

HCS SB 506 -- AGRICULTURE

SPONSOR: Munzlinger (Guernsey)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Agri-Business by a vote of 13 to 1.

This bill changes the laws regarding agriculture.

DESIGNATION OF CAPTIVE CERVIDS AS LIVESTOCK (Sections 144.010, 262.900, 265.300, 267.565, and 277.020, RSMo)

The bill adds captive cervids to the definition of "livestock" for the purposes of the state sales and use tax laws, urban agriculture zones, meat inspection laws, the Missouri Livestock Disease Control and Eradication Law, and the Missouri Livestock Marketing Law.

COUNTY HEALTH CENTER BOARD ORDINANCES (Section 192.300)

Beginning August 28, 2014, in any county in which there is 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 impacting agriculture. Each entity, by a recorded majority vote, must pass identical orders, ordinances, rules, or regulations. In implementing any orders, ordinances, rules, or regulations pertaining to the production, harvesting, storage, drying, or raising of agricultural commodities, the county commission, with the approval of the county health center board, cannot assess a fee greater than \$200 to carry out the orders, ordinances, rules, or regulations or impose requirements on land application that are more stringent than the requirements imposed by a permit issued by the Department of Natural Resources.

All orders, ordinances, rules, or regulations pertaining to the production, harvesting, storage, drying, or raising of agricultural commodities must be administered by county staff who are certified as concentrated animal feeding operators by the Department of Natural Resources.

MISSOURI DAIRY REVITALIZATION ACT OF 2014 (Sections 261.270 - 261.275)

The Missouri Dairy Revitalization Act of 2014 is established that:

(1) Creates the Missouri Dairy Industry Revitalization Fund and requires moneys in the fund, upon appropriation, to be used solely to enhance and improve Missouri's dairy and dairy processing industries as specified in the bill;

(2) Requires, each fiscal year, the University of Missouri to conduct or contract with an independent research company to conduct research to determine the estimated sales tax revenue generated in the state from the sales of dairy products and must provide the estimate to the Department of Agriculture by October 1 of each year;

(3) Specifies that no more than 40% of the estimated sales tax revenue generated from the sales of dairy products during the preceding fiscal year may be appropriated from the General Revenue Fund to the Missouri Dairy Industry Revitalization Fund and must be expended in the following order of priority:

(a) To the newly established Dairy Producer Margin Insurance Premium Assistance Program;

(b) To the newly established Missouri Dairy Scholars Program; and

(c) To the newly established Commercial Agriculture Program;

(4) Requires the department to establish and administer, through the Missouri Agricultural and Small Business Development Authority (MASBDA), a dairy producer margin insurance premium assistance program for the purpose of assisting dairy producers who participate in the federal margin protection program in the federal Agricultural Act of 2014;

(5) Specifies that all dairy producers who participate in the federal margin protection program must be eligible to apply to participate in the dairy producer margin insurance premium assistance program and requires a producer to apply with MASBDA by January 1 of each year;

(6) Specifies that a participating dairy producer who has paid his or her annual federal premium payment and provides proof of the payment to MASBDA must be eligible to receive 70% of his or her federal premium payment up to a maximum premium reimbursement rate of \$.34 per hundredweight of milk;

(7) Requires the University of Missouri and MASBDA to provide risk management training for Missouri dairy producers annually;

(8) Establishes the Missouri Dairy Scholars Program, administered by the department, to annually make available, subject to appropriation, up to 80 scholarships in an amount of \$5,000 each to eligible students in an agriculture-related degree program in a Missouri college or university who make a commitment to work in Missouri's agriculture industry as specified in the bill; and

(9) Requires the University of Missouri's Commercial Agriculture Program to conduct an annual study of the dairy industry, develop a dairy-specific plan for how to grow and enhance the dairy and dairy processing industries in Missouri, and report the results of the study to the department and all agriculture-related legislative committee chairpersons by January 1 of each year. The costs for the study must be subject to appropriations and paid out of the Missouri Dairy Industry Revitalization Fund.

STATE COLLECTION OF ANIMAL DATA (Section 267.169)

The bill specifies that any premises registration data, animal identification data, environmental data, or animal tracking data collected by any state agency from participants under the federal Animal Disease Traceability Program or any data collected for the purpose of animal health or environmental protection cannot be subject to the Open Records and Meetings Law, commonly known as the Sunshine Law.

Any unauthorized release of information regardless of the type or quantity of information released must be a violation of these provisions. Any entity or person alleging a violation may bring a civil action against a state agency in a court of component jurisdiction. A court may order any appropriate relief including damages in an amount of up to \$10,000; payment of reasonable attorney fees, costs, expenses; and any other injunctive relief the court deems necessary and proper.

MISSOURI LIVESTOCK MARKETING LAW (Section 277.040)

The bill specifies that all license fees collected under the Missouri Livestock Marketing Law cannot yield revenue greater than the total cost of administering the law during the ensuing year.

CERTIFIED COMMERCIAL PESTICIDE APPLICATORS (Section 281.065)

Currently, a certified commercial pesticide applicator must furnish evidence of financial responsibility with the Director of the Department of Agriculture in order to receive a license. The bill removes the requirement to furnish the evidence for license renewal unless upon request of the department. Annual renewals for surety bonds or liability insurance must be maintained at the business location from which the applicator is licensed. If the department director so requests in writing, the applicator must furnish a copy of the bond or certificate within 10 working days of receiving the request. The amount of the required bond or insurance is increased from not less than \$25,000 to not less than \$50,000. The applicator must immediately notify the department director of the cancellation or reduction of financial responsibility for any

applicator or employer of the applicator. The applicator or applicator's employer must maintain the bond or insurance certificate at the business location from which the applicator is licensed. If the financial responsibility furnished becomes unsatisfactory, new financial responsibility instruments must be immediately executed and maintained at the business location.

VEHICLES HAULING LIVESTOCK AND 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 with the exception of vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways. The bill 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 with the specified exception. Any business operating a 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.

LARGE ANIMAL VETERINARY STUDENT LOAN PROGRAM (Sections 340.381 and 340.396)

The bill renames the Large Animal Veterinarian Student Loan Program as the Dr. Merrill Townley Large Animal Veterinary Student Loan Program and repeals the expiration date on the program.

LIABILITY FOR LIVESTOCK ACTIVITIES (Section 537.325)

Currently, the sponsoring individuals and organizations of equine activities have limited liability for injuries or death from accidents associated with the activities. The bill expands the limited liability to include a livestock activity sponsor, a livestock owner, a livestock facility, and a livestock auction market for injuries or death of a participant resulting from the inherent risks of livestock activities with the exception of specified circumstances.

Livestock activities include grazing, herding, feeding, branding, milking, or other activities that involve the care and maintenance of livestock; a livestock show, fair, competition, or auction; a livestock training or teaching activity; boarding livestock; and inspecting or evaluating livestock.

Currently, equine activity sponsors must post a warning sign on or near specified areas where equine activities are conducted. The bill requires the warning sign to also be posted where livestock activities are conducted.

BEEF COMMODITY MERCHANDISING PROGRAM (Section 275.352)

The bill repeals the provision that prohibits the state from collecting fees under the Beef Commodity Merchandising Program in excess of the amount credited against the obligation to pay any federal assessments.

PROPONENTS: Supporters say that the bill ensures efficiency in implementation of the Livestock Marketing Law by not allowing the Department of Agriculture to collect more revenue than is necessary to implement the law.

Testifying for the bill was Senator Munzlinger.

OPPONENTS: There was no opposition voiced to the committee.