

By: Holland

To: Agriculture

HOUSE BILL NO. 558
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 69-45-1 THROUGH 69-45-15,
2 MISSISSIPPI CODE OF 1972, TO EXPAND THE MISSISSIPPI AGRICULTURAL
3 PROMOTIONS PROGRAM ACT TO INCLUDE MISSISSIPPI'S MANUFACTURED
4 GOODS; TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
5 69-45-17, MISSISSIPPI CODE OF 1972, TO PROVIDE PENALTIES FOR
6 VIOLATIONS; TO CREATE A NEW CODE TO BE CODIFIED AS SECTION
7 69-45-19, MISSISSIPPI CODE OF 1972, TO PROVIDE HEARING PROCEDURES
8 FOR PERSONS ACCUSED OF VIOLATIONS; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 69-45-1, Mississippi Code of 1972, is
11 amended as follows:

12 69-45-1. Sections 69-45-1 through 69-45-15 shall be known
13 and may be cited as the "Mississippi Agricultural and Commercial
14 Promotions Program Act."

15 SECTION 2. Section 69-45-3, Mississippi Code of 1972, is
16 amended as follows:

17 69-45-3. The Legislature finds that there is a need for a
18 Mississippi Agricultural and Commercial Promotions Program to
19 increase consumer awareness and expand the market for
20 Mississippi's agricultural and manufactured goods and products.
21 The Legislature further finds that the Mississippi Department of
22 Agriculture and Commerce shall promote and advertise such goods
23 and products by various methods including, but not limited to,
24 product identification programs and subsidies, loans and
25 grants * * *.

26 SECTION 3. Section 69-45-5, Mississippi Code of 1972, is
27 amended as follows:

28 69-45-5. For the purposes of this chapter, the following
29 terms shall have the following meanings:

30 (a) "Commissioner" means the Commissioner of
31 Agriculture and Commerce.

32 (b) "Department" means the Department of Agriculture
33 and Commerce.

34 (c) "Division" means the Division of Market Development
35 within the Department of Agriculture and Commerce.

36 (d) "Mississippi product" means any manufactured or
37 agricultural good or product that is at least fifty-one percent
38 (51%) grown, processed or manufactured in the State of
39 Mississippi.

40 (e) "Person" means an individual, firm, partnership,
41 corporation, association, business, trust, legal representative or
42 any other business unit.

43 (f) "Reproduce" means to stencil, emboss, print,
44 engrave, impress, imprint, lithograph or duplicate in any manner
45 or to cause any such acts to be done.

46 SECTION 4. Section 69-45-7, Mississippi Code of 1972, is
47 amended as follows:

48 69-45-7. The department, in its discretion, may establish a
49 program of grants, loans and subsidies to promote the growth,
50 processing, manufacture or sale of Mississippi products. In order
51 for a person to qualify for such grant, loan or subsidy, he must
52 make a dollar-for-dollar matching contribution to an approved
53 project in an amount equal to the amount of such grant, loan or
54 subsidy.

55 SECTION 5. Section 69-45-9, Mississippi Code of 1972, is
56 amended as follows:

57 69-45-9. (1) The purpose of this chapter is to authorize
58 the division to establish and coordinate the Mississippi
59 Agricultural and Commercial Promotions Program. The duties of the
60 division shall include, but are not limited to:

61 (a) Developing a logo and authorizing the use of that
62 logo;

- 63 (b) Developing a program for loans, grants and
64 subsidies;
- 65 (c) Registering participants;
- 66 (d) Requesting and collecting financial information
67 from program participants;
- 68 (e) Promoting and advertising Mississippi and its
69 agricultural products through the purchase of promotional items
70 and advertising;
- 71 (f) Developing in-kind advertising programs and
72 promotional materials; and
- 73 (g) Contracting with media representatives for the
74 purpose of dispersing promotional materials.

75 (2) The commissioner shall promulgate such rules and
76 regulations that he deems to be necessary to implement the
77 provisions of this act.

78 SECTION 6. Section 69-45-11, Mississippi Code of 1972, is
79 amended as follows:

80 69-45-11. Every person who grows, processes, manufactures or
81 sells at retail a Mississippi product may register annually with
82 the department in such form and manner as may be prescribed by the
83 department. The division director may decide whether or not a
84 person is qualified to register for the benefits available under
85 this chapter, being guided by the standards and criteria set forth
86 herein. The amount of the registration fee, not to exceed Fifty
87 Dollars (\$50.00), shall be set by the department in a regulation.
88 Such registration shall entitle the registrant to participate in
89 the program for one (1) year. All registrations shall expire on
90 June 30 of each year. The benefits accruing to registrants
91 include the right to use the logo on their Mississippi products,
92 the right to apply for any loans, grants, or subsidies offered by
93 the department and the right to request such assistance from the
94 department that may be available to market the registrant's
95 products. However, a person who sells a Mississippi product at

96 retail does not have the right to apply for, or receive, a loan,
97 grant or subsidy from the department.

98 SECTION 7. Section 69-45-13, Mississippi Code of 1972, is
99 amended as follows:

100 69-45-13. There is created a special fund to be designated
101 as the "Mississippi Agricultural Promotions Fund" within the State
102 Treasury to receive all monies related to the Mississippi
103 Agricultural and Commercial Promotions Program. Monies deposited
104 in the fund shall be expended, upon legislative appropriations,
105 and upon requisition therefor by the Commissioner of Agriculture,
106 for the sole purpose of implementing the Mississippi Agricultural
107 and Commercial Promotions Program. Unexpended amounts remaining
108 in the fund at the end of the fiscal year shall not lapse into the
109 State General Fund, and any interest earned on amounts in the fund
110 shall be deposited to the credit of the fund.

111 SECTION 8. Section 69-45-15, Mississippi Code of 1972, is
112 amended as follows:

113 69-45-15. It is unlawful for any person to use, reproduce or
114 distribute the logo of the Mississippi Agricultural and Commercial
115 Promotions Program without being registered with the department or
116 to otherwise violate the provisions of this act or any rules
117 adopted under this act. Any person who violates any of the
118 provisions of this chapter or any rule promulgated under this
119 chapter revokes his rights for logo use or any funding hereunder.

120 SECTION 9. The following section shall be codified as
121 Section 69-45-17, Mississippi Code of 1972:

122 69-45-17. Any person who violates any provision of this
123 chapter or any regulation adopted hereunder shall be guilty of a
124 misdemeanor and, upon conviction, shall be punished by the
125 imposition of a fine not to exceed Five Hundred Dollars (\$500.00)
126 or by imprisonment in the county jail for a term not to exceed six
127 (6) months, or both.

128 SECTION 10. The following section shall be codified as

129 Section 69-45-19, Mississippi Code of 1972:

130 69-45-19. If any person violates any of the provisions of
131 this chapter, or the rules and regulations promulgated hereunder,
132 administrative proceedings may be brought against him pursuant to
133 a written complaint filed with the department. The matter shall
134 be heard by the division director or his designated representative
135 in an informal meeting between the accused and the division
136 director or his designee. If the division director or his
137 designee finds that the accused did commit a violation, the
138 division director may levy a civil penalty against the accused in
139 an amount as authorized by the regulations of the department,
140 revoke or suspend the department's registration of the accused,
141 withdraw all benefits that would have otherwise accrued to the
142 accused under this act and require the accused to remove the logo
143 from any goods or products that are in violation of this act
144 before sale. The division director or his designee shall render a
145 written opinion. If either party is aggrieved by the findings of
146 the division director or his designee, he may appeal to the
147 commissioner for a full evidentiary hearing. At the hearing
148 before the commissioner or his designated representative, the
149 matter shall be heard de novo, the commissioner shall have
150 subpoena power, the witnesses shall be placed under oath and the
151 testimony shall be recorded. The commissioner or his designee
152 shall render a written opinion. If either party is aggrieved by
153 the findings of the commissioner, he may appeal to the circuit
154 court of the county of residence of the accused, or, if the
155 accused is a nonresident of the State of Mississippi, to the
156 Circuit Court of the First Judicial District of Hinds County,
157 Mississippi. If either party is aggrieved by the findings of the
158 circuit court, he may appeal to the Mississippi Supreme Court.
159 All fees, costs and penalties collected hereunder from the accused
160 may be retained by the department for its operating expenses. The
161 commissioner may expand and amplify the procedures and other

162 matters mentioned in this section in such rules and regulations
163 that the commissioner deems necessary or desirable to carry out
164 the provisions of this section.

165 SECTION 11. This act shall take effect and be in force from
166 and after July 1, 2000.