

By: Representative Warren

To: Agriculture

HOUSE BILL NO. 634

1 AN ACT TO REENACT SECTIONS 69-43-1 THROUGH 69-43-11,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI RATITE
3 COUNCIL AND PROMOTION BOARD; TO AMEND SECTION 69-43-13,
4 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL OF THOSE
5 REENACTED SECTIONS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 69-43-1, Mississippi Code of 1972, is
8 reenacted as follows:

9 69-43-1. The purpose of this act is to promote the growth
10 and development of the ratite industry in Mississippi by
11 advertisement and promotion of products, market development,
12 research and producer education, thereby promoting the general
13 welfare of the people of this state.

14 **SECTION 2.** Section 69-43-3, Mississippi Code of 1972, is
15 reenacted as follows:

16 69-43-3. (1) The Mississippi Ratite Council and Promotion
17 Board is created to be composed of five (5) members as follows:
18 Two (2) members elected by the Mississippi State Emu Association;
19 two (2) members elected by the Mississippi Ostrich Association;
20 and one (1) member appointed by the Commissioner of Agriculture
21 and Commerce. Each member shall serve a term of one (1) year to
22 coincide with the calendar year. Vacancies which occur shall be
23 filled in the same manner as the original elections or
24 appointments were made.

25 (2) The members of the board shall meet and organize
26 immediately after their election or appointment and shall elect a
27 chairman, vice chairman and secretary-treasurer from the
28 membership of the board, whose duties shall be those customarily

29 exercised by such officers or specifically designated by the
30 board. The chairman, vice chairman and secretary-treasurer shall
31 be bonded in an amount not less than Twenty Thousand Dollars
32 (\$20,000.00). The cost of the bonds shall be paid from the funds
33 received under the provisions of Section 69-43-5. Such bond shall
34 be a security for any illegal act of any member of the board and
35 recovery thereon may be had by the state for any injury by such
36 illegal act of such member. The board may establish rules and
37 regulations in accordance with the Administrative Procedures Act
38 for its own government and the administration of the affairs of
39 the board.

40 **SECTION 3.** Section 69-43-5, Mississippi Code of 1972, is
41 reenacted as follows:

42 69-43-5. (1) There is imposed and levied an assessment not
43 to exceed Eight Dollars (\$8.00) per ratite slaughtered within the
44 State of Mississippi. Such assessment shall be deducted by the
45 processor from the amount paid the producer at the first point of
46 processing or sale.

47 (2) The assessment imposed and levied by this section shall
48 be payable to and collected by the Mississippi Department of
49 Agriculture and Commerce, hereafter referred to as "the
50 department," from the processor of such ratites at the first point
51 of processing or sale. The proceeds of the assessment collected
52 by the department shall be deposited monthly with the State
53 Treasurer in a special fund to be established as the "Mississippi
54 Ratite Promotion Fund," and disbursement therefrom shall be made
55 upon warrants issued by the State Fiscal Officer upon requisitions
56 signed by the Chairman and Secretary-Treasurer of the Mississippi
57 Ratite Council and Promotion Board, or their designee, in the
58 manner provided by law. The State Treasurer shall invest such
59 proceeds and any interest earned thereon shall be credited to such
60 special fund and shall not be deposited in the State General Fund.

61 (3) The Mississippi Department of Agriculture and Commerce
62 shall submit to the Mississippi Ratite Council and Promotion Board
63 a budget detailing and justifying the administrative costs of the
64 department in administering the provisions of this chapter, and
65 such budget must be approved by the Mississippi Ratite Council and
66 Promotion Board by April 1 of each year. The amount withheld by
67 the department, which shall not exceed three and one-half percent
68 (3-1/2%) of the gross amount collected, must be approved by the
69 Mississippi Ratite Council and Promotion Board by July 1 of each
70 year.

71 **SECTION 4.** Section 69-43-7, Mississippi Code of 1972, is
72 reenacted as follows:

73 69-43-7. (1) Any processor who fails to file a report or to
74 pay any assessment within the time required by the department
75 shall forfeit to the department a penalty of five percent (5%) of
76 the assessment determined to be due, plus one percent (1%) of such
77 amount for each month of delay or fraction thereof after the first
78 month after such report was required to be filed or such
79 assessment became due. The penalty shall be paid to the
80 department and shall be disposed of by it in the same manner as
81 funds derived from the payment of the assessment imposed herein.

82 (2) The department shall collect the penalties levied
83 herein, together with the delinquent assessment, by any or all of
84 the following methods:

85 (a) By voluntary payment by the person liable.

86 (b) By legal proceedings instituted in a court of
87 competent jurisdiction.

88 (3) Any person required to collect the assessment provided
89 for in this chapter who fails to remit the assessment or who
90 refuses to allow full inspection of the premises or such books,
91 records or other documents relating to the liability of such
92 person for the assessment herein imposed, or who shall hinder or
93 in any delay or prevent such inspection, shall be guilty of a

94 misdemeanor and, upon conviction, shall be punished by a fine not
95 to exceed One Thousand Dollars (\$1,000.00) or by imprisonment not
96 to exceed one (1) year, or both.

97 **SECTION 5.** Section 69-43-9, Mississippi Code of 1972, is
98 reenacted as follows:

99 69-43-9. (1) The Mississippi Ratite Council and Promotion
100 Board shall plan and conduct a program of research, education and
101 advertising designed to promote the ratite industry in
102 Mississippi. The board is authorized to use the funds derived
103 from the assessment imposed herein for these purposes, including
104 basic administration expenses of the plan. After paying
105 administrative expenses, all remaining funds shall be expended on
106 a pro rata basis of emus and ostriches processed or sold. Use of
107 these funds may be applied, as prescribed in this section, within
108 or without the State of Mississippi, including regional, national
109 and international research and promotional applications.

110 (2) The funds may be expended only for the purposes set out
111 in this chapter and shall be spent in no manner for political
112 purposes. A report of all expenditures shall be made annually
113 with three (3) copies of the report to be filed with each of the
114 following: The Clerk of the House of Representatives, the
115 Secretary of the Senate and the State Law Library.

116 **SECTION 6.** Section 69-43-11, Mississippi Code of 1972, is
117 reenacted as follows:

118 69-43-11. The State Tax Commission shall provide any
119 information necessary to assist the Department of Agriculture and
120 Commerce in collecting the assessments provided for in this
121 chapter.

122 **SECTION 7.** Section 69-43-13, Mississippi Code of 1972, is
123 amended as follows:

124 69-43-13. Sections 69-43-1 through 69-43-11, Mississippi
125 Code of 1972, which create the Mississippi Ratite Council and
126 Promotion Board, shall stand repealed on July 1, 2008.

127 **SECTION 8.** This act shall take effect and be in force from
128 and after July 1, 2006.