

House Amendments to Senate Bill No. 2952

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

9 SECTION 1. The purpose of this act shall be to promote the
10 growth and development of the cattle industry in Mississippi
11 through 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 livestock dealer
22 licensed under the Packers and Stockyards Act of 1921, as amended,
23 who makes payment to a producer for cattle purchased in
24 Mississippi.

25 (c) "Council" means the "Mississippi Beef Industry
26 Council."

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

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

31 (a) Seven (7) members appointed by the Mississippi
32 Cattlemen's Association, of whom one (1) shall be a meat scientist
33 or a meat packer;

34 (b) One (1) member appointed by the Mississippi
35 Cattlemen's Association;

36 (c) Five (5) members appointed by the Mississippi Farm
37 Bureau Federation, of whom one (1) shall be a dairy farmer and one
38 (1) shall be a beef retailer;

39 (d) Five (5) members appointed by the Mississippi
40 Livestock Marketing Association.

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

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

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

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

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

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

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

80 (2) Subsequent referendums:

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

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

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

94 (4) The commissioner, with the approval of the council, may
95 promulgate rules and regulations, in accordance with the
96 Mississippi Administrative Procedures Law, as may be necessary to
97 carry out this act.

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

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

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

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

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

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

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

118 (3) Of the monies collected under this program, an amount
119 not to exceed fifteen percent (15%) of the total revenues per year
120 shall be expended on the administrative costs of the program.

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

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

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

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

129 (2) The council shall mail payment of assessment refunds to
130 the requesting producer within thirty (30) days of receiving the
131 request.

132 **SECTION 8.** (1) Any collecting person, who fails to file a
133 report or pay any assessment within the time required by the
134 commissioner, shall remit to the council a penalty of five percent
135 (5%) of the assessment determined to be due, plus one percent (1%)

136 for each month of delay, or fraction thereof, beginning the first
137 month after the report was required to be filed or the assessment
138 became due.

139 (2) Any collecting person who makes a false claim shall be
140 subject to a civil penalty of not more than One Thousand Dollars
141 (\$1,000.00) payable to the council.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR40\SB2952A.2J

Don Richardson
Clerk of the House of Representatives