

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."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Subsequent referendums:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8.

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

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

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

SECTION 9. This act shall take effect and be in force from

and after its passage.