

FIRST REGULAR SESSION

# HOUSE BILL NO. 841

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LOEHNER.

Read 1st time February 13, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2162L.011

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### 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.

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*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2 repealed and five new sections enacted in lieu thereof, to be known as sections 261.035, 261.230,  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] **AgriMissouri** Fund".  
4 All moneys received by the state department of agriculture for Missouri agricultural products  
5 marketing development from any source, including trademark fees, shall be deposited in the  
6 fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the  
7 state department of agriculture, be expended by the [marketing] **agriculture business**  
8 **development** division of the state department of agriculture for promotion of Missouri  
9 agricultural products under the AgriMissouri program. The unexpended balance in the [Missouri  
10 agricultural products marketing development] **AgriMissouri** fund at the end of the biennium  
11 shall not be transferred to the general revenue fund of the state treasury and accordingly shall be  
12 exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary  
13 revenue funds of the state by the state treasurer.

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

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47 All trademark fees shall be deposited to the credit of the [Missouri agricultural products  
48 marketing development] **AgriMissouri** 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.

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