

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 141

98TH GENERAL ASSEMBLY

0337H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 275.352, RSMo, and to enact in lieu thereof one new section relating to beef commodity merchandising program fees.

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

Section A. Section 275.352, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 275.352, to read as follows:

275.352. **1.** If a national referendum among beef producers passes and a federal assessment on beef producers is adopted pursuant to federal law, no state fees shall be collected under the provisions of this chapter, in excess of a commensurate amount credited against the obligation to pay any such federal assessment. Upon adoption of the federal assessment, beef shall be exempt from the refund provision of section 275.360.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, a beef commodity council may only collect state fees if a referendum is approved on or after August 28, 2015, in the manner provided under the provisions of subsections 3 to 12 of this section.

3. A beef commodity council established pursuant to the provisions of this chapter may submit to the director a petition approved by a two-thirds vote of the council or signed by twenty-five percent of Missouri beef producers to impose or modify a Missouri beef checkoff fee upon beef producers. Any petition submitted to establish or modify a Missouri beef checkoff fee, and the referendum to follow, shall specify the amount and manner of collection of the fee to be assessed. In no case shall the Missouri beef checkoff fee exceed the amount of the federal assessment on beef. Upon receipt of such petition the director shall:

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.

- 18 **(1) Determine the legal sufficiency of the petition;**
19 **(2) Establish a list of beef producers or make any such existing list current;**
20 **(3) Hold a public hearing or hearings on the proposed program;**
21 **(4) Publish a notice to beef producers advising them:**
22 **(a) That a petition has been filed with the director;**
23 **(b) The time and place or places of the public hearing or hearings; and**
24 **(c) That to be eligible to vote in the referendum the producer shall register. The**
25 **director shall give notice in publications devoted to agriculture which have a total**
26 **statewide circulation of not less than two hundred twenty-five thousand, at least one month**
27 **prior to the hearing. The fees for the publication of notice shall be advanced in cash to the**
28 **director by the beef commodity council and no publication of notice shall be paid for by**
29 **state funds;**
30 **(5) Provide forms to enable producers to register, which forms shall include the**
31 **producer's name, mailing address, and the yearly average quantity of beef cattle sold by**
32 **him or her in the three years preceding the date of the notice, or in such lesser period as**
33 **a producer has sold beef cattle;**
34 **(6) Approve the petition, in whole or as revised, or disapprove the petition**
35 **depending upon the determinations made after public hearing;**
36 **(7) After approval of a petition, hold a referendum among the beef producers to**
37 **determine whether or not the Missouri beef checkoff fee shall be imposed.**
38 **4. The director shall determine the sufficiency of the petition within twenty-one**
39 **days after it is submitted to him or her and shall publish notice of the public hearing and**
40 **registration requirements giving at least ten days' notice prior to public hearing and thirty**
41 **days' notice to register prior to the referendum.**
42 **5. If a majority of the votes cast are in favor of adoption, and if those producers**
43 **voting in favor of adoption represent a majority of the production of all registered**
44 **producers casting votes, the petition is adopted.**
45 **6. If the required percentage by number and by production of those voting is in**
46 **favor of the adoption of the proposal in the petition, the director shall declare the proposal**
47 **to be adopted.**
48 **7. A proposal to change the amount of the fee to be collected or to make other**
49 **changes may be made by a two-thirds vote of the council or by petition of twenty-five**
50 **percent of the commodity producers. The proposal shall then be submitted to referendum**
51 **under which the same percentages by number and production shall be required for**
52 **approval as were required for establishment of the original merchandising program.**
53 **However, the council, by two-thirds vote, may lower the amount of the fee to be collected,**

54 or may thereafter increase the amount of the fee to not more than the rate originally
55 approved without a referendum vote. Such increase or decrease of fees shall not become
56 effective except at the beginning of the next state fiscal year.

57 8. A proposal to terminate the Missouri beef checkoff fee may be made by a
58 majority of the council or by petition of ten percent of the registered beef producers. The
59 proposed termination shall be submitted to referendum under which a simple majority of
60 those voting shall be required for termination.

61 9. No referendum to change the amount of fee, or to make other major changes may
62 be held within twelve months of a referendum conducted for a similar purpose.

63 10. Fees collected pursuant to this section shall be collected in the same manner as
64 that used to collect the federal assessment on beef. The department shall keep and account
65 for the state and federal assessments separately. State fees collected pursuant to this
66 section shall be subject to the refund provision provided under section 275.360.

67 11. Notwithstanding the provisions of section 275.350 to the contrary, fees imposed
68 under this section shall be collected and remitted to the Missouri Beef Industry Council,
69 which shall deposit such fees in a separate account from all other funds. Funds derived
70 from the fees established under this section shall only be used to research, market, educate,
71 and promote beef products and production.

72 12. The department may adopt such rules, statements of policy, procedures, forms,
73 and guidelines as may be necessary to carry out the provisions of this section. Any rule or
74 portion of a rule, as that term is defined in section 536.010 that is created under the
75 authority delegated in this section shall become effective only if it complies with and is
76 subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This
77 section and chapter 536 are nonseverable and if any of the powers vested with the general
78 assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove
79 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
80 authority and any rule proposed or adopted after August 28, 2015, shall be invalid and
81 void.

✓