agriculture and elementary and secondary education shall**
38 **jointly administer a process to review grant proposals and award grants on a competitive**
39 **basis to eligible applicants to implement the farm fresh schools program. The first six**
40 **grants awarded under the program shall be awarded in six different counties, including**
41 **three urban counties and three rural counties with a significant agricultural economy.**

42 **5. The department of agriculture shall develop a web site or include in the**
43 **department's web site a mechanism to link farmers and schools for the purpose of food**
44 **procurement.**

45 **6. (1) There is hereby created in the state treasury the "Farm Fresh Schools**
46 **Fund", which shall consist of moneys appropriated for the program, and any gifts,**
47 **bequests, or donations to the program. The state treasurer shall be custodian of the fund.**
48 **In accordance with sections 30.170 and 30.180, RSMo, the state treasurer may approve**
49 **disbursements. Upon appropriation, money in the fund shall be used solely for the**
50 **administration of this section.**

51 **(2) Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
52 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
53 **the general revenue fund.**

54 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
55 **funds are invested. Any interest and moneys earned on such investments shall be credited**
56 **to the fund.**

57 **7. The department of agriculture, in consultation with the departments of**
58 **elementary and secondary education and health and senior services, shall promulgate rules**
59 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**
60 **defined in section 536.010, RSMo, that is created under the authority delegated in this**
61 **section shall become effective only if it complies with and is subject to all of the provisions**
62 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
63 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
64 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
65 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
66 **authority and any rule proposed or adopted after August 28, 2009, shall be invalid and**
67 **void.**

68 **8. Under section 23.253, RSMo, of the Missouri Sunset Act:**

69 **(1) The provisions of the new program authorized under this section shall**
70 **automatically sunset six years after the effective date of this section unless reauthorized by**
71 **an act of the general assembly; and**

72 **(2) If such program is reauthorized, the program authorized under this section**
73 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
74 **section; and**

75 **(3) This section shall terminate on September first of the calendar year immediately**
76 **following the calendar year in which the program authorized under this section is sunset.**

261.331. 1. The office of sustainable agriculture and local foods created under section 261.325 shall administer the "Beginning Farmer Program", which is hereby created. The program shall:

(1) Organize and administer a mentoring program to connect aging farmers and ranchers with young people interested in becoming involved in agriculture;

(2) Notwithstanding any law to the contrary, utilize not less than five hundred thousand dollars of funding authorized for agriculture linked deposits under section 30.753, RSMo, for the purpose of funding micro agricultural enterprises.

2. Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

261.334. 1. For purposes of this section, the term "agricultural product" shall have the same meaning as in section 348.400, RSMo.

2. The office of sustainable agriculture and local foods created under section 261.325 shall administer a Missouri-branded program for small farms and businesses. Such program shall:

(1) Assist small farmers and businesses market within the state locally grown and processed agricultural products;

(2) Assist in the coordination of the aggregation of agricultural products for sale or distribution; and

(3) Establish a marketing plan for agricultural products produced by small farmers and businesses.

3. Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

19 (3) This section shall terminate on September first of the calendar year immediately
20 following the calendar year in which the program authorized under this section is sunset.

261.337. 1. The office of sustainable agriculture and local foods created under
2 section 261.325 shall administer the "New Markets Program" in which ten new farmer's
3 markets shall be created in the state each year for ten years. For purposes of this section,
4 a "farmer's market" shall be a market place where small farmers and businesses compose
5 the majority of the vendors.

6 2. Under section 23.253, RSMo, of the Missouri sunset act:

7 (1) The provisions of the new program authorized under this section shall
8 automatically sunset six years after the effective date of this section unless reauthorized by
9 an act of the general assembly; and

10 (2) If such program is reauthorized, the program authorized under this section
11 shall automatically sunset twelve years after the effective date of the reauthorization of this
12 section; and

13 (3) This section shall terminate on September first of the calendar year immediately
14 following the calendar year in which the program authorized under this section is sunset.

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