

By: Representative Eaton

To: Agriculture

HOUSE BILL NO. 995

1 AN ACT TO AUTHORIZE THE CREATION AND ORGANIZATION OF THE
2 MISSISSIPPI BEEF PROMOTION AND RESEARCH PROGRAM AS A
3 SELF-FINANCED, SELF-GOVERNED PROGRAM TO BE ADMINISTERED BY THE
4 MISSISSIPPI BEEF COUNCIL IN THE EVENT THAT THE NATIONAL BEEF
5 PROMOTIONS AND RESEARCH PROGRAM SHOULD CEASE TO EXIST; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** It is the goal of this act to promote the growth
9 and development of the cattle industry in Mississippi through
10 research, advertisement, promotions, education and market
11 development in the absence of any federal programs.

12 **SECTION 2.** For the purposes of this act, the following terms
13 shall have the meanings ascribed to them herein unless the context
14 clearly indicates otherwise:

15 (a) "Producer" means any person who owns or acquires
16 ownership of cattle, except that a person shall not be considered
17 to be a producer if that person's only share in the proceeds of a
18 sale of cattle or beef is a sales commission, handling fee or
19 other service fee.

20 (b) "Collecting person" means any person or entity who
21 makes payment to a producer for cattle purchased in Mississippi;
22 or any producer marketing to consumers cattle in the form of beef
23 or beef products of that producer's own production; or any firm or
24 marketing agency representing the seller in the delivery of cattle
25 for cattle delivered on futures contracts; or any producer selling
26 cattle to be used in a custom slaughter operation.

27 (c) "Council" means the "Mississippi Beef Council."

28 (d) "Commissioner" means the Commissioner of
29 Agriculture and Commerce for the State of Mississippi.

30 SECTION 3. (1) Within ninety (90) days after the last levy
31 day of the national beef promotion and research program
32 established by the "Beef Promotion and Research Act of 1985," the
33 commissioner is authorized to call a referendum to be held,
34 allowing producers to vote as to whether an assessment of One
35 Dollar (\$1.00) per head on all cattle sold in the state shall be
36 levied for the purpose of promotion and development of the
37 Mississippi cattle industry.

38 (a) Each cattle producer who owned or produced cattle
39 in the year immediately preceding the referendum shall be entitled
40 to cast one (1) vote.

41 (b) The council shall bear all expenses incurred in
42 conducting a referendum.

43 (c) Should a majority of the producers vote in favor of
44 the assessment, then a sum of One Dollar (\$1.00) per head shall be
45 levied on all cattle sold in the state. This assessment shall be
46 applicable to all sales made on or after a date specified by the
47 commissioner but shall not exceed ninety (90) days after
48 certification of the results of the election.

49 (d) The assessment shall be a continuing levy until
50 either terminated by the council or repealed by a majority vote in
51 a subsequent referendum.

52 (2) Subsequent referendums:

53 (a) The commissioner shall call for a subsequent
54 referendum to allow producers to vote on the assessment. The
55 referendum shall be specified by the commissioner but shall be
56 held no less than one (1) year or no more than five (5) years from
57 the beginning of the assessment.

58 (b) If any referendum conducted should fail to receive
59 a majority affirmative votes, then the commissioner shall be
60 authorized to call another referendum in the next succeeding year;
61 provided, that no such referendum shall be held within a period of

62 twelve (12) months from the date on which the last referendum was
63 held.

64 (3) If this program is terminated as a result of referendum
65 vote or for any other reason, the provisions of this act shall
66 expire. Collections received before the last day of the program
67 as designated by the commissioner, shall be expended within ninety
68 (90) days in the manner in which the program was operated.

69 (4) The commissioner, with the approval of the council, may
70 promulgate rules and regulations, in accordance with the
71 Mississippi Administrative Procedures Law, as may be necessary to
72 carry out the provisions of this act.

73 **SECTION 4.** Each collecting person shall collect and remit
74 the assessments levied by this act in accordance with Section 3 of
75 this act.

76 **SECTION 5.** Each collecting person shall remit all
77 assessments to the council with the report no later than the
78 fifteenth day of the month following the close of the period.

79 (a) Assessments collected by the council are not state
80 funds and shall not be required to be deposited in the State
81 Treasury.

82 (b) Each calendar month shall be a reporting period.
83 The reporting period shall end at the close of business on the
84 last day of the month.

85 (c) Required report information and forms shall be
86 determined and provided by the council.

87 **SECTION 6.** The council may accept monetary gifts, donations
88 and grants from public as well as private sources.

89 **SECTION 7.** By July 31 of each year, the council shall submit
90 to the commissioner a complete report of all revenues and
91 expenditures that were generated by the administration of this
92 program in a format that has been approved by the commissioner.

93 **SECTION 8.** (1) Any producer may request and receive a
94 refund of assessments levied on the sale of his/her cattle.

95 (a) The request may be made only by the producer.

96 (b) The request must be made to the council in writing
97 within forty-five (45) days from the date of sale.

98 (c) The request must include the name and address of
99 the sale market or purchaser, date of sale, number of head sold to
100 which the assessment was levied and proof that the assessment was
101 deducted.

102 (2) The council shall mail payment to the requesting
103 producer assessment refunds within thirty (30) days of receiving
104 the request.

105 **SECTION 9.** (1) Any collecting person, who fails to file a
106 report or pay any assessment within the time required by the
107 commissioner, shall remit to the council a penalty of five percent
108 (5%) of the assessment determined to be due, plus one percent (1%)
109 for each month of delay, or fraction thereof, beginning the first
110 month after the report was required to be filed or the assessment
111 became due.

112 (2) Any person who makes a false claim shall be subject to a
113 civil penalty of not more than One Thousand Dollars (\$1,000.00)
114 payable to the council.

115 (3) Any person required to pay an assessment as provided by
116 this act, who refuses to allow full inspection of their records by
117 the council relating to the liability of the person for the
118 assessment imposed by this act or who shall hinder or in any way
119 delay or prevent the inspection of their records shall be guilty
120 of a misdemeanor and upon conviction shall be punished by a fine
121 not to exceed Five Hundred Dollars (\$500.00).

122 **SECTION 10.** This act shall take effect and be in force from
123 and after July 1, 2005.