

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 840

89TH GENERAL ASSEMBLY

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Reported from the Committee on Appropriations, March 26, 1998, with recommendation that the Senate Committee Substitute do pass.

S3607.03C

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal section 275.350, RSMo 1994, relating to funds in the commodity merchandising program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

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

Section A. Section 275.350, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 275.350, to read as follows:

275.350. 1. Any fee imposed under the commodity merchandising program shall be collected by the director whether directly from the producers or indirectly from the handlers or processors as stipulated by the provision of the commodity merchandising program.

2. If any merchandising fee is unpaid on the date on which the fee was due and payable, a penalty of one percent per month shall apply from and after that date until payment plus the penalty is received by the director. If, after due notice, any person defaults in any payment of the fee or penalties thereon, the amount due shall be collected by civil action in the name of the state of Missouri at the relation of the director, and the person adjudged in default shall pay the costs of the action. The attorney general, at the request of the director, and, if requested by the attorney general, the prosecuting attorney of any county, in which a cause of action arose under the provisions for the collection of fees due and unpaid shall institute proper action in the courts of this state for the collection of fees and penalties thereon due and unpaid. The statute of limitation period for the institution of suit for collection shall be one year.

3. [All fees shall be paid to the state treasurer to be credited to the "Commodity Council Merchandising Fund" which is hereby created. All money credited to the commodity council merchandising fund shall be appropriated by the general assembly for the use and benefit of the commodity councils through the state department of agriculture and specified in the annual

appropriations to said state department to be for such purposes, and when so made shall be by the director of the department of agriculture paid to the treasurer of the council.] **All fees paid to the director shall be deposited into a special fund or funds to be established by the director. Such funds shall not be considered to be state funds and shall be held in trust by the director for the benefit of the commodity merchandising councils established pursuant to sections 275.300 to 275.370. All amounts deposited into such fund or funds shall be maintained by the director and invested in the manner required of the state treasurer for state funds by sections 30.250, 30.260 and 30.270, RSMo. The director shall keep accurate records of the amount of money in the fund or funds collected for each council and the records shall be open to the inspection of officers of the councils. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund or funds during the preceding month to the treasurers of the appropriate councils.** The unexpended balance in the commodity council merchandising fund at the end of the annual period shall not be transferred to the ordinary revenue fund of the state treasurer 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 treasurer.

4. At least annually, the director shall submit to the council a statement showing all receipts, refunds and the balance credited to the commodity council merchandising fund.

Section B. Because of the necessity to insure the availability of funds for the commodity council merchandising fund, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

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