

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1444**

**By Senator(s) Committee**

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

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16           SECTION 1. The Legislature finds that the production of  
17 poultry constitutes an important and significant portion of the  
18 state's economy and that it is beneficial to the citizens of this  
19 state to protect the vitality of this enterprise.

20           SECTION 2. For the purposes of this section, the following  
21 words and phrases shall have the meanings ascribed herein:

22           (a) "Producer" means any person engaged in the business  
23 of raising or caring for live poultry under a poultry-growing  
24 arrangement, whether the poultry is owned by such person or by  
25 another.

26           (b) "Poultry" means any domesticated bird, whether live  
27 or dead, and includes laying hens, broiler breeding hens, broiler  
28 breeder pullets, commercial egg hens, commercial egg pullets,  
29 broilers, roasters, turkey hens, turkey toms and ducks.

30           (c) "Poultry products" means eggs, poultry carcasses,  
31 poultry by-products or any part thereof.

32           (d) "Processor" means any person engaged in the  
33 business of obtaining live poultry or poultry products by purchase  
34 or under a poultry-growing arrangement for the purpose of  
35 slaughter by such person or by another, or any person engaged in

36 the business of obtaining poultry eggs or the care of live poultry  
37 under a poultry-growing arrangement.

38 (e) "Poultry-growing arrangement" means any grow-out  
39 contract, marketing agreement or other arrangement under which a  
40 poultry producer raises or cares for live poultry or poultry  
41 products in accord with another's instructions.

42 SECTION 3. (1) No processor or producer shall engage in any  
43 unfair, unjustly discriminatory or deceptive act or practice as  
44 defined in this act in connection with any poultry or  
45 poultry-growing contract.

46 (2) Unfair, unjustly discriminatory or deceptive acts and  
47 practices include, but are not limited to, the following, each of  
48 which is declared to be a violation of this act:

49 (a) A processor's using coercion, intimidation, the  
50 threat of retaliation or the threat of contract termination or  
51 cancellation to impose, demand, compel or dictate the terms,  
52 payment or manner of payment or the signing of a contract by a  
53 producer;

54 (b) Any act or omission prohibited by the Packers and  
55 Stockyards Act, 7 USCS Section 181 et seq., or the rules and  
56 regulations promulgated thereunder.

57 (c) A grower failing to diligently follow the written  
58 day-to-day poultry management practices of the processor.

59 (d) A grower failing to maintain buildings, equipment,  
60 ingress or egress in a manner that is acceptable within industry  
61 standards.

62 SECTION 4. All contracts shall be entered into with a sense  
63 of fairness, and there is an implied promise of good faith as  
64 defined in Section 75-1-201(19) by all parties in any poultry or  
65 poultry products contract between a processor and a producer.

66 SECTION 5. (1) There is created the Mississippi Poultry  
67 Industry Resolutions Board. The board shall be composed of the  
68 following:

69 (a) The Executive Director of the Veterinary Diagnostic  
70 Laboratory;

71 (b) The Head of the Poultry Science Department at  
72 Mississippi State University;

73 (c) One (1) producer appointed by the Mississippi Farm  
74 Bureau Federation, whose initial term is four (4) years;

75 (d) One (1) producer appointed by the Mississippi Farm  
76 Bureau Federation, whose initial term is two (2) years;

77 (e) One (1) processor appointed by the Mississippi Farm  
78 Bureau Federation, whose initial term is four (4) years; and

79 (f) One (1) processor appointed by the Mississippi Farm  
80 Bureau Federation, whose initial term is two (2) years. After the  
81 initial appointments, each appointed member of the board shall  
82 serve a term of four (4) years. Any person who is a party to a  
83 poultry-growing arrangement may file a claim for resolution of any  
84 dispute pertaining to the poultry-growing arrangement with the  
85 Department of Agriculture and Commerce that may refer the claim  
86 for resolution to the board. The board shall have jurisdiction  
87 over all parties to any such poultry-growing arrangement referred  
88 to it for resolution, as to any issue regarding the claim for  
89 resolution. The board shall promulgate rules and regulations to  
90 implement the provisions of this act and shall operate in  
91 accordance with the Administrative Procedures Law. Rules and  
92 regulations adopted by the board to implement this act shall be no  
93 more stringent or extensive in scope, coverage and effect than  
94 regulations adopted under the Packers and Stockyards Act of 1921,  
95 as amended. The board shall determine the meaning of the term  
96 "fair practices" under this act. When determining fair practices  
97 under this act, the board's determination of the meaning of fair  
98 practices shall be no more stringent or extensive in scope,  
99 coverage and effect than the meaning under the Packers and  
100 Stockyards Act of 1921, as amended and applicable regulations  
101 promulgated under that act. If it is determined by a majority of  
102 the board that there is substantial evidence showing that a  
103 violation of this act has occurred, the board may levy a civil  
104 penalty in an amount not to exceed One Thousand Dollars  
105 (\$1,000.00) for each violation. The decision of the board shall

106 be in writing, and it shall be delivered to the accused by  
107 certified mail. If any cost, fees or penalties assessed hereunder  
108 have not been paid, they may be collected through the court  
109 system. All fees, costs and penalties collected by the  
110 Commissioner of Agriculture and Commerce shall be placed in the  
111 State General Fund.

112 (2) Either party may appeal the decision of the board to the  
113 circuit court of the First Judicial District of Hinds County,  
114 Mississippi. The appellant shall have the obligation of having  
115 the record transcribed and filing same with the circuit court.  
116 The appeal shall otherwise be governed by all applicable laws and  
117 rules affecting appeals to circuit court. If no appeal is  
118 perfected within the required time, the decision of the board  
119 shall then become final.

120 (3) The decision of the circuit court may then be appealed  
121 by either party to the Mississippi Supreme Court in accordance  
122 with the existing law and rules affecting such appeals.

123 SECTION 6. Sections 1 through 5 of this act shall stand  
124 repealed on July 1, 2004.

125 SECTION 7. The Mississippi State University Cooperative  
126 Extension Service and the Veterinary Diagnostic Laboratory shall  
127 utilize existing staff disease diagnostic specialists to work  
128 statewide with poultry producers and processors to supply the  
129 producers and processors with the most recent research  
130 developments in the industry. The Director of the Cooperative  
131 Extension Service and the Director of the Veterinary Diagnostic  
132 Laboratory shall report on or before November 1, 2000, to the  
133 Chairmen of the Senate Appropriations and Agriculture Committees  
134 and the Chairmen of the House of Representatives Appropriations  
135 and Agriculture Committees on the current status of the poultry  
136 industry and any specific recommendations for additional poultry  
137 specialists or disease diagnostic specialists.

138 SECTION 8. This act shall take effect and be in force from  
139 and after its passage.

**Further, amend by striking the title in its entirety and**

inserting in lieu thereof the following:

1 AN ACT TO CREATE THE "MISSISSIPPI POULTRY FAIR PRACTICES  
2ACT"; TO PROVIDE DEFINITIONS; TO PROVIDE PROHIBITIONS AND  
3REQUIREMENTS FOR PROCESSORS AND PRODUCERS; TO CREATE THE  
4MISSISSIPPI POULTRY INDUSTRY RESOLUTIONS BOARD WHICH SHALL  
5PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF  
6THIS ACT; TO PROVIDE THAT FAIR PRACTICES UNDER THIS ACT SHALL BE  
7NO MORE STRINGENT OR EXTENSIVE IN SCOPE, COVERAGE AND EFFECT THAN  
8THE PACKERS AND STOCKYARDS ACT; TO PROVIDE PENALTIES FOR  
9VIOLATIONS; TO DIRECT THE COOPERATIVE EXTENSION SERVICE AND THE  
10VETERINARY DIAGNOSTIC LABORATORY TO PROVIDE ASSISTANCE TO POULTRY  
11PRODUCERS AND PROCESSORS; AND FOR RELATED PURPOSES.