

By: Stogner

To: Agriculture

SENATE BILL NO. 2561
(As Passed the Senate)

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. To
51 qualify for a grant, loan or subsidy, a person must make a
52 dollar-for-dollar matching contribution to an approved project in
53 an amount equal to the amount of such grant, loan or subsidy.

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

56 69-45-9. (1) The purpose of this chapter is to authorize
57 the division to establish and coordinate the Mississippi
58 Agricultural and Commercial Promotions Program. The duties of the
59 division shall include, but are not limited to:

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

62 (b) Developing a program for loans, grants and

63 subsidies;

64 (c) Registering participants;

65 (d) Requesting and collecting financial information
66 from program participants;

67 (e) Promoting and advertising Mississippi and its
68 agricultural products through the purchase of promotional items
69 and advertising;

70 (f) Developing in-kind advertising programs and
71 promotional materials; and

72 (g) Contracting with media representatives for the
73 purpose of dispersing promotional materials.

74 (2) The commissioner shall promulgate any rules and
75 regulations that he deems to be necessary to implement * * * this
76 act.

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

79 69-45-11. Any person who grows, processes, manufactures or
80 sells at retail a Mississippi product may register annually with
81 the department in such form and manner as may be prescribed by the
82 department. The division director shall determine whether or not
83 a person is qualified to register for the benefits available under
84 this chapter, being guided by the standards and criteria set forth
85 herein. The department shall establish the registration fee by
86 regulation. Registration shall entitle the registrant to
87 participate in the program for one (1) year. All registrations
88 shall expire on June 30 of each year. The benefits accruing to
89 registrants include the right to use the logo on their Mississippi
90 products, the right to apply for any loans, grants, or subsidies
91 offered by the department and the right to request any assistance
92 from the department that may be available to market the
93 registrant's products. However, a person who sells a Mississippi
94 product at retail does not have the right to apply for, or
95 receive, a loan, grant or subsidy from the department.

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

98 69-45-13. There is created a special fund to be designated
99 as the "Mississippi Agricultural Promotions Fund" within the State
100 Treasury to receive all monies related to the Mississippi
101 Agricultural and Commercial Promotions Program. Monies deposited
102 in the fund shall be expended, upon legislative appropriations,
103 and upon requisition * * * by the Commissioner of Agriculture, for
104 the sole purpose of implementing the Mississippi Agricultural and
105 Commercial Promotions Program. Unexpended amounts remaining in
106 the fund at the end of the fiscal year shall not lapse into the
107 State General Fund, and any interest earned on amounts in the fund
108 shall be deposited to the credit of the fund.

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

111 69-45-15. It is unlawful for any person to use, reproduce or
112 distribute the logo of the Mississippi Agricultural and Commercial
113 Promotions Program without being registered with the department or
114 to otherwise violate * * * this chapter or any rules adopted under
115 this chapter. Any person who violates * * * this chapter or any
116 rule promulgated under this chapter revokes his rights for logo
117 use or any funding hereunder.

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

120 69-45-17. Any person who violates this chapter or regulation
121 is guilty of a misdemeanor and, upon conviction, shall be punished
122 by the imposition of a fine not to exceed Five Hundred Dollars
123 (\$500.00) or by imprisonment in the county jail for a term not to
124 exceed six (6) months, or both.

125 SECTION 10. The following section shall be codified as
126 Section 69-45-19, Mississippi Code of 1972:

127 69-45-19. If a person violates this chapter, or rules and
128 regulations, administrative proceedings may be brought against the

129 person by filing a written complaint with the department. The
130 matter shall be heard by the division director or his designated
131 representative in an informal meeting between the accused and the
132 division director or his designee. If the division director or
133 his designee finds that the accused did commit a violation, the
134 division director may levy a civil penalty against the accused in
135 an amount as authorized by the regulations of the department,
136 revoke or suspend the registration of the accused, withdraw all
137 benefits that would have otherwise accrued to the accused under
138 this act and require the accused to remove the logo from any goods
139 or products that are in violation of this act before sale. The
140 division director or his designee shall render a written opinion.

141 If either party is aggrieved by the findings of the division
142 director or his designee, he may appeal to the commissioner for a
143 full evidentiary hearing. At the hearing before the commissioner
144 or his designated representative, the matter shall be heard de
145 novo, the commissioner shall have subpoena power, the witnesses
146 shall be placed under oath and the testimony shall be recorded.
147 The commissioner or his designee shall render a written opinion.
148 If either party is aggrieved by the findings of the commissioner,
149 he may appeal to the circuit court of the county of residence of
150 the accused, or, if the accused is a nonresident of the State of
151 Mississippi, to the Circuit Court of the First Judicial District
152 of Hinds County, Mississippi. If either party is aggrieved by the
153 findings of the circuit court, he may appeal to the Mississippi
154 Supreme Court. All fees, costs and penalties collected hereunder
155 from the accused may be retained by the department for its
156 operating expenses. The commissioner may expand and amplify the
157 procedures and other matters mentioned in this section in such
158 rules and regulations that the commissioner deems necessary or
159 desirable to carry out the provisions of this section.

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