

By: Holland

To: Agriculture

HOUSE BILL NO. 557

1 AN ACT TO AMEND SECTION 69-3-1, MISSISSIPPI CODE OF 1972, TO
 2 REVISE DEFINITIONS UNDER THE AGRICULTURAL SEED LAW; TO AMEND
 3 SECTION 69-3-5, MISSISSIPPI CODE OF 1972, TO REVISE LABELING
 4 REQUIREMENTS FOR SEEDS; TO AMEND SECTION 69-3-19, MISSISSIPPI CODE
 5 OF 1972, TO REMOVE THE AUTHORITY FOR THE APPOINTMENT AND DUTIES OF
 6 THE ARBITRATION COUNCIL; TO AMEND SECTION 69-3-25, MISSISSIPPI
 7 CODE OF 1972, TO REVISE THE PENALTIES FOR VIOLATIONS; TO CREATE A
 8 NEW CODE SECTION TO BE CODIFIED AS SECTION 69-3-29, MISSISSIPPI
 9 CODE OF 1972, TO PROVIDE ADMINISTRATIVE PROCEDURES FOR THE
 10 HANDLING OF COMPLAINTS AND EVIDENTIARY HEARINGS CONCERNING
 11 VIOLATIONS OF THE SEED LAW; TO BRING FORWARD SECTION 25-41-3,
 12 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE OPEN MEETINGS
 13 ACT; TO AMEND SECTION 69-3-7, MISSISSIPPI CODE OF 1972, IN
 14 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 SECTION 1. Section 69-3-1, Mississippi Code of 1972, is
 17 amended as follows:

18 69-3-1. Wherever the following terms or similar terms are
 19 used in this article, they shall have the following meanings,
 20 unless the context clearly indicates otherwise:

21 (a) The term "advertisement" means all representations
 22 made by the labeler, other than those on the label, disseminated
 23 in any manner or by any means, relating to seed within the scope
 24 of this article.

25 (b) The term "commissioner" means the Commissioner of
 26 Agriculture and Commerce of the State of Mississippi.

27 (c) The term "seedsman" means a person, firm or

28 corporation engaged in the buying, selling or exchanging, offering
29 or exposing for sale agricultural seeds or mixtures thereof,
30 vegetable, flower, tree and shrub seeds as defined in this
31 article. For the purpose of this article:

32 (i) The term "commission merchant" or "agent"
33 means a person, firm or corporation engaged in the selling of
34 packet seed of less than four (4) ounces to consumers.

35 (ii) The term "wholesale distributor" means a
36 person, firm or corporation engaged in the selling of seed to a
37 seedsman holding a permit as required by subsection (1)(c) of
38 Section 69-3-3.

39 (iii) The term "consumer" means any person who
40 purchases or otherwise obtains seed for sowing but not for resale.

41 (iv) The term "commercial grower" means a person,
42 firm or corporation engaged primarily in the production of seed
43 for planting purposes for sale or trade.

44 (d) The term "agricultural seeds" means the seed of
45 grass, forage, cereal and fiber crops, lawn seed, and any other
46 kinds of seed, including transgenic seeds, recognized within this
47 state as agricultural or field seeds, and mixtures of such seeds.

48 (e) The term "vegetable seeds" means the seeds of those
49 crops which are grown in gardens or on truck farms, including
50 transgenic seeds, and are generally known and sold under the name
51 of vegetable seeds in this state.

52 (f) The term "flower seed" means the seeds of
53 herbaceous plants grown for their blooms, ornamental foliage or
54 other ornamental parts, including transgenic seeds, and commonly
55 known and sold under the name of flower seeds in this state.

56 (g) The term "tree and shrub seeds" means the seeds of
57 woody plants, including transgenic seeds, commonly known and sold
58 as tree and shrub seeds in this state.

59 (h) The term "transgenic seed" means seed from a plant
60 whose genetic composition has been altered by methods other than
61 those used in conventional plant breeding to produce seed that
62 contains selected genes from other plants or species that will
63 produce results such as herbicide tolerance, insect tolerance or
64 other traits derived from biotechnology.

65 (i) The term "seed lot" or "lot of seed" means a
66 definite quantity of seed identified by a lot number or other
67 identification mark, every portion or bag of which is uniform for
68 the factors which appear on the label, within permitted
69 tolerances.

70 (j) The term "kind" means one or more related species
71 or subspecies which singly or collectively is known by one (1)
72 common name; for example: soybeans, crimson clover, striate
73 lespedeza, tall fescue.

74 (k) The term "variety" means a subdivision of a kind
75 which is characterized by growth, plant, fruit, seed or other
76 characteristics by which it can be differentiated in successive
77 generations from other sorts of the same kind; for example: Lee
78 soybeans, Frontier crimson clover, Kobe striate lespedeza,
79 Kentucky 31 tall fescue.

80 (l) The term "strain" means the subdivision of a
81 variety; for example: Clemson nonshattering soybeans, Strain 4.

82 (m) The term "hybrid" means the first generation seed
83 of a cross produced by controlling the pollination and combining:
84 (i) two (2) or more inbred lines; or (ii) one (1) inbred line or
85 a single cross with an open-pollinated variety; or (iii) two (2)
86 varieties or species, except open-pollinated varieties of corn.

87 The second generation and subsequent generations of such crosses
88 shall not be regarded as hybrids.

89 (n) The terms "pure seed," "germination," "other crop
90 seed," "inert matter" and other seed labeling and testing terms in
91 common usage not defined herein are defined as in the Federal Seed
92 Act and the rules and regulations promulgated thereunder and any
93 subsequent amendments thereto.

94 (o) The term "weed seeds" means the seeds, bulblets or
95 tubers of all plants generally recognized as weeds within the
96 state and includes noxious weed seeds.

97 (p) The term "noxious weed seeds" shall consist of two
98 (2) classes, as follows:

99 (i) "Prohibited noxious weed seeds" means the
100 seeds of weeds that reproduce by seed, and/or spread by
101 underground roots or stems, and which, when established, are
102 highly destructive and difficult to control in this state by
103 ordinary good cultural practice, or constitute a peculiar hazard
104 to the agriculture of this state. Names of such weed seeds shall
105 be published by regulations promulgated pursuant to the provisions
106 of this article.

107 (ii) "Restricted noxious weed seeds" means the
108 seeds of weeds that are particularly objectionable in fields,
109 lawns or gardens of this state, but which can ordinarily be
110 controlled by good cultural practice. Names of such weed seeds
111 shall be published by regulations promulgated pursuant to the
112 provisions of this article.

113 (q) The term "firm ungerminated seed" means live seed,
114 other than hard seed, which neither germinate nor decay during the

115 period and under the conditions prescribed for germination of such
116 seed by the rules and regulations promulgated pursuant to
117 provisions of this article. Kinds of seeds known and recognized
118 to contain firm seeds shall be published by regulation.

119 (r) The term "date of test" means the month and year
120 the percentage of germination appearing on the label was obtained
121 by laboratory test.

122 (s) The term "mixed" or "mixture" means seeds
123 consisting of more than one (1) kind, or kind and variety, or
124 strain, each present in excess of five percent (5%) of the whole.

125 (t) The term "origin" means the state, District of
126 Columbia, Puerto Rico, or possessions of the United States, or the
127 foreign country where the seeds were grown.

128 (u) The term "label" means the display or displays of
129 written, printed or graphic matter upon or attached to the
130 container of seed pertaining to the contents of the container.

131 (v) The term "labeler" means the person, firm,
132 corporation or the registered code number whose name appears on
133 the label or container of seed.

134 (w) The term "labeling" includes all labels and other
135 written, printed or graphic representations in any manner
136 whatsoever * * * pertaining to the contents, whether in bulk or in
137 containers, and includes representations on invoices except for
138 current official publications of the United States Department of
139 Agriculture, state experiment stations, state agricultural
140 colleges and other similar federal or state institutions or
141 agencies authorized by law to conduct research.

142 (x) The term "treated" means that the seed has been

143 given an application of a substance or subjected to a process
144 designed to control or repel certain disease organisms, insects or
145 other pests attacking such seeds or seedlings grown therefrom to
146 improve its planting value or to serve any other purpose.

147 (y) The term "records" or "seed records" means
148 information which relates to the origin, treatment, germination
149 and purity of each lot of agricultural seed sold, offered or
150 exposed for sale in this state, or which relates to the treatment,
151 germination and variety of each lot of vegetable, flower, or tree
152 and shrub seed sold, offered or exposed for sale in this state.
153 Such information includes seed samples and records of
154 declarations, labels, purchases, sales, cleaning, bulking,
155 handling, storage, analyses, tests and examinations.

156 (z) The term "processing" means cleaning, scarifying,
157 blending or treating to obtain uniform quality and other
158 operations which would change the purity or germination of the
159 seed and therefore require retesting to determine the quality of
160 the seed.

161 (aa) The term "tolerance" means the allowance for
162 sampling variation specified under rules and regulations
163 promulgated pursuant to the provisions of this article.

164 (bb) The terms "certified seed," "registered seed" and
165 "foundation seed" mean seed that has been produced and labeled in
166 accordance with the procedures and in compliance with the rules
167 and regulations of an official certifying agency authorized by the
168 laws of this state or the laws of another state or country.

169 (cc) The term "official certifying agency" means an
170 agency authorized or recognized and designated as a certifying

171 agency by the laws of a state, the United States, a province of
172 Canada, or the government of a foreign country.

173 (dd) The term "stop sale order" means any written or
174 printed notice or order given or issued by the commissioner or his
175 authorized agents to the owner or custodian of any lot of
176 agricultural, vegetable, flower, or tree and shrub seeds in this
177 state, directing such owner or custodian not to sell, offer or
178 expose such seeds for sale for planting purposes within this state
179 until requirements of this article shall have been complied with
180 and a written release has been issued. * * *

181 (ee) The term "Federal Seed Act" means the laws
182 codified at 7 USCS 1551, et seq., and all regulations promulgated
183 thereunder.

184 (ff) The term "bulk" or "in bulk" means seed when loose
185 either in vehicles of transportation, bins, cribs or tanks, and
186 not seed in bags, boxes, cartons, bulk/super bags or other
187 containers.

188 (gg) The term "department" means the Mississippi
189 Department of Agriculture and Commerce.

190 * * *

191 SECTION 2. Section 69-3-5, Mississippi Code of 1972, is
192 amended as follows:[BD1]

193 69-3-5. (1) Each container of agricultural, vegetable,
194 flower, or tree and shrub seeds sold, offered for sale, or exposed
195 for sale, or transported within this state for seeding purposes
196 shall bear thereon or have attached thereto in a conspicuous place
197 a plainly written or printed label or tag in the English language,
198 giving the following information:

199 (a) For agricultural seeds:

200 (i) The commonly accepted name of kind and variety
201 of each agricultural seed present in excess of five per cent (5%)
202 of the whole and the percentage by weight of each in the order of
203 its predominance. When more than one (1) kind and variety is
204 required to be named, the word "mixture" or the word "mixed" shall
205 be shown conspicuously on the label, provided that the
206 commissioner may through the promulgation of regulations permit
207 certain kinds of seed to be labeled "mixed" without showing the
208 percentage of each variety present. Hybrids shall be labeled with
209 the name and/or number by which the hybrid is commonly designated.

210 (ii) Lot number or other designation.

211 (iii) Net weight.

212 (iv) Origin.

213 (v) Percentage by weight of all weed seeds,
214 including noxious weed seeds.

215 (vi) Percentage by weight of inert matter.

216 (vii) Percentage by weight of other crop seed.

217 (viii) For each named agricultural seed:

218 1. Percentage of germination, exclusive of
219 hard seed or firm seed.

220 2. Percentage of hard seed, if present.

221 3. Percentage of firm ungerminated seed, if
222 present.

223 4. The calendar month and year the test was
224 completed to determine such percentages.

225 (ix) The name and number per pound of each kind of
226 "restricted" noxious weed seed.

227 (x) The name and address, or the registered code
228 number, of the person who labeled said seed, or who sells, offers
229 or exposes said seed for sale within this state.

230 (xi) In addition to the above label requirements,
231 certain additional information may, through the promulgation of
232 regulations by the commissioner, be required for the label.

233 (b) For vegetable seeds in containers of * * * more
234 than one (1) pound:

235 (i) Name of kind and variety of seed.

236 (ii) Net weight.

237 (iii) Lot number or other identification.

238 (iv) Percentage of germination, exclusive of hard
239 seed.

240 (v) Percentage of hard seed, if present.

241 (vi) Calendar month and year the test was
242 completed to determine such percentages.

243 (vii) The name and address, or the registered code
244 number, of the person who labeled said seed, or who sells, offers
245 or exposes said seed for sale within this state.

246 (viii) For seeds which germinate less than
247 standards prescribed under rules and regulations promulgated
248 pursuant to the provisions of this article, the words "below
249 standard" in not less than 8-point type must be written or printed
250 on face of tag in addition to other information required.

251 (c) For vegetable seeds in containers of one (1) pound
252 or less:

253 (i) Name of kind and variety.

254 (ii) The name and address, or the registered code

255 number, of the person who labeled said seed, or who sells, offers
256 or exposes said seed for sale within this state.

257 (iii) For seeds which germinate less than the
258 standards last prescribed for such seed under rules and
259 regulations promulgated pursuant to the provisions of this
260 article, the following additional information must be shown:

261 1. Percentage of germination, exclusive of
262 hard seed.

263 2. Percentage of hard seed, if present.

264 3. Calendar month and year the test was
265 completed to determine such percentage.

266 4. The words "below standard" in not less
267 than 8-point type.

268 (d) For flower seed:

269 Flower seed shall be labeled to comply with rules and
270 regulations promulgated by the commissioner pursuant to the
271 provisions of this article.

272 (e) For tree and shrub seed:

273 Tree and shrub seed shall be labeled to comply with the rules
274 and regulations promulgated by the commissioner pursuant to the
275 provisions of this article.

276 (f) For treated seed:

277 All seeds treated as defined in this article (for which a
278 separate label may be used) shall be labeled in accordance with
279 the rules and regulations promulgated pursuant to the provisions
280 of this article.

281 (2) The labeler shall keep records of the year of production
282 and blending components of all agricultural or vegetable seeds in

283 each lot labeled, distributed or offered for sale within the
284 state. The records shall be made available to any purchaser
285 either through the label, the container or such other means that
286 may be required by regulation in order to provide the information
287 requested in a timely manner.

288 SECTION 3. Section 69-3-7, Mississippi Code of 1972, is
289 amended as follows:[BD2]

290 69-3-7. (1) Each person handling seed subject to this
291 article shall keep for a period of two (2) years a complete record
292 of agricultural, vegetable, flower, or tree and shrub seeds
293 handled.

294 (2) Such records shall include the information as defined in
295 paragraph (y) of Section 69-3-1.

296 (3) The commissioner or his duly authorized agents shall
297 have the right to inspect such records for the purpose of the
298 effective administration of this article.

299 SECTION 4. Section 69-3-19, Mississippi Code of 1972, is
300 amended as follows:

301 69-3-19. It shall be the duty of the Commissioner of
302 Agriculture and Commerce, acting either directly or through his
303 duly authorized agents:

304 (1) To sample, inspect, make analyses of and test
305 agricultural, vegetable, flower, and tree and shrub seeds,
306 including transgenic seeds, transported, held in storage, sold,
307 offered for sale or exposed for sale, or distributed within this
308 state for seeding purposes, at such time and place, and to such
309 extent as he may deem necessary to determine whether the seeds are
310 in compliance with the provisions of this article, and to notify

311 promptly the person who transported, distributed, had in his
312 possession, sold, offered or exposed the seed for sale, of any
313 violation. Such test results shall be sufficient to be used by
314 the Mississippi * * * Department of Transportation to determine
315 whether or not seed so tested meets the * * * requirements of the
316 Department of Transportation as set out in its contract
317 specifications. No further testing shall be required unless
318 the * * * Department of Transportation determines that more than
319 nine (9) months has elapsed, exclusive of the calendar month in
320 which the test was completed, between the germination test data
321 and the time of planting, or if by visual inspection the * * *
322 Department of Transportation determines that the seed was
323 improperly stored or handled prior to planting.

324 (2) To prescribe and adopt reasonable rules and regulations
325 governing the methods of sampling, inspecting, making analysis
326 tests and examinations of agricultural, vegetable, flower and tree
327 and shrub seeds, including standards, and the tolerances to be
328 followed in the administration of this article, and any other
329 reasonable rules and regulations as may be necessary to secure
330 efficient enforcement of this article.

331 * * *

332 (3) Further, for the purpose of carrying out the
333 provisions of this article, the commissioner individually or
334 through his designated agents is authorized:

335 (a) To enter upon any public or private premises where
336 agricultural, vegetable, flower, or tree and shrub seeds are sold,
337 offered or exposed for sale or distribution, during regular
338 business hours in order to have access to seeds or records subject

339 to this article and the rules and regulations thereunder, and to
340 take samples of seed or copies of records in conformity therewith;
341 and

342 (b) To establish, maintain and support a state seed
343 testing laboratory with such facilities and personnel as may be
344 deemed necessary, such laboratory to be located at Mississippi
345 State University of Agriculture and Applied Science. Such seed
346 laboratory and equipment shall be in cooperation with Mississippi
347 State University of Agriculture and Applied Science and under the
348 supervision of the Director of the Bureau of Plant Industry, who
349 shall be the state seed analyst; and

350 (c) To provide that any person, firm or corporation in
351 this state shall have the privilege of submitting service seed
352 samples for test to the state seed testing laboratory, subject to
353 the charges as specified in the rules and regulations promulgated
354 pursuant to the provisions of this article. Any person receiving
355 a statement for seed analysis which is not paid in ninety (90)
356 days will be in violation of this article. Any resident farmer
357 may have one (1) sample of each kind tested free in any calendar
358 year. A signed request by a farmer or individual must accompany
359 the sample when same is sent in by a dealer; otherwise, the sample
360 will be recorded and charges for analysis will be made to the
361 dealer. Official seed samples drawn by inspectors in the
362 enforcement of the provisions of this article shall have first
363 priority for testing in the state seed testing laboratory. The
364 state seed analyst shall not be obligated to analyze uncleaned,
365 unprocessed, and other time-consuming samples which obviously do
366 not meet seed law requirements, except as time and facilities will

367 permit; and

368 (d) To publish, in his discretion, the results of
369 analyses, tests, examinations, field trials and investigations of
370 any seed sampled under this article, together with any information
371 he may deem advisable; and

372 (e) To issue and enforce a written or printed "stop
373 sale" or "seizure" order to the owner or custodian of any lot of
374 agricultural, vegetable, flower, or tree and shrub seeds which the
375 commissioner or his authorized agent finds is in violation of any
376 of the provisions of this article or the rules and regulations
377 promulgated thereunder, which order shall prohibit further sale or
378 movement of such seed until such officer has evidence that the law
379 has been complied with and a written release has been issued to
380 the owner or custodian of said seed by an enforcement officer; and

381 (f) To issue and enforce a "stop sale" or "seizure"
382 order with respect to a particular variety of agricultural,
383 vegetable, flower or tree and shrub seeds if the producer or
384 distributor of such variety is found to have violated any of the
385 provisions of this article or the rules and regulations
386 promulgated thereunder with respect to the particular variety,
387 which order shall remain in effect until the producer or
388 distributor is in compliance with the law and has taken any action
389 required by the commissioner to correct the effect of the
390 violation in the marketplace; and

391 (g) To cooperate with the United States Department of
392 Agriculture in seed law enforcement.

393 (4) This section shall stand repealed on July 1, 2002.

394 SECTION 5. Section 69-3-25, Mississippi Code of 1972, is

395 amended as follows:

396 69-3-25. Any person violating any of the provisions of this
397 article or the rules and regulations made by the commissioner
398 pursuant thereto at a minimum is guilty of a misdemeanor and, upon
399 conviction, shall be punished by a fine of not less than One
400 Hundred Dollars (\$100.00) and not more than Five Hundred Dollars
401 (\$500.00) at the discretion of the court having jurisdiction.

402 SECTION 6. The following section shall be codified as
403 Section 69-3-29, Mississippi Code of 1972:

404 69-3-29. (1) When a written complaint is made against a
405 person, corporation or other entity for violation of any of the
406 provisions of this article, or any of the rules or regulations
407 promulgated hereunder, the Commissioner of Agriculture and
408 Commerce, or his designee, shall conduct a full evidentiary
409 hearing relative to the charges. The complaint shall be in
410 writing and shall be filed in the Office of the Mississippi
411 Department of Agriculture and Commerce. The commissioner shall
412 cause to be delivered to the accused in the manner described
413 herein a copy of the complaint and a summons requiring the accused
414 to file a written answer to the complaint within thirty (30)
415 calendar days after service of the summons and the complaint on
416 him. The accused may be notified by serving a copy of the summons
417 and complaint on the accused by any of the methods set forth in
418 Rule 4 of the Mississippi Rules of Civil Procedure or by certified
419 mail. Upon receipt of the written answer of the accused, the
420 matter shall be set for hearing before the commissioner or his
421 designee within a reasonable time. If the accused fails to file
422 an answer within such time, the commissioner or his designee may

423 enter an order by default against the accused. The commissioner
424 may issue subpoenas to require the attendance of witnesses and the
425 production of documents. Compliance with such subpoenas may be
426 enforced by any court of general jurisdiction in this state. The
427 testimony of witnesses shall be upon oath or affirmation, and they
428 shall be subject to cross-examination. The proceedings shall be
429 recorded. If the commissioner or his designee determines that the
430 complaint lacks merit, he may dismiss same. If he finds that
431 there is substantial evidence showing that a violation has
432 occurred, he may impose any or all of the following penalties upon
433 the accused: (a) levy a civil penalty in the amount of no more
434 than Five Thousand Dollars (\$5,000.00) for each violation; (b)
435 revoke or suspend any license or permit issued to the accused
436 under the terms of this article; (c) issue a stop sale order; (d)
437 require the accused to relabel a lot of seed that he is offering
438 or exposing for sale and which is not labeled in accordance with
439 the provisions of this article; or (e) seize any lot of seed that
440 is not in compliance with this article and destroy, sell or
441 otherwise dispose of the seed and apply the proceeds of any such
442 sale to the costs herein and any civil penalties levied with the
443 balance to be paid to the accused. The decision of the
444 commissioner or his designee shall be in writing, and it shall be
445 delivered to the accused by certified mail.

446 (2) Either the accused or the Department may appeal the
447 decision of the commissioner or his designee to the circuit court
448 of the county of residence of the accused or, if the accused is a
449 nonresident of the State of Mississippi, to the Circuit Court of
450 the First Judicial District of Hinds County, Mississippi. The

451 appellant shall have the obligation of having the record
452 transcribed and filing it with the circuit court. The appeal
453 shall otherwise be governed by all applicable laws and rules
454 affecting appeals to circuit court. If no appeal is perfected
455 within the required time, the decision of the commissioner, or his
456 designee shall then become final.

457 (3) The decision of the circuit court may then be appealed
458 by either party to the Mississippi Supreme Court in accordance
459 with the existing law and rules affecting such appeals.

460 (4) Where any violation of this article, or the rules and
461 regulations promulgated hereunder occurs, or is about to occur,
462 that presents a clear and present danger to the public health,
463 safety or welfare requiring immediate action, any of the
464 department's field inspectors, and any other persons authorized by
465 the commissioner may issue an order to be effective immediately
466 before notice and a hearing that imposes any or all of the
467 following penalties against the accused: (a) issue a stop sale
468 order; (b) require the accused to relabel a lot of seed that he is
469 offering or exposing for sale and which is not labeled in
470 accordance with the provisions of this article; or (c) seize any
471 lot of seed that is not in compliance with this article and
472 destroy, sell or otherwise dispose of the seed and apply the
473 proceeds of any such sale to the cost herein and any civil
474 penalties levied with the balance to be paid to the accused. The
475 order shall be served upon the accused in the same manner that the
476 summons and complaint may be served upon him. The accused shall
477 then have thirty (30) days after service of the order upon him
478 within which to request an informal administrative review before

479 the Director of the Bureau of Plant Industry in the department, or
480 his designee, who shall act as reviewing officer. If the accused
481 makes such a request within such time, the reviewing officer shall
482 provide an informal administrative review to the accused within
483 ten (10) days after such request is made. If the accused does not
484 request an informal administrative review within such time frame,
485 then he will be deemed to have waived his right to the review. At
486 the informal administrative review, subpoena power shall not be
487 available, witnesses shall not be sworn nor be subject to
488 cross-examination and there shall be no court reporter or record
489 made of the proceedings. Each party may present its case in the
490 form of documents, oral statements or any other method. The rules
491 of evidence shall not apply. The reviewing officer's decision
492 shall be in writing, and it shall be delivered to the parties by
493 certified mail. If either party is aggrieved by the order of the
494 reviewing officer, he may appeal to the commissioner for a full
495 evidentiary hearing in accordance with the procedures described in
496 subsection (1) of this section, except that there shall be no
497 requirement for a written complaint or answer to be filed by the
498 parties. Such appeal shall be perfected by filing a notice of
499 appeal with the commissioner within thirty (30) days after the
500 order of the reviewing officer is served on the appealing party.
501 The hearing before the commissioner or his designee shall be held
502 within a reasonable time after the appeal has been perfected.
503 Failure to perfect an appeal within the allotted time shall be
504 deemed a waiver of such right.

505 * * *

506 SECTION 7. Section 25-41-3, Mississippi Code of 1972, is

507 brought forward as follows:[BD3]

508 25-41-3. For purposes of this chapter, the following words
509 shall have the meaning ascribed herein, to wit:

510 (a) "Public body" shall mean: (i) any executive or
511 administrative board, commission, authority, council, department,
512 agency, bureau or any other policymaking entity, or committee
513 thereof, of the State of Mississippi, or any political subdivision
514 or municipal corporation of the state, whether such entity be
515 created by statute or executive order, which is supported wholly
516 or in part by public funds or expends public funds, and (ii) any
517 standing, interim or special committee of the Mississippi
518 Legislature. There shall be exempted from the provisions of this
519 chapter the judiciary, including all jury deliberations, public
520 and private hospital staffs, public and private hospital boards
521 and committees thereof, law enforcement officials, the military,
522 the State Probation and Parole Board, the Workers' Compensation
523 Commission, legislative subcommittees and legislative conference
524 committees, and license revocation, suspension and disciplinary
525 proceedings held by the Mississippi State Board of Dental
526 Examiners.

527 (b) "Meeting" shall mean an assemblage of members of a
528 public body at which official acts may be taken upon a matter over
529 which the public body has supervision, control, jurisdiction or
530 advisory power.

531 SECTION 8. This act shall take effect and be in force from
532 and after July 1, 2000.