

SECOND REGULAR SESSION

# HOUSE BILL NO. 2224

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LOEHNER (Sponsor), WETER, WRIGHT, FISHER (125),  
KUESSNER, SUTHERLAND AND HUGHES (Co-sponsors).

5053L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 262, RSMo, by adding thereto one new section relating to the Missouri farmland trust.

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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 one new section, to be  
2 known as section 262.815, to read as follows:

**262.815. 1. This section shall be known and may be cited as the "Missouri  
2 Farmland Trust Act". The purpose of this section is to allow individuals and entities to  
3 donate, gift, or otherwise convey farmland to the state department of agriculture for the  
4 purpose of preserving the land as farmland and to further provide beginning farmers with  
5 an opportunity to farm by allowing long-term low and variable cost leases, thereby making  
6 it affordable for the next generation of farmers to continue to produce food, fiber, and fuel.**

**7 2. There is hereby created the "Missouri Farmland Trust" which shall be  
8 implemented in a manner to accomplish the following objectives:**

**9 (1) Protect and preserve Missouri's farmland;**

**10 (2) Link new generations of prospective farmers with present farmers; and**

**11 (3) Promote best practices in environmental, livestock, and land stewardship.**

**12 3. (1) There is hereby created within the department of agriculture the "Missouri  
13 Farmland Trust Advisory Board" which shall be comprised of five members appointed by  
14 the director of the department of agriculture. Members shall serve without compensation  
15 but, subject to appropriations, may be reimbursed for actual and necessary expenses.**

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.

16           (2) The board shall make recommendations to the director on the appropriate uses  
17 of farmland in the trust, criteria to be used to select applicants for the program, and review  
18 and make recommendations regarding applications to lease farmland in the trust.

19           (3) Members shall serve five-year terms, with each term beginning July first and  
20 ending June thirtieth; except that, of the members initially appointed two shall be  
21 appointed for a term of three years, two shall be appointed for a term of four years, and  
22 one shall be appointed for a term of five years. Each member shall serve until his or her  
23 successor is appointed. Any vacancies occurring prior to the expiration of a term shall be  
24 filled by appointment for the remainder of such term. No member shall serve more than  
25 two consecutive terms.

26           4. The department of agriculture is authorized to accept or acquire by purchase,  
27 lease, donation, or agreement any agricultural lands, easements, real and personal  
28 property, or rights in lands, easements, or real and personal property, including but not  
29 limited to buildings, structures, improvements, equipment, or facilities subject to  
30 preservation and improvement. Such lands shall be properties of the Missouri farmland  
31 trust for purposes of this section and shall be governed by the provisions of this section and  
32 rules promulgated thereunder.

33           5. (1) There is hereby created in the state treasury the "Missouri Farmland Trust  
34 Fund", which shall consist of all gifts, bequests, donations, transfers, and moneys  
35 appropriated by the general assembly under this section. The state treasurer shall be  
36 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer  
37 may approve disbursements. Upon appropriation, money in the fund shall be used for the  
38 administration of this section and may be used to make payments to counties for the value  
39 of land as payment in lieu of real and personal property taxes for privately owned land  
40 acquired after the effective date of this section in such amounts as determined by the  
41 department; except that, the amount determined shall not be less than the real property  
42 tax paid at the time of acquisition. The department of agriculture may require applicants  
43 who are awarded leases to pay the property taxes owed under this section for such  
44 property.

45           (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
46 remaining in the fund at the end of the biennium shall not revert to the credit of the  
47 general revenue fund.

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

51           6. The department of agriculture is authorized to accept all moneys,  
52 appropriations, gifts, bequests, donations, or other contributions of moneys or other real  
53 or personal property to be expended or used for any of the purposes of this section. The  
54 department may improve, maintain, operate, and regulate any such lands, easements, or  
55 real or personal property to promote agriculture and the general welfare using moneys in  
56 the fund. Property acquired by the department under this section shall be used for  
57 agricultural purposes. The director shall establish by rule guidelines for leasing farmland  
58 to the trust to beginning farmers for a period not to exceed twenty years. All property  
59 acquired by the department under this section shall be farmed and maintained using the  
60 best environmental, conservation, and stewardship practices as outlined by the  
61 department. The department may charge an administrative fee for lease application  
62 processing under this section.

63           7. The department, in consultation with the Missouri farmland advisory board,  
64 shall promulgate rules to implement the provisions of this section, including but not limited  
65 to requirements for lessees, selection process for granting leases, and the terms of the lease,  
66 including requirements for applicants, renewal process, requirements for the maintenance  
67 of real and personal property by the lessee, and conditions for the termination of leases.

68           8. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
69 created under the authority delegated in this section shall become effective only if it  
70 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
71 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
72 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
73 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
74 grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,  
75 shall be invalid and void.

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