

By: Senator(s) Hyde-Smith

To: Agriculture

SENATE BILL NO. 2952  
(As Sent to Governor)

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. 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.