

By: Senator(s) Hyde-Smith

To: Agriculture

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 COUNCIL IN THE EVENT THAT THE NATIONAL BEEF PROMOTIONS AND
5 RESEARCH PROGRAM SHOULD CEASE TO EXIST; TO REQUIRE A REFERENDUM ON
6 ASSESSMENTS; TO PROVIDE A PENALTY FOR VIOLATIONS; AND FOR RELATED
7 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 Council."

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

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

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

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

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

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51 either terminated by the council or repealed by a majority vote in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

53 (2) Subsequent referendums:

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

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

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

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

71 **SECTION 4.** (1) Each collecting person shall collect and
72 remit the assessments levied by this act in accordance with
73 Section 3 of this act.

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

77 (a) Assessments collected by the council are not state
78 funds and will not be required to be deposited in the State
79 Treasury.

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

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

85 **SECTION 5.** (1) The council may accept monetary gifts,
86 donations and grants from public as well as private sources.

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

91 **SECTION 6.** (1) Any producer may request and receive a
92 refund of assessments levied on the sale the producer's cattle.

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

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

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

99 (2) The council shall mail payment of assessment refunds to
100 the requesting producer within thirty (30) days of receiving the
101 request.

102 **SECTION 7.** (1) Any collecting person, who fails to file a
103 report or pay any assessment within the time required by the
104 commissioner, shall remit to the council a penalty of five percent
105 (5%) of the assessment determined to be due, plus one percent (1%)
106 for each month of delay, or fraction thereof, beginning the first
107 month after the report was required to be filed or the assessment
108 became due.

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

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

118 **SECTION 8.** This act shall take effect and be in force from
119 and after its passage.