

By: Senator(s) Hyde-Smith

To: Agriculture

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2952

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

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

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

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

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

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

28 (c) "Council" means the "Mississippi Beef Industry  
29 Council."

30 (d) "Commissioner" means the Commissioner of  
31 Agriculture and Commerce for the State of Mississippi.

32 **SECTION 3.** (1) The Mississippi Beef Industry Council is  
33 created and shall be composed of eighteen (18) members as follows:

34 (a) Seven (7) members from the Mississippi Cattlemen's  
35 Association;

36 (b) One (1) member from the Mississippi Cattlemen's  
37 Association;

38 (c) Five (5) members from the Mississippi Farm Bureau  
39 Federation, including one (1) dairy farmer and one (1) meatpacker;  
40 and

41 (d) Five (5) members from the Livestock Marketing  
42 Association.

43 (2) Within thirty (30) days after the levy of the national  
44 beef promotion and research program established by the "Beef  
45 Promotion and Research Act of 1985" is finally adjudicated  
46 unconstitutional, each organization shall select its members to  
47 serve on the council. The members of the council shall meet and  
48 organize after their appointment and shall select a chairman, vice  
49 chairman and secretary-treasurer from the membership of the  
50 council. The council may establish rules and regulations for the  
51 administration of the duties of the council.

52 (3) The chairman, vice chairman and secretary-treasurer  
53 shall be bonded in an amount not less than Twenty Thousand Dollars  
54 (\$20,000.00). The cost of the bonds shall be paid from the funds  
55 received under this act.

56 **SECTION 4.** (1) Within ninety (90) days after the levy of  
57 the national beef promotion and research program established by  
58 the "Beef Promotion and Research Act of 1985" is finally  
59 adjudicated unconstitutional, the commissioner is authorized to  
60 call a referendum allowing producers to vote as to whether an  
61 assessment of One Dollar (\$1.00) per head on all cattle sold in

62 the state shall be levied for the purpose of promotion and  
63 development of the Mississippi cattle industry.

64 (a) A cattle producer who owned or produced cattle in  
65 the year immediately preceding the referendum shall be entitled to  
66 cast one (1) vote.

67 (b) The council shall bear all expenses incurred in  
68 conducting a referendum.

69 (c) If a majority of the producers vote in favor of the  
70 assessment, then a sum of One Dollar (\$1.00) per head shall be  
71 levied on all cattle sold in the state. This assessment shall be  
72 applicable to all sales made on or after a date specified by the  
73 commissioner but no later than ninety (90) days after  
74 certification of the results of the election.

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

78 (2) Subsequent referendums:

79 (a) Upon petition by ten percent (10%) of the  
80 producers, the commissioner shall call for a subsequent referendum  
81 to allow producers to vote on the assessment.

82 (b) If a referendum fails to receive a majority of  
83 affirmative votes, then the commissioner shall be authorized to  
84 call another referendum in the next succeeding year. No such  
85 referendum shall be held within a period of twelve (12) months  
86 from the date on which the last referendum was held.

87 (3) If this program is terminated as a result of referendum  
88 vote or for any other reason, collections received prior to the  
89 last day of the program as designated by the commissioner, will be  
90 expended within ninety (90) days in the manner in which the  
91 program was operated.

92 (4) The commissioner, with the approval of the council, may  
93 promulgate rules and regulations, in accordance with the

94 Mississippi Administrative Procedures Law, as may be necessary to  
95 carry out this act.

96 **SECTION 5.** (1) Each collecting person shall collect and  
97 remit the assessments levied by this act in accordance with  
98 Section 4 of this act.

99 (2) Each collecting person shall remit all assessments to  
100 the council with the required report no later than the fifteenth  
101 day of the month following the close of the reporting period.

102 (a) Assessments collected by the council are not state  
103 funds and will not be required to be deposited in the State  
104 Treasury.

105 (b) Each calendar month shall be a reporting period.  
106 The reporting period shall end at the close of business on the  
107 last day of the month.

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

110 **SECTION 6.** (1) The council may accept monetary gifts,  
111 donations and grants from public as well as private sources.

112 (2) By July 31 of each year the council shall submit to the  
113 commissioner a complete report of all revenues and expenditures  
114 that were generated by the administration of this program in a  
115 format that has been approved by the commissioner.

116 **SECTION 7.** (1) Any producer may request and receive a  
117 refund of assessments levied on the sale the producer's cattle.

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

119 (b) The request must be made to the council in writing  
120 within thirty (30) days from the date of sale.

121 (c) The request must include the name and address of  
122 the sale market or purchaser, date of sale, number of head sold  
123 and assessed, and proof that the assessment was deducted.

124 (2) The council shall mail payment of assessment refunds to  
125 the requesting producer within thirty (30) days of receiving the  
126 request.

127           **SECTION 8.** (1) Any collecting person, who fails to file a  
128 report or pay any assessment within the time required by the  
129 commissioner, shall remit to the council a penalty of five percent  
130 (5%) of the assessment determined to be due, plus one percent (1%)  
131 for each month of delay, or fraction thereof, beginning the first  
132 month after the report was required to be filed or the assessment  
133 became due.

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

137           (3) Any person required to pay an assessment as provided by  
138 this act, who refuses to allow full inspection of their records by  
139 the council, or who shall hinder or in any way delay or prevent  
140 the inspection of their records is guilty of a misdemeanor and  
141 upon conviction shall be punished by a fine not to exceed Five  
142 Hundred Dollars (\$500.00).

143           **SECTION 9.** This act shall take effect and be in force from  
144 and after its passage.