

have



Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

SS SCS HB 542.

entitled:

AN ACT

To repeal sections 64.196, 178.550, 196.311, 267.655, 323.100, 348.521, and 413.225, RSMo, and to enact in lieu thereof eight new sections relating to agriculture.

With. SA1, SA2, SA3, SA4,

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler

MAY 08 2013

Terry L. Spieler
Secretary of the Senate

SENATE AMENDMENT NO. 1Offered by Luger of 12thAmend SS/SCS/House Bill No. 542, Page 24, Section 413.225, Line 28

2 of said page, by inserting immediately after said line the
 3 following:

4 "644.052. 1. Persons with operating permits or permits by
 5 rule issued pursuant to this chapter shall pay fees pursuant to
 6 subsections 2 to 8 and 12 to 13 of this section. Persons with a
 7 sewer service connection to public sewer systems owned or
 8 operated by a city, public sewer district, public water district
 9 or other publicly owned treatment works shall pay a permit fee
 10 pursuant to subsections 10 and 11 of this section.

11 2. A privately owned treatment works or an industry which
 12 treats only human sewage shall annually pay a fee based upon the
 13 design flow of the facility as follows:

14 (1) One hundred dollars if the design flow is less than
 15 five thousand gallons per day;

16 (2) One hundred fifty dollars if the design flow is equal
 17 to or greater than five thousand gallons per day but less than
 18 six thousand gallons per day;

19 (3) One hundred seventy-five dollars if the design flow is
 20 equal to or greater than six thousand gallons per day but less
 21 than seven thousand gallons per day;

22 (4) Two hundred dollars if the design flow is equal to or

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1 greater than seven thousand gallons per day but less than eight
2 thousand gallons per day;

3 (5) Two hundred twenty-five dollars if the design flow is
4 equal to or greater than eight thousand gallons per day but less
5 than nine thousand gallons per day;

6 (6) Two hundred fifty dollars if the design flow is equal
7 to or greater than nine thousand gallons per day but less than
8 ten thousand gallons per day;

9 (7) Three hundred seventy-five dollars if the design flow
10 is equal to or greater than ten thousand gallons per day but less
11 than eleven thousand gallons per day;

12 (8) Four hundred dollars if the design flow is equal to or
13 greater than eleven thousand gallons per day but less than twelve
14 thousand gallons per day;

15 (9) Four hundred fifty dollars if the design flow is equal
16 to or greater than twelve thousand gallons per day but less than
17 thirteen thousand gallons per day;

18 (10) Five hundred dollars if the design flow is equal to or
19 greater than thirteen thousand gallons per day but less than
20 fourteen thousand gallons per day;

21 (11) Five hundred fifty dollars if the design flow is equal
22 to or greater than fourteen thousand gallons per day but less
23 than fifteen thousand gallons per day;

24 (12) Six hundred dollars if the design flow is equal to or
25 greater than fifteen thousand gallons per day but less than
26 sixteen thousand gallons per day;

27 (13) Six hundred fifty dollars if the design flow is equal
28 to or greater than sixteen thousand gallons per day but less than
29 seventeen thousand gallons per day;

1 (14) Eight hundred dollars if the design flow is equal to
2 or greater than seventeen thousand gallons per day but less than
3 twenty thousand gallons per day;

4 (15) One thousand dollars if the design flow is equal to or
5 greater than twenty thousand gallons per day but less than
6 twenty-three thousand gallons per day;

7 (16) Two thousand dollars if the design flow is equal to or
8 greater than twenty-three thousand gallons per day but less than
9 twenty-five thousand gallons per day;

10 (17) Two thousand five hundred dollars if the design flow
11 is equal to or greater than twenty-five thousand gallons per day
12 but less than thirty thousand gallons per day;

13 (18) Three thousand dollars if the design flow is equal to
14 or greater than thirty thousand gallons per day but less than one
15 million gallons per day; or

16 (19) Three thousand five hundred dollars if the design flow
17 is equal to or greater than one million gallons per day.

18 3. Persons who produce industrial process wastewater which
19 requires treatment and who apply for or possess a site-specific
20 permit shall annually pay:

21 (1) Five thousand dollars if the industry is a class IA
22 animal feeding operation as defined by the commission; or

23 (2) For facilities issued operating permits based upon
24 categorical standards pursuant to the Federal Clean Water Act and
25 regulations implementing such act:

26 (a) Three thousand five hundred dollars if the design flow
27 is less than one million gallons per day; or

28 (b) Five thousand dollars if the design flow is equal to or
29 greater than one million gallons per day.

1 4. Persons who apply for or possess a site-specific permit
2 solely for industrial storm water shall pay an annual fee of:

3 (1) One thousand three hundred fifty dollars if the design
4 flow is less than one million gallons per day; or

5 (2) Two thousand three hundred fifty dollars if the design
6 flow is equal to or greater than one million gallons per day.

7 5. Persons who produce industrial process wastewater who
8 are not included in subsection 2 or 3 of this section shall
9 annually pay:

10 (1) One thousand five hundred dollars if the design flow is
11 less than one million gallons per day; or

12 (2) Two thousand five hundred dollars if the design flow is
13 equal to or greater than one million gallons per day.

14 6. Persons who apply for or possess a general permit shall
15 pay:

16 (1) Three hundred dollars for the discharge of storm water
17 from a land disturbance site;

18 (2) Fifty dollars annually for the operation of a chemical
19 fertilizer or pesticide facility;

20 (3) One hundred fifty dollars for the operation of an
21 animal feeding operation or a concentrated animal feeding
22 operation;

23 (4) One hundred fifty dollars annually for new permits for
24 the discharge of process water or storm water potentially
25 contaminated by activities not included in subdivisions (1) to
26 (3) of this subsection. Persons paying fees pursuant to this
27 subdivision with existing general permits on August 27, 2000, and
28 persons paying fees pursuant to this subdivision who receive
29 renewed general permits on the same facility after August 27,

1 2000, shall pay sixty dollars annually;

2 (5) Up to two hundred fifty dollars annually for the
3 operation of an aquaculture facility.

4 7. Requests for modifications to state operating permits on
5 entities that charge a service connection fee pursuant to
6 subsection 10 of this section shall be accompanied by a two
7 hundred dollar fee. The department may waive the fee if it is
8 determined that the necessary modification was either initiated
9 by the department or caused by an error made by the department.

10 8. Requests for state operating permit modifications other
11 than those described in subsection 7 of this section shall be
12 accompanied by a fee equal to twenty-five percent of the annual
13 operating fee assessed for the facility pursuant to this section.
14 However, requests for modifications for such operating permits
15 that seek name changes, address changes, or other nonsubstantive
16 changes to the operating permit shall be accompanied by a fee of
17 one hundred dollars. The department may waive the fee if it is
18 determined that the necessary modification was either initiated
19 by the department or caused by an error made by the department.

20 9. Persons requesting water quality certifications in
21 accordance with Section 401 of the Federal Clean Water Act shall
22 pay a fee of seventy-five dollars and shall submit the standard
23 application form for a Section 404 permit as administered by the
24 U.S. Army Corps of Engineers or similar information required for
25 other federal licenses and permits, except that the fee is waived
26 for water quality certifications issued and accepted for
27 activities authorized pursuant to a general permit or nationwide
28 permit by the U.S. Army Corps of Engineers.

29 10. Persons with a direct or indirect sewer service

1 connection to a public sewer system owned or operated by a city,
2 public sewer district, public water district, or other publicly
3 owned treatment works shall pay an annual fee per water service
4 connection as provided in this subsection. Customers served by
5 multiple water service connections shall pay such fee for each
6 water service connection, except that no single facility served
7 by multiple connections shall pay more than a total of seven
8 hundred dollars per year. The fees provided for in this
9 subsection shall be collected by the agency billing such customer
10 for sewer service and remitted to the department. The fees may
11 be collected in monthly, quarterly or annual increments, and
12 shall be remitted to the department no less frequently than
13 annually. The fees collected shall not exceed the amounts
14 specified in this subsection and, except as provided in
15 subsection 11 of this section, shall be collected at the
16 specified amounts unless adjusted by the commission in rules.
17 The annual fees shall not exceed:

18 (1) For sewer systems that serve more than thirty-five
19 thousand customers, forty cents per residential customer as
20 defined by the provider of said sewer service until such time as
21 the commission promulgates rules defining the billing procedure;

22 (2) For sewer systems that serve equal to or less than
23 thirty-five thousand but more than twenty thousand customers,
24 fifty cents per residential customer as defined by the provider
25 of said sewer service until such time as the commission
26 promulgates rules defining the billing procedure;

27 (3) For sewer systems that serve equal to or less than
28 twenty thousand but more than seven thousand customers, sixty
29 cents per residential customer as defined by the provider of said

1 sewer service until such time as the commission promulgates rules
2 defining the billing procedure;

3 (4) For sewer systems that serve equal to or less than
4 seven thousand but more than one thousand customers, seventy
5 cents per residential customer as defined by the provider of said
6 sewer service until such time as the commission promulgates rules
7 defining the billing procedure;

8 (5) For sewer systems that serve equal to or less than one
9 thousand customers, eighty cents per residential customer as
10 defined by the provider of said sewer service until such time as
11 the commission promulgates rules defining the billing procedure;

12 (6) Three dollars for commercial or industrial customers
13 not served by a public water system as defined in chapter 640;

14 (7) Three dollars per water service connection for all
15 other customers with water service connections of less than or
16 equal to one inch excluding taps for fire suppression and
17 irrigation systems;

18 (8) Ten dollars per water service connection for all other
19 customers with water service connections of more than one inch
20 but less than or equal to four inches, excluding taps for fire
21 suppression and irrigation systems;

22 (9) Twenty-five dollars per water service connection for
23 all other customers with water service connections of more than
24 four inches, excluding taps for fire suppression and irrigation
25 systems.

26 11. Customers served by any district formed pursuant to the
27 provisions of section 30(a) of article VI of the Missouri
28 Constitution shall pay the fees set forth in subsection 10 of
29 this section according to the following schedule:

1 (1) From August 28, 2000, through September 30, 2001,
2 customers of any such district shall pay fifty percent of such
3 fees; and

4 (2) Beginning October 1, 2001, customers of any such
5 districts shall pay one hundred percent of such fees.

6 12. Persons submitting a notice of intent to operate
7 pursuant to a permit by rule shall pay a filing fee of
8 twenty-five dollars.

9 13. For any general permit issued to a state agency for
10 highway construction pursuant to subdivision (1) of subsection 6
11 of this section, a single fee may cover all sites subject to the
12 permit."; and

13 Further amend the title and enacting clause accordingly.
14

SENATE AMENDMENT NO. 2Offered by Lager of 12thAmend SS/SCS/House Bill No. 542, Page 24, Section 413.225, Line 28,

2 by inserting after all of said line the following:

3 "640.725. 1. The owner or operator of any flush system
 4 animal waste wet handling facility shall employ one or more
 5 persons who shall once per week visually inspect the [animal
 6 waste wet handling facility and lagoons for unauthorized
 7 discharge and structural integrity at least every twelve hours
 8 with a deviation of not to exceed three hours] gravity outfall
 9 lines, recycle pump stations, recycle force mains, and
 10 appurtenances for any release to any containment structure
 11 required by section 640.730. The owner or operator shall also
 12 visually inspect once per day any lagoon whose water level is
 13 less than twelve inches from the emergency spillway. The owner
 14 or operator of the facility shall keep records of each
 15 inspection. Such records shall be retained for three years. The
 16 department shall provide or approve a form provided by the owner
 17 or operator for each facility for such inspections.

18 2. All new construction permits for flush system animal
 19 waste wet handling facilities shall have an electronic or
 20 mechanical shutoff of the system in the event of pipe stoppage.
 21 As of July 1, 1997, all existing flush system animal waste wet
 22 handling facilities shall have, at a minimum, an electronic or

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1 mechanical shutoff of the system in the event of pipe stoppage or
2 backflow."; and

3 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 3Offered by Peace of 2nd St.Amend SS/SCS/House Bill No. 542, Page 7, Section 196.311, Line 22,

2 by inserting after all of said line the following:

3 "262.598. 1. As used in this section, the following terms
 4 shall mean:

5 (1) "Consolidated district", a district formed jointly by
 6 two or more councils;

7 (2) "Council", a University of Missouri extension council
 8 authorized under section 262.563;

9 (3) "District" or "extension district", a political
 10 subdivision formed by one or more councils;

11 (4) "Single-council district", a district formed by one
 12 council;

13 (5) "Governing body", the group of individuals who govern a
 14 district.

15 2. University of Missouri extension councils , except for
 16 any council located in a county with a charter form of government
 17 and with more than nine hundred fifty thousand inhabitants, are
 18 hereby authorized to form extension districts made up of
 19 cooperating counties for the purpose of funding extension
 20 programming. An extension district may be a single-council
 21 district or a consolidated district. A single-council district
 22 shall be formed upon a majority vote of the full council. A

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1 consolidated district shall be formed upon a majority vote of
2 each participating council.

3 3. In a single-council district, the council shall serve as
4 the district's governing body. In addition to any other powers
5 and duties granted to the council under sections 262.550 to
6 262.620, the council shall also have the powers and duties
7 provided under subsection 5 of this section.

8 4. In a consolidated district, the governing body of the
9 district shall consist of at least three, but no more than five,
10 representatives appointed by each participating council. The
11 term of office shall be two years. Representatives may be
12 reappointed. The governing body shall elect officers, who shall
13 serve as officers for two years, and establish a regular meeting
14 schedule which shall not be less than once every three months.

15 5. The governing body of a district shall have the
16 following powers and duties:

17 (1) Review the activities and annual budgets of each
18 participating council;

19 (2) Determine, by September first of each year, the tax
20 rate necessary to generate sufficient revenue to fund the
21 extension programming in the district, which includes annual
22 funding for each participating council for the costs of personnel
23 and the acquisition, supply, and maintenance of each council's
24 property, work, and equipment;

25 (3) Oversee the collection of any tax authorized under this
26 section by ensuring the revenue is deposited into a special fund
27 and monitoring the use of the funds to ensure they are used
28 solely for extension programming in the district;

29 (4) Approve payments from the special fund in which the tax

1 revenue is deposited; and

2 (5) Work cooperatively with each participating council to
3 plan and facilitate the programs, equipment, and activities in
4 the district.

5 6. The governing body of a district may submit a question
6 to the voters of the district to institute a property tax levy in
7 the county or counties that compose the district. Questions may
8 be submitted to the voters of the district at any general
9 municipal election. Any such proposed tax shall not exceed
10 thirty cents per one hundred dollars of assessed valuation. The
11 costs of submitting the question to the voters at the general
12 municipal election shall be paid as provided in section 115.063.
13 Such question shall be submitted in substantially the following
14 form:

15 "Shall the Extension District in County (insert
16 name of county) be authorized to levy an annual tax of
17 (insert amount not to exceed thirty) cents per one hundred
18 dollars of assessed valuation for the purpose of funding the
19 University of Missouri Extension District programs, equipment,
20 and services in the district?"

21 In a single-council district, if a majority of the voters in the
22 county approve the question, then the district shall impose the
23 tax. If a majority of the voters in a single-council district do
24 not approve the question, then no tax shall be imposed. In a
25 consolidated district, if a majority of voters in each county in
26 the district approve the question, then the district shall impose
27 the tax. If a majority of the voters in a consolidated district
28 do not approve the question, then no tax shall be imposed in any
29 county of the district. In a consolidated district, if a

1 majority of voters in a county do not approve the question, the
2 council in the county that did not approve the question may
3 withdraw from the district. Upon such withdrawal, the district
4 shall be made up of the remaining counties and the tax shall be
5 imposed in those counties. However, if the county that did not
6 approve the question does not withdraw from the district, the tax
7 shall not be imposed. Revenues collected from the imposition of
8 a tax authorized under this section shall be deposited into a
9 special fund dedicated only for use by the local district for
10 programming purposes.

11 7. The county commission of any county in which the tax
12 authorized under this section is levied and collected:

13 (1) Shall be exempt from the funding requirements under
14 section 262.597 if revenue derived from the tax authorized under
15 this section is in excess of an amount equal to two hundred
16 percent of the average funding received under section 262.597 for
17 the immediately preceding three years; or

18 (2) May reduce the current year's funding amount under
19 section 262.597 by thirty-three percent of the amount of tax
20 revenues derived from the tax authorized under this section which
21 exceed the average amount of funding received under section
22 262.597 for the immediately preceding three years.

23 8. Any county that collects tax revenues authorized under
24 this section shall transfer all attributable revenue plus monthly
25 interest for deposit into the district's special fund. The
26 governing body of the district shall comply with the prudent
27 investor standard for investment fiduciaries as provided in
28 section 105.688.

29 9. In any county in which a single-council district is

1 established, and for which a tax has not been levied, the
2 district may be dissolved in the same manner in which it was
3 formed.

4 10. A county may withdraw from a consolidated district at
5 any time by the filing of a petition with the circuit court
6 having jurisdiction over the district. The petition shall be
7 signed by not fewer than ten percent of those who voted in the
8 most recent presidential election in the county seeking to
9 withdraw that is part of a consolidated district stating that
10 further operation of the district is contrary to the best
11 interest of the inhabitants of the county in which the district
12 is located and that the county seeks to withdraw from the
13 district. The circuit court shall hear evidence on the petition.
14 If the court finds that it is in the best interest of the
15 inhabitants of the county in which the district is located for
16 the county to withdraw from the district, the court shall make an
17 order reciting the same and submit the question to the voters.
18 The costs of submitting the question to the voters at the general
19 municipal election shall be paid as provided in section 115.063.
20 The question shall be submitted in substantially the following
21 format:

22 "Shall the County of (insert name of county)
23 being part of (insert name of district) Extension
24 District withdraw from the district?"

25 The question shall be submitted at the next general municipal
26 election date. The election returns shall be certified to the
27 court. If the court finds that two-thirds of the voters voting
28 on the question voted in favor of withdrawing from the district,
29 the court shall issue an order withdrawing the county from the

1 district, which shall contain a proviso that the district shall
2 remain intact for the sole purposes of paying all outstanding and
3 lawful obligations and disposing of the district's property. No
4 additional costs or obligations for the withdrawing county shall
5 be created except as necessary. The withdrawal shall occur on
6 the first day of the following January after the vote. If the
7 court finds that two-thirds of the voters voting on the question
8 shall not have voted favorably on the question to withdraw from
9 the district, the court shall issue an order dismissing the
10 petition and the district shall continue to operate.

11 11. The governing body of any district may seek voter
12 approval to increase its current tax rate authorized under this
13 section, provided such increase shall not cause the total tax to
14 exceed thirty cents per one hundred dollars of assessed
15 valuation. To propose such an increase, the governing body shall
16 submit the question to the voters at the general municipal
17 election in the county in which the district is located. The
18 costs of submitting the question to the voters at the general
19 municipal election shall be paid as provided in section 115.063.
20 The question shall be submitted in substantially the following
21 form:

22 "Shall the Extension District in (insert name of
23 county or counties) be authorized to increase the tax rate from
24 (insert current amount of tax) cents to (insert
25 proposed amount of tax not to exceed thirty) cents per one
26 hundred dollars of assessed valuation for the purpose of funding
27 the University of Missouri Extension District programs,
28 equipment, and services in the district?"

29 In a single-council district, if a majority of the voters in the

1 county approve the question, then the district shall impose the
2 tax. If a majority of the voters in a single-council district do
3 not approve the question, then the tax shall not be imposed. In
4 a consolidated district, if a majority of voters in the district
5 approve the question, then the district shall impose the new tax
6 rate. If a majority of the voters in a consolidated district do
7 not approve the question, then the tax shall not be imposed in
8 any county of the district. Revenues collected from the
9 imposition of the tax authorized under this section shall be
10 deposited into the special fund dedicated only for use by the
11 district."; and

12 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4

Offered by Rupp of 2nd

Amend SS/SCS/House Bill No. 542, Page 16, Section 262.900, Line 14,

2 by inserting after all of said line the following:

3 "14. The provisions of this section shall not apply to any
4 county with a charter form of government and with more than three
5 hundred thousand but fewer than four hundred fifty thousand
6 inhabitants."

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Offered 5/1/13
Adopted "

