

SECOND REGULAR SESSION

HOUSE BILL NO. 1951

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor) AND CHINN (Co-sponsor).

Read 1st time March 6, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5544L.01I

AN ACT

To repeal sections 261.035, 261.230, 261.235, 261.239, and 265.200, RSMo, and to enact in lieu thereof five new sections relating to the AgriMissouri marketing program.

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

Section A. Sections 261.035, 261.230, 261.235, 261.239, and 265.200, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 261.035, 261.230,
3 261.235, 261.239, and 265.200, to read as follows:

261.035. 1. There is hereby created in the state treasury for the use of the [marketing]
2 **agriculture business development** division of the state department of agriculture a fund to be
3 known as "The [Marketing] **Agriculture Business** Development Fund". All moneys received
4 by the state department of agriculture for marketing development from any source within the
5 state shall be deposited in the fund.

6 2. Moneys deposited in the fund shall, upon appropriation by the general assembly to the
7 state department of agriculture, be expended by the state department of agriculture for purposes
8 of agricultural marketing development and for no other purposes.

9 3. The unexpended balance in the [marketing] **agriculture business** development fund
10 at the end of the biennium shall not be transferred to the ordinary revenue fund of the state
11 treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating
12 to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

261.230. The director of the department of agriculture shall, for the use of the
2 [marketing] **agriculture business development** division of the department of 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.

3 develop and implement rules and regulations by product category for all Missouri agricultural
4 products included in the AgriMissouri marketing program.

261.235. 1. There is hereby created in the state treasury for the use of the [marketing]
2 **agriculture business development** division of the state department of agriculture a fund to be
3 known as "The Missouri Agricultural Products Marketing Development Fund". All moneys
4 received by the state department of agriculture for Missouri agricultural products marketing
5 development from any source, including trademark fees, shall be deposited in the fund. Moneys
6 deposited in the fund shall, upon appropriation by the general assembly to the state department
7 of agriculture, be expended by the [marketing] **agriculture business development** division of
8 the state department of agriculture for promotion of Missouri agricultural products under the
9 AgriMissouri program. The unexpended balance in the Missouri agricultural products marketing
10 development fund at the end of the biennium shall not be transferred to the general revenue fund
11 of the state treasury and accordingly shall be exempt from the provisions of section 33.080,
12 RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state
13 treasurer.

14 2. There is hereby created within the department of agriculture the "Citizens' Advisory
15 Commission for Marketing Missouri Agricultural Products". The commission shall establish
16 guidelines, and make recommendations to the director of agriculture, for the use of funds
17 appropriated by the general assembly for the [marketing] **agriculture business development**
18 division of the department of agriculture, and for all funds collected or appropriated to the
19 Missouri agricultural products marketing development fund created pursuant to subsection 1 of
20 this section. The guidelines shall focus on the promotion of the AgriMissouri trademark
21 associated with Missouri agricultural products that have been approved by the general assembly,
22 and shall advance the following objectives:

23 (1) Increasing the impact and fostering the effectiveness of local efforts to promote
24 Missouri agricultural products;

25 (2) Enabling and encouraging expanded advertising efforts for Missouri agricultural
26 products;

27 (3) Encouraging effective, high-quality advertising projects, innovative marketing
28 strategies, and the coordination of local, regional and statewide marketing efforts;

29 (4) Providing training and technical assistance to cooperative-marketing partners of
30 Missouri agricultural products.

31 3. The commission may establish a fee structure for sellers electing to use the
32 AgriMissouri trademark associated with Missouri agricultural products. Under the fee structure:

33 (1) A seller having gross annual sales greater than two million dollars per fiscal year of
34 Missouri agricultural products which constitute the final product of a series of processes or

35 activities shall remit to the [marketing] **agriculture business development** division of the
36 department of agriculture, at such times and in such manner as may be prescribed, a trademark
37 fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of
38 products carrying the AgriMissouri trademark; and

39 (2) All sellers having gross annual sales less than or equal to two million dollars per
40 fiscal year of Missouri agricultural products which constitute the final product of a series of
41 processes or activities shall, after three years of selling Missouri agricultural products carrying
42 the AgriMissouri trademark, remit to the [marketing] **agriculture business development**
43 division of the department of agriculture, at such times and in such manner as may be prescribed,
44 a trademark fee of one-half of one percent of the aggregate amount of all of such seller's
45 wholesale sales of products carrying the AgriMissouri trademark.

46

47 All trademark fees shall be deposited to the credit of the Missouri agricultural products
48 marketing development fund, created pursuant to this section.

49 4. The [marketing] **agriculture business development** division of the department of
50 agriculture is authorized to promulgate rules consistent with the guidelines and fee structure
51 established by the commission. No rule or portion of a rule shall become effective unless it has
52 been promulgated pursuant to the provisions of chapter 536, RSMo.

53 5. The commission shall consist of nine members appointed by the governor with the
54 advice and consent of the senate. One member shall be the director of the [market] **agriculture**
55 **business** development division of the department of agriculture, or his or her representative. At
56 least one member shall be a specialist in advertising; at least one member shall be a specialist
57 in agribusiness; at least one member shall be a specialist in the retail grocery business; at least
58 one member shall be a specialist in communications; at least one member shall be a specialist
59 in product distribution; at least one member shall be a family farmer with expertise in livestock
60 farming; at least one member shall be a family farmer with expertise in grain farming and at least
61 one member shall be a family farmer with expertise in organic farming. Members shall serve
62 for four-year terms, except in the first appointments three members shall be appointed for terms
63 of four years, three members shall be appointed for terms of three years and three members shall
64 be appointed for terms of two years each. Any member appointed to fill a vacancy of an
65 unexpired term shall be appointed for the remainder of the term of the member causing the
66 vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by
67 the commission.

68 6. Commission members shall receive no compensation but shall be reimbursed for
69 actual and necessary expenses incurred in the performance of their official duties on the
70 commission. The division of [market] **agriculture business** development of the department of

71 agriculture shall provide all necessary staff and support services as required by the commission
72 to hold commission meetings, to maintain records of official acts and to conduct all other
73 business of the commission. The commission shall meet quarterly and at any such time that it
74 deems necessary. Meetings may be called by the chairperson or by a petition signed by a
75 majority of the members of the commission. Ten days' notice shall be given in writing to such
76 members prior to the meeting date. A simple majority of the members of the commission shall
77 be present to constitute a quorum. Proxy voting shall not be permitted.

261.239. The [marketing] **agriculture business development** division of the department
2 of agriculture shall create an Internet web site for the purpose of fostering the marketing of
3 Missouri agricultural products over the Internet.

265.200. The executive board of the Missouri state horticultural society shall have the
2 power and duty:

3 (1) To authorize the director to expend, within the appropriations provided therefor, a
4 designated amount of the moneys in the apple merchandising fund in the enforcement of sections
5 265.130 and 265.140, referring to the labeling of apples.

6 (2) To authorize the director to expend, within the appropriations provided therefor, a
7 reasonable amount of the moneys in the apple merchandising fund in the administration of
8 sections 265.150 to 265.180, referring to the collection of levies imposed by this chapter.

9 (3) To authorize the director to apportion, within the appropriations provided therefor,
10 a reasonable amount of the moneys in the apple merchandising fund to the [marketing]
11 **agriculture business** development fund.

12 (4) To plan and to authorize the director to conduct a campaign of education, advertising,
13 publicity and sales promotion to increase the consumption of Missouri apples and the director
14 may contract for any advertising, publicity and sales promotion service. To accomplish such
15 purpose the director shall have power and it shall be the duty of the director, within the
16 appropriations provided therefor, to disseminate information:

17 (a) Relating to apples and the importance thereof in preserving the public health, the
18 economy thereof in the diet of the people, and the importance thereof in the nutrition of children;

19 (b) Relating to the problem of furnishing the consumer at all times with a supply of good
20 quality apples at reasonable prices;

21 (c) Relating to such other, further and additional information as shall tend to promote
22 increased consumption of Missouri apples, and as may foster a better understanding and more
23 efficient cooperation between producers, dealers and the consuming public.

24 (5) To cooperate with other state, regional and national agricultural organizations and
25 may at its discretion authorize the director to expend within the appropriations provided therefor
26 moneys of the apple merchandising fund for such purposes.