

By: Representative Holland

To: Agriculture

## HOUSE BILL NO. 678

1 AN ACT TO AMEND SECTION 75-35-325, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THE DEPARTMENT OF AGRICULTURE WITH ADMINISTRATIVE  
3 PROCEDURES CONCERNING FINES AND OTHER PENALTIES FOR VIOLATIONS OF  
4 THE MEAT INSPECTION LAW; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 75-35-325, Mississippi Code of 1972, is  
7 amended as follows:

8 75-35-325. (1) When a written complaint is made against a  
9 person for violation of any of the provision of this chapter or of  
10 Section 75-33-1 et seq., or any of the rules or regulations  
11 promulgated there under, the Commissioner of Agriculture, or his  
12 designee, shall conduct a full evidentiary hearing relative to the  
13 charges. The complaint shall be in writing and shall be filed in  
14 the office of the Mississippi Department of Agriculture and  
15 Commerce. The commissioner shall cause to be delivered to the  
16 accused in the manner described herein a copy of the complaint and  
17 a summons requiring the accused to file a written answer to the  
18 complaint within thirty (30) days after service of the summons and  
19 complaint upon the accused. The accused may be notified by  
20 serving a copy of the summons and complaint on the accused or any  
21 of his officers, agents or employees by personal service or by  
22 certified mail. The accused shall file with the department a  
23 written response to the complaint within the thirty-day period.  
24 If the accused fails to file an answer within such time, the  
25 commissioner or his designee may enter an order by default against  
26 the accused. If the accused has filed an answer, the matter shall  
27 be set for hearing before the commissioner or his designee.



28       The commissioner may issue subpoenas to require the  
29 attendance of witnesses and the production of documents.  
30 Compliance with such subpoenas may be enforced by any court of  
31 general jurisdiction in this state. The testimony of witnesses  
32 shall be upon oath or affirmation, and they shall be subject to  
33 cross-examination. The proceedings shall be recorded by a court  
34 reporter. If the commissioner or his designee determines that the  
35 complaint lacks merit, he may dismiss it. If he finds that there  
36 is substantial evidence showing that a violation of any of the  
37 statutes or regulations has been committed, he may impose any or  
38 all of the following penalties upon the accused:

39           (a) Levy a civil penalty in the amount of no more than  
40 One Thousand Dollars (\$1,000.00) for each violation;

41           (b) Revoke or suspend any license, permit or privilege  
42 granted to the accused under the terms of this chapter or Section  
43 75-33-1 et seq.;

44           (c) Retain product, reject equipment or facilities,  
45 slow or stop a line or refuse to allow the processing of a  
46 specifically identified product;

47           (d) Refuse to allow the marks of inspection to be  
48 applied to a product; or

49           (e) Take any other action authorized by law or  
50 regulation. The commissioner's decision shall be in writing, and  
51 it shall be delivered to the accused by any of the methods  
52 described herein for service of the summons and complaint on the  
53 accused.

54       (2) Either the accused or the department may appeal the  
55 decision of the commissioner to the circuit court of the county of  
56 residence of the accused or, if the accused is a nonresident of  
57 the State of Mississippi, to the Circuit Court of the First  
58 Judicial District of Hinds County, Mississippi. The appellant  
59 shall have the obligation of having the record transcribed and  
60 filed with the circuit court. The appeal shall otherwise be



61 governed by all applicable laws and rules affecting appeals to  
62 circuit court. If no appeal is perfected within the required  
63 time, the decision of the commissioner, or his designee, shall  
64 then become final.

65 (3) The decision of the circuit court may then be appealed  
66 by either party to the Mississippi Supreme Court in accordance  
67 with the existing laws and rules affecting such appeals.

68 **SECTION 2.** This act shall take effect and be in force from  
69 and after July 1, 2003.

