

FIRST REGULAR SESSION

SENATE BILL NO. 488

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 12, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2140S.011

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 department of agriculture.

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Section A. Sections 261.035, 261.230, 261.235, 261.239, and 265.200, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 261.035, 261.230, 261.235, 261.239, and 265.200, to read as follows: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] **agriculture business development** division of the state department of agriculture a fund to be known as "The [Marketing] **Agriculture Business Development Fund**". All moneys received by the state department of agriculture for marketing development from any source within the state shall be deposited in the fund.

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

30 (2) Enabling and encouraging expanded advertising efforts for Missouri
31 agricultural products;

32 (3) Encouraging effective, high-quality advertising projects, innovative
33 marketing strategies, and the coordination of local, regional and statewide

34 marketing efforts;

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

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

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

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

55 All trademark fees shall be deposited to the credit of the **[Missouri agricultural**
56 **products marketing development] AgriMissouri** fund, created pursuant to this
57 section.

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

63 5. The commission shall consist of nine members appointed by the
64 governor with the advice and consent of the senate. One member shall be the
65 director of the **[market] agriculture business** development division of the
66 department of agriculture, or his or her representative. At least one member
67 shall be a specialist in advertising; at least one member shall be a specialist in
68 agribusiness; at least one member shall be a specialist in the retail grocery
69 business; at least one member shall be a specialist in communications; at least

70 one member shall be a specialist in product distribution; at least one member
71 shall be a family farmer with expertise in livestock farming; at least one member
72 shall be a family farmer with expertise in grain farming and at least one member
73 shall be a family farmer with expertise in organic farming. Members shall serve
74 for four-year terms, except in the first appointments three members shall be
75 appointed for terms of four years, three members shall be appointed for terms of
76 three years and three members shall be appointed for terms of two years
77 each. Any member appointed to fill a vacancy of an unexpired term shall be
78 appointed for the remainder of the term of the member causing the vacancy. The
79 governor shall appoint a chairperson of the commission, subject to ratification by
80 the commission.

81 6. Commission members shall receive no compensation but shall be
82 reimbursed for actual and necessary expenses incurred in the performance of
83 their official duties on the commission. The division of [market] **agriculture**
84 **business** development of the department of agriculture shall provide all
85 necessary staff and support services as required by the commission to hold
86 commission meetings, to maintain records of official acts and to conduct all other
87 business of the commission. The commission shall meet quarterly and at any
88 such time that it deems necessary. Meetings may be called by the chairperson
89 or by a petition signed by a majority of the members of the commission. Ten
90 days' notice shall be given in writing to such members prior to the meeting date.
91 A simple majority of the members of the commission shall be present to constitute
92 a quorum. Proxy voting shall not be permitted.

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

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

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

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

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

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

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

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

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

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

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