

By: Representative Pigott

To: Agriculture

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 363

1 AN ACT TO AMEND SECTION 69-5-31, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT OR MAINTAIN CONFIDENTIALITY OF PERSONAL IDENTIFYING
3 INFORMATION OF LAW ENFORCEMENT OFFICERS HIRED BY THE DEPARTMENT;
4 TO AMEND SECTION 69-29-1, MISSISSIPPI CODE OF 1972, TO PERMIT
5 RETIRING INVESTIGATORS TO RETAIN SIDE ARM; TO AMEND SECTION
6 69-42-1, MISSISSIPPI CODE OF 1972, TO DELETE REQUIREMENT FOR
7 PRODUCTION OF ANNUAL REPORTS; TO AMEND SECTION 69-46-3,
8 MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL MEETING VENUE FOR
9 THE MISSISSIPPI LAND, WATER AND TIMBER RESOURCES BOARD MEETINGS;
10 TO AMEND SECTION 75-45-311, MISSISSIPPI CODE OF 1972, TO REPEAL
11 SECTIONS 69-41-1, 69-41-3, 69-41-5, 69-41-7, 69-41-9, 69-41-11,
12 69-41-13 AND 69-41-19, MISSISSIPPI CODE OF 1972, WHICH ARE
13 PROVISIONS ESTABLISHING AND GOVERNING THE ADMINISTRATION OF THE
14 "MISSISSIPPI AGRIBUSINESS COUNCIL ACT OF 1993"; AND FOR RELATED
15 PURPOSES.

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

17 **SECTION 1.** Section 69-5-31, Mississippi Code of 1972, is
18 amended as follows:

19 69-5-31. (1) The Department of Agriculture and Commerce is
20 authorized to hire and designate area law enforcement officers on
21 a contractual basis to provide security and to enforce all laws of
22 the State of Mississippi on the Mississippi State Fairgrounds
23 Complex. All officers must have attended and satisfactorily
24 completed the training course required for law enforcement



25 officers at the Law Enforcement Officer's Training Academy or an
26 equivalent facility. All officers must be current with this
27 certification. A complete record of all law enforcement training
28 of each employee will be maintained in each employee's record of
29 employment. Furthermore, the Department of Agriculture and
30 Commerce may enter into a contract with any certified law
31 enforcement officer to provide security to the Department of
32 Agriculture and Commerce with jurisdiction to enforce all laws of
33 the State of Mississippi on property known as the "Mississippi
34 State Fairgrounds Complex" and any and all of its outlying
35 buildings and property.

36 (2) (a) All officers while in performance of their duty on
37 the premises or at any of the facilities at the Mississippi State
38 Fairgrounds Complex under the direction or control of the
39 Department of Agriculture and Commerce and public property
40 immediately adjacent to such facilities shall:

41 (i) Be required to dress in uniforms prescribed by
42 the respective law enforcement agency by which he or she is
43 employed; and

44 (ii) Be authorized to carry weapons.

45 (b) Employees designated as officers shall be duly
46 sworn and vested with authority to bear arms and make arrests, and
47 shall exercise primarily the responsibilities of the prevention
48 and detection of crime, the apprehension of criminals, and the
49 enforcement of the ordinances and policies of the Department of



50 Agriculture and Commerce, a political subdivision of the State of
51 Mississippi. Employees designated as such officers shall be
52 considered law enforcement officers within the meaning of Section
53 45-6-3.

54 (3) The identities and personal information of the officers
55 under the authority of this section are confidential and shall not
56 be publicly disclosed by the department. All contract entered
57 under the authority of this section shall be exempt from
58 disclosure under the Mississippi Public Records Act, prescribed
59 under Section 25-61-1 et seq.

60 **SECTION 2.** Section 69-29-1, Mississippi Code of 1972, is
61 amended as follows:

62 69-29-1. (1) (a) There is established the Mississippi
63 Agricultural and Livestock Theft Bureau.

64 (b) The Commissioner of Agriculture and Commerce shall
65 appoint a director of the Mississippi Agricultural and Livestock
66 Theft Bureau. Such director shall have at least five (5) years of
67 law enforcement experience. Such director shall be responsible
68 solely to the supervision of the Commissioner of Agriculture and
69 Commerce and to no other person or entity. Such director may be
70 discharged only for just cause shown.

71 (c) The director may employ twelve (12) agricultural
72 and livestock theft investigators. Each investigator shall be
73 certified as a law enforcement officer, successfully completing at
74 least a nine-week training course, in accordance with Section



75 45-6-11. The curriculum for the training of constables shall not
76 be sufficient for meeting the certification requirements of this
77 paragraph. In the selection of investigators under this section,
78 preference shall be given to persons who have previous law
79 enforcement experience.

80 (d) The director appointed under this section, under
81 the direction, control and supervision of the commissioner, and
82 the investigators employed under this section shall perform only
83 the duties described in subsection (2) of this section and shall
84 not be assigned any other duties.

85 (2) The director appointed under this section and the
86 investigators employed under this section shall have the following
87 powers, duties and authority:

88 (a) To enforce all of the provisions of Sections
89 69-29-9 and 69-29-11, and particularly those portions requiring
90 persons transporting livestock to have a bill of sale in their
91 possession; to make investigations of violations of such sections
92 and to arrest persons violating same;

93 (b) To enforce all of the laws of this state enacted
94 for the purpose of preventing the theft of livestock, poultry,
95 timber and agricultural, aquacultural and timber products and
96 implements; to make investigations of violations thereof and to
97 arrest persons violating same;

98 (c) To cooperate with all regularly constituted law
99 enforcement officers relative to the matters herein set forth;



100 (d) To serve warrants and other process emanating from
101 any court of lawful jurisdiction, including search warrants, in
102 all matters herein set forth;

103 (e) To carry proper credentials evidencing their
104 authority, which shall be exhibited to any person making demand
105 therefor;

106 (f) To make arrests without warrant in all
107 matters * * * authorized under the constitutional and general laws
108 of this state;

109 (g) To handle the registration of brands of cattle and
110 livestock;

111 (h) To investigate, prevent, apprehend and arrest those
112 persons anywhere in the state who are violating any of the laws
113 administered by the Department of Agriculture and Commerce,
114 including, but not limited to, all agriculture-related crimes;

115 (i) To access and examine records of any person,
116 business or entity that harvests, loads, carries, receives or
117 manufactures timber products as defined in this section. Each
118 such person or entity shall permit the director or any
119 investigator of the Mississippi Agricultural and Livestock Theft
120 Bureau to examine records of the sale, transfer or purchase of
121 timber or timber products, including, but not limited to,
122 contracts, load tickets, settlement sheets, drivers' logs,
123 invoices, checks and any other records or documents related to an



124 ongoing investigation of the Mississippi Agricultural and
125 Livestock Theft Bureau;

126 (j) To conduct training for law enforcement regarding
127 laws enforced by the bureau and to assist any other law
128 enforcement agencies in responding to matters that may be related
129 to agriculture and commerce in the State of Mississippi and in
130 cases of natural disasters or other disasters to respond as needed
131 or as requested by other agencies.

132 (3) The Commissioner of Agriculture and Commerce shall
133 furnish such investigators with such vehicles, equipment and
134 supplies as may be necessary. All expenses of same, and all other
135 expenses incurred in the administration of this section, shall be
136 paid from such appropriation as may be made by the Legislature.

137 (4) Any director or investigator of the Agricultural and
138 Livestock Theft Bureau who retires for superannuation or for
139 reasons of disability under the Public Employees' Retirement
140 System, upon his or her request, may be allowed by the
141 commissioner to retain, as his or her personal property, one (1)
142 side arm which issued to him or her during his or her service.

143 (* * *5) The Mississippi Department of Revenue and its
144 agents and employees shall cooperate with such investigators by
145 furnishing to them information as to any possible or suspected
146 violations of any of the laws mentioned herein, including
147 specifically Section 69-29-27, and in any other lawful manner.



148 (* * *6) The conservation officers of the Department of
149 Wildlife, Fisheries and Parks are authorized to cooperate with and
150 assist the agricultural and livestock theft investigators in the
151 enforcement and apprehension of violators of laws regarding
152 agricultural and livestock theft.

153 (* * *7) The Mississippi Forestry Commission employees are
154 excluded from any timber and timber products theft investigative
155 responsibilities except when technical expertise is needed and
156 requested through the State Forester or his designee.

157 (* * *8) For the purposes of this section, "timber product"
158 means timber of all kinds, species or sizes, including, but not
159 limited to, logs, lumber, poles, pilings, posts, blocks, bolts,
160 cordwood and pulpwood, pine stumpwood, pine knots or other
161 distillate wood, crossties, turpentine (crude gum), pine straw,
162 firewood and all other products derived from timber or trees that
163 have a sale or commercial value.

164 **SECTION 3.** Section 69-42-1, Mississippi Code of 1972, is
165 amended as follows:

166 69-42-1. (1) For the purposes of this section, the
167 following words shall have the meanings ascribed in this section
168 unless the context otherwise requires:

169 (a) "Agribusiness" means any agricultural,
170 aquacultural, horticultural, manufacturing, research and
171 development or processing enterprise or enterprises.



172 (b) "Farmer" means a resident of Mississippi who
173 engages or wishes to engage in the commercial production of crops
174 on land in Mississippi. The term shall include individuals,
175 partnerships and corporations.

176 (2) The Mississippi Development Authority shall develop and
177 implement a program to stimulate growth in the agricultural
178 industry for agribusiness concerns and farmers.

179 (3) The program developed and implemented by the Mississippi
180 Development Authority under this section shall:

181 (a) Increase the availability of financial assistance
182 available to agribusiness concerns and farmers;

183 (b) Provide incentives for agribusiness concerns and
184 farmers which will encourage growth in the Mississippi
185 agricultural industry;

186 (c) Assist new agribusiness concerns and farmers in
187 developing and implementing business plans;

188 (d) Develop methods for increasing markets for the
189 goods and services of agribusiness concerns and farmers;

190 (e) Work with public and private entities in
191 disseminating information about public and private programs that
192 benefit agribusiness concerns and farmers; and

193 (f) Identify sources of financial assistance available
194 to agribusiness concerns and farmers and assist agribusiness
195 concerns and farmers with the preparation of applications for
196 assistance from public and private sources.



197 * * *

198 **SECTION 4.** Section 69-46-3, Mississippi Code of 1972, is
199 amended as follows:

200 69-46-3. (1) There is created the Mississippi Land, Water
201 and Timber Resources Board, hereinafter referred to as "the
202 board," for the purpose of assisting Mississippi agricultural
203 industry in the development, marketing and distribution of
204 agricultural products.

205 (2) The board shall be composed of the following members:

206 (a) The Chairman of the Senate Agriculture Committee,
207 or a member of the Senate Agriculture Committee designated by the
208 chairman, as a nonvoting member;

209 (b) The Chairman of the House of Representatives
210 Agriculture Committee or a member of the House of Representatives
211 Agriculture Committee designated by the chairman, as a nonvoting
212 member;

213 (c) The Chairman of the Senate Forestry Committee, or a
214 member of the Senate Forestry Committee designated by the
215 chairman, as a nonvoting member;

216 (d) The Executive Director of the Mississippi
217 Development Authority, or his designee;

218 (e) The Commissioner of the Mississippi Department of
219 Agriculture and Commerce, or his designee;

220 (f) The President of the Mississippi Farm Bureau
221 Federation, or his designee;



222 (g) The Director of the Cooperative Extension Service
223 at Mississippi State University, or his designee;

224 (h) The Executive Director of the Agribusiness and
225 Natural Resource Development Center at Alcorn State University, or
226 his designee;

227 (i) The Director of the Agricultural Finance Division
228 of the Mississippi Development Authority, or his designee;

229 (j) The Director of the Agriculture Marketing Division
230 of the Mississippi Department of Agriculture and Commerce, or his
231 designee;

232 (k) The Executive Director of the Mississippi Forestry
233 Commission, or his designee; and

234 (l) Three (3) individuals appointed by the Governor who
235 are active producers of Mississippi land, water or timber
236 commodities. The Governor shall appoint one (1) such person from
237 each Supreme Court district.

238 (3) The Executive Director of the Mississippi Development
239 Authority and the Commissioner of the Mississippi Department of
240 Agriculture and Commerce shall serve as cochairmen of the board.

241 (4) The board shall meet at least once each calendar quarter
242 at the call of the cochairmen. A majority of the members of the
243 board shall constitute a quorum at all meetings. An affirmative
244 vote of a majority of the members present and voting is required
245 in the adoption of any actions taken by the board. All members
246 must be notified, in writing, of all regular and special meetings



247 of the board, which notices must be mailed at least ten (10) days
248 before the dates of the meetings. All meetings shall take place
249 at the State Capitol in Jackson, Mississippi, or at a location to
250 be determined by the cochairmen. The board shall provide a copy
251 of the minutes of each of its meetings to the Chairman of the
252 Senate Agriculture Committee and the Chairman of the House of
253 Representatives Agriculture Committee.

254 (5) Members of the board shall not receive compensation.
255 However, each member may be paid travel expenses and meals and
256 lodging expenses as provided in Section 25-3-41, for such expenses
257 incurred in furtherance of their duties. Travel expenses and
258 meals and lodging expenses and other necessary expenses incurred
259 by the board shall be paid out of funds appropriated to the
260 Mississippi Development Authority.

261 (6) In carrying out the provisions of the Mississippi Land,
262 Water and Timber Resources Act, the board may utilize the
263 services, facilities and personnel of all departments, agencies,
264 offices and institutions of the state, and all such departments,
265 agencies, offices and institutions shall cooperate with the board
266 in carrying out the provisions of such act.

267 **SECTION 5.** Sections 69-41-1, 69-41-3, 69-41-5, 69-41-7,
268 69-41-9, 69-41-11, 69-41-13 and 69-41-19, Mississippi Code of
269 1972, which are provisions establishing and governing the
270 administration of the "Mississippi Agribusiness Council Act of
271 1993," are repealed.



272 **SECTION 6.** This act shall take effect and be in force from
273 and after July 1, 2023.

