

By: Ford

To: Agriculture

HOUSE BILL NO. 244
(As Passed the House)

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

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

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

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

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

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

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

29 membership of the board, whose duties shall be those customarily
30 exercised by such officers or specifically designated by the
31 board. The chairman, vice chairman and secretary-treasurer shall
32 be bonded in an amount not less than Twenty Thousand Dollars
33 (\$20,000.00). The cost of the bonds shall be paid from the funds
34 received under the provisions of Section 3 of this act. Such bond
35 shall be a security for any illegal act of any member of the board
36 and recovery thereon may be had by the state for any injury by
37 such illegal act of such member. The board may establish rules
38 and regulations in accordance with the Administrative Procedures
39 Act for its own government and the administration of the affairs
40 of the board.

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

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

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

62 (3) The Mississippi Department of Agriculture and Commerce
63 shall submit to the Mississippi Ratite Council and Promotion Board
64 a budget detailing and justifying the administrative costs of the
65 department in administering the provisions of this chapter, and

66 such budget must be approved by the Mississippi Ratite Council and
67 Promotion Board by April 1 of each year. The amount withheld by
68 the department, which shall not exceed three and one-half percent
69 (3-1/2%) of the gross amount collected, must be approved by the
70 Mississippi Ratite Council and Promotion Board by July 1 of each
71 year.

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

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

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

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

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

89 (3) Any person required to collect the assessment provided
90 for in this act who fails to remit the assessment or who refuses
91 to allow full inspection of the premises or such books, records or
92 other documents relating to the liability of such person for the
93 assessment herein imposed, or who shall hinder or in any delay or
94 prevent such inspection, shall be guilty of a misdemeanor and,
95 upon conviction, shall be punished by a fine not to exceed One
96 Thousand Dollars (\$1,000.00) or by imprisonment not to exceed one
97 (1) year, or both.

98 SECTION 5. Section 69-43-9, Mississippi Code of 1972, is

reenacted as follows:

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

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

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

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

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

69-43-13. Sections 69-43-1 through 69-43-11, shall stand repealed on July 1, 2004.

SECTION 8. This act shall take effect and be in force from and after July 1, 2000.