§ 69-7-251. Definitions.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-251. Definitions

As used in this article, the terms defined in this section shall have the meanings herein given to them, except where the context expressly indicates otherwise:

- (a) "Board" means the Mississippi Egg Marketing Board.
- (b) "Person" means every person, partnership, firm, company, association, corporation or legal entity engaged in the production or sale of eggs in the state.
- (c) "Eggs" means pullet and hen eggs only.
- (d) "Handler" and "dealer" means any person engaged within the state as a wholesale distributor in the business of distributing eggs in Mississippi regardless of where the eggs are produced.
- (e) "Producer" means any person engaged in the business of producing eggs in Mississippi, either as an owner or as an officer or stockholder of a business engaged in producing eggs in Mississippi, or any person deriving a profit from such a business.
- (f) "Ship" or "shipping" means to move or cause to move eggs in intrastate or interstate or foreign commerce by rail, truck, boat, airplane or any other means.
- (g) "Shipper" means any person engaged in shipping or causing to be shipped eggs in intrastate or interstate or foreign commerce, whether owner, agent or otherwise.
- (h) "Case" means a standard case of thirty (30) dozen eggs.

Cite as Miss. Code § 69-7-251

Source: Laws, 1973, ch. 427, § 1; Laws, 1976, ch. 374, § 1; Laws, 1979, ch. 346, § 1; Laws, 1981, ch. 308, §§ 1, 14; reenacted, Laws, 1983, ch. 314, § 1; reenacted, Laws, 1987, ch. 506, § 1; reenacted, Laws, 1991, ch. 331, § 1; reenacted without change, Laws, 1996, ch. 475, § 1, eff. 7/1/1996.

§ 69-7-253. Board continued; membership; terms; vacancies.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-253. Board continued; membership; terms; vacancies

There is hereby continued the Mississippi Egg Marketing Board with domicile at the capital city of the state. The board shall be composed of five (5) members: one (1) member shall be the Commissioner of Agriculture and Commerce as ex officio member. One (1) member shall be an egg producer as defined in this article. Three (3) members shall be employed by or associated with egg industry related businesses, or disciplines which include poultry support, marketing, promotion, home economist, extension poultry science agencies and the Mississippi Department of Agriculture and Commerce. No more than one (1) industry-related business or discipline member shall be employed by, associated with or have a financial interest in the same company or subsidiary.

The Governor shall appoint the members from a list provided by the board based upon a poll of its members. The terms shall be for six (6) years. Each member shall serve, after the completion of his term, until his successor is appointed and duly qualified. Each vacancy shall be filled by appointment for the unexpired term.

The terms of office of persons appointed under the original act shall continue until the expiration of the terms to which they were appointed, the intent of this article being to continue the Mississippi Egg Marketing Board.

Cite as Miss. Code § 69-7-253

Source: Laws, 1973, ch. 427, § 2; Laws, 1976, ch. 374, § 2; Laws, 1979, ch. 346, § 2; Laws, 1981, ch. 308, § 2; reenacted, Laws, 1983, ch. 314, § 2; reenacted and amended, Laws, 1987, ch. 506, § 2; reenacted, Laws, 1991, ch. 331, § 2; reenacted without change, Laws, 1996, ch. 475, § 2; Laws, 2000, ch. 422, §1; Laws, 2008, ch. 357, §1, eff. 3/26/2008.

§ 69-7-255. Quorum; oath; compensation; board a body corporate; powers.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-255. Quorum; oath; compensation; board a body corporate; powers

A majority of the members of the board shall constitute a quorum for the transaction of all business and the carrying out of the duties of the board. Each member shall subscribe to the oath of office prescribed for state officers. No member shall receive any salary, but each member shall receive per diem compensation as authorized in Section 25-3-69, and shall be reimbursed for expenses in the manner and amount specified in Section 25-3-41.

The Mississippi Egg Marketing Board shall be and is hereby declared and created a corporate body. The board shall have the power to contract and be contracted with, and shall have and possess all the powers of a body corporate for all purposes necessary for fully carrying out the provisions of this article. The board shall adopt a corporate seal by which it shall authenticate its proceedings. Copies of the proceedings, records and acts of the board and certificates purporting to relate the facts concerning such proceedings, records and acts signed by the chairman of the board and authenticated by said seal shall be prima facie evidence thereof in all the courts of the state.

Cite as Miss. Code § 69-7-255

Source: Laws, 1973, ch. 427, § 3; Laws, 1976, ch. 374, § 3; Laws, 1979, ch. 346, § 3; Laws, 1981, ch. 308, § 3; reenacted and amended, Laws, 1983, ch. 314, § 3; reenacted, Laws, 1987, ch. 506, § 3; reenacted, Laws, 1991, ch. 331, § 3; reenacted without change, Laws, 1996, ch. 475, § 3, eff. 7/1/1996.

§ 69-7-257. Administration of article; rules and regulations.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-257. Administration of article; rules and regulations

Except for the collections of the proceeds of the assessment levied hereunder, which shall be collected by the Commissioner of Agriculture and Commerce, the administration of this article shall be vested in the Mississippi Egg Marketing Board. The board shall prescribe reasonable rules and regulations for the enforcement of the provisions of this article.

Cite as Miss. Code § 69-7-257

Source: Laws, 1973, ch. 427, § 4; Laws, 1976, ch. 374, § 4; Laws, 1981, ch. 308, § 4; reenacted, Laws, 1983, ch. 314, § 4; reenacted, Laws, 1987, ch. 506, § 4; reenacted, Laws, 1991, ch. 331, § 4; reenacted without change, Laws, 1996, ch. 475, § 4, eff. 7/1/1996.

§ 69-7-259. General powers and duties of board.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-259. General powers and duties of board

The powers and duties of the board shall include, but be not limited to, the following:

(a) To elect a chairman and vice chairman and, from time to time, such other officers as it may deem advisable, and when necessary, to alter, rescind, modify or amend the rules and regulations necessary for the exercise of its powers and the performance of its duties. Such rules and regulations shall have the force and effect of law when not inconsistent therewith.

- (b) Employ such personnel as it deems necessary to carry out the purposes of this article, and to fix and pay the salaries thereof, including technical and professional services on a fee basis when necessary.
- (c) Make such advertising contracts and other agreements as it deems appropriate, including, particularly, cooperative agreements with other advertisers of similar allied products.
- (d) Make cooperative agreements with the Mississippi Department of Agriculture and Commerce and the Research and Marketing Administration of the United States Department of Agriculture and other associations, public or private, for conducting consumer and producer and dealer information as to the food value of eggs, and also for instruction on grades and packs and how to evaluate their merits in order to expand the market for Mississippi produced eggs. The board may use as much of its funds as it deems necessary for matching moneys available from the Research and Marketing Administration of the United States Department of Agriculture or of any agencies of the state or political subdivision thereof.
- (e) Keep books, records and accounts of all its proceedings, which shall be open to inspection and audit by the State Auditor at all times.
- (f) To purchase or authorize the purchase of all office equipment and supplies and to incur all other reasonable and necessary expenses and obligations necessary to carry out the purposes of this article.
- (g) Investigate and cause to be prosecuted any violators of this article.
- (h) Suspend, revoke or take other disciplinary action involving the licenses issued under the provisions of this article.

Cite as Miss. Code § 69-7-259

Source: Laws, 1973, ch. 427, § 5; Laws, 1976, ch. 374, § 5; Laws, 1981, ch. 308, § 5; reenacted, Laws, 1983, ch. 314, § 5; reenacted, Laws, 1987, ch. 506, § 5; reenacted, Laws, 1991, ch. 331, § 5; reenacted without change, Laws, 1996, ch. 475, § 5, eff. 7/1/1996.

§ 69-7-261. Commodity advertising, publicity, consumer information and sales promotion.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-261. Commodity advertising, publicity, consumer information and sales promotion

The board shall plan and conduct campaigns for commodity advertising, publicity, consumer information and sales promotion to increase consumption of eggs and may contract for any advertising, publicity, consumer information and sales promotion services. To accomplish such purposes, the board shall have power and it shall be the duty of the board to disseminate information:

- (a) Relating to eggs and the importance thereof in the diet of the people in preserving public health, economy thereof and the importance of eggs in the nutrition of children.
- (b) On the various economic aspects relating to the business of producing and marketing eggs in Mississippi.
- (c) To decide upon some distinctive and suggestive emblem for Mississippi produced eggs, and to promote the use of same in the advertisement of Mississippi eggs.

Cite as Miss. Code § 69-7-261

Source: Laws, 1973, ch. 427, § 6; Laws, 1976, ch. 374, § 6; Laws, 1979, ch. 346, § 6; Laws, 1981, ch. 308, § 6; reenacted, Laws, 1983, ch. 314, § 6; reenacted, Laws, 1987, ch. 506, § 6; reenacted, Laws, 1991, ch. 331, § 6; reenacted without change, Laws, 1996, ch. 475, § 6, eff. 7/1/1996.

§ 69-7-263. Assessment on eggs; costs of inspections; utilization of proceeds of assessment.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-263. Assessment on eggs; costs of inspections; utilization of proceeds of assessment

There is hereby imposed and levied an assessment at a rate not to exceed Three Cents (3 cent(s)) per case on all eggs produced in Mississippi wherever distributed or marketed and on all eggs marketed in Mississippi wherever distributed or produced. The rate of assessment shall be determined by the board. At the time of the sale, the egg producer shall provide evidence that all assessments provided herein have been paid. However, if the first sale of the eggs is made to a dealer or distributor, the producer shall pay to the dealer or the distributor the amount of the assessment owed; whereupon the dealer or distributor to whom such payment is made shall remit the assessment to the Commissioner of Agriculture and Commerce in accordance with the rules and regulations established and promulgated by the board. The board or the commissioner shall have the power to cause any duly authorized agent or representative to enter upon the premises of any dealer or handler of eggs and examine, or cause to be examined by such agent, any books, papers and records which deal in any way with respect to the payment of the assessment or enforcement of the provisions of this article.

All costs incurred by the board or the commissioner in examining or causing the examination of such books, papers and records shall be taxed against the dealer or handler. Cost shall be assessed at the rate of One Hundred Dollars (\$ 100.00) per day or fraction thereof for each agent conducting the examination. Travel expenses shall be assessed in the manner and amount specified in Section 25-3-41, and other expenses shall be assessed at actual cost. All costs taxed against a dealer or handler for the examination of books, papers and records shall be paid within fifteen (15) days from the date such notice of cost is mailed to the dealer or handler.

The proceeds of the assessment levied under this article shall be collected by the Commissioner of Agriculture and Commerce in such manner and method as shall be prescribed by him in accordance with the provisions of this article. The funds derived from the assessment shall be paid into the State Treasury on or before the fifteenth day of each month and shall be deposited in a special fund in the State Treasury, which shall be established by the State Treasurer to the credit of the Mississippi Egg Marketing Board, and such funds shall be used by the board solely for the administration of this article. All costs, expenses and obligations incurred by the board for its operation and carrying out the purposes of this article shall be paid out of the special fund herein provided for after expenditures thereof shall have been authorized by the Legislature. Provided further, that the Mississippi Egg Marketing Board shall render to the Mississippi Legislature a detailed annual report of all collections and expenditures of the moneys collected under the provisions of this article. Any egg producer may request and receive a refund of the amount of assessment paid for the previous reporting period, provided he makes a written application with the Mississippi Egg Marketing Board within sixty (60) days from date of payment supported by bona fide copy of payment voucher and copy of canceled check. The application forms shall be prepared by the board and shall be available at the request of the producer. All such applications shall be processed and refunds paid within sixty (60) days after the funds have been received by the board.

Source: Laws, 1973, ch. 427, § 7; Laws, 1976 ch. 374, § 7; Laws, 1979, ch. 346, § 7; Laws, 1981, ch. 308, § 7; reenacted, Laws, 1983, ch. 314, § 7; reenacted and amended, Laws, 1987, ch. 506, § 7; reenacted, Laws, 1991, ch. 331, § 7; reenacted without change, Laws, 1996, ch. 475, § 7, eff. 7/1/1996.

§ 69-7-265. Records and reports of dealers and handlers.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-265. Records and reports of dealers and handlers

Every dealer or handler shall keep a complete and accurate record of all eggs handled by him. Such records shall be in such form and contain such other information as the board shall, by rule or regulation, prescribe. The records shall be preserved by said dealers or handlers for a period of one (1) year and shall be offered for inspection at any time upon oral or written demand by the board, the Commissioner of Agriculture and Commerce, or any duly authorized agent or representative of either.

Every dealer or handler, at such time or times as the board or the Commissioner of Agriculture and Commerce may require, shall submit reports or other documentary information deemed necessary for the efficient and equitable collection of the assessment imposed under this article.

Cite as Miss. Code § 69-7-265

Source: Laws, 1973, ch. 427, § 8; Laws, 1976, ch. 374, § 8; Laws, 1979, ch. 346, § 8; Laws, 1981, ch. 308, § 8; reenacted, Laws, 1983, ch. 314, § 8; reenacted, Laws, 1987, ch. 506, § 8; reenacted, Laws, 1991, ch. 331, § 8; reenacted without change, Laws, 1996, ch. 475, § 8, eff. 7/1/1996.

§ 69-7-267. Licenses.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-267. Licenses

Every person owning over three thousand (3,000) hens, or who is engaged or who engages in the business of selling eggs to a retailer who retails eggs in the State of Mississippi shall prior to offering for sale or selling eggs to a retailer, secure a license for such business from the Commissioner of Agriculture and Commerce, which license shall first be approved by the board. Applications for licenses shall be on forms furnished by the Department of Agriculture and Commerce, and shall show the name and address of the applicant and such other information as to identity, kind and type of business engaged in as the commissioner shall deem pertinent. Each license application shall be accompanied by a fee of Fifty Dollars (\$ 50.00). All licenses issued shall expire on June 30 each year. The license may be revoked or suspended by the board for violation of any provision of this article or rules and regulations duly promulgated by the board for the enforcement of this article, or for the violation of any laws of the State of Mississippi pertaining to producing, grading, classifying or marketing eggs in Mississippi or regulations of the State Department of Agriculture and Commerce duly promulgated for such purposes. For the first offense, the license may be suspended for a period of not more than thirty (30) days; for the second offense, the license may be suspended for not more than sixty (60) days; for the third offense, the license may be suspended for not more than one (1) year. For any subsequent offense, the license may be suspended for any period, or may be revoked. Such disciplinary action shall be the result of not less than board action. Any person against whom such disciplinary action has been taken may apply to the board for a hearing in order to show cause why the disciplinary action shall not be taken. Such petition for a hearing shall act as supersedeas of the disciplinary action until such time as the board shall give the applicant an opportunity for a hearing; provided, however, that if such hearing is granted and any continuation or delay is the result of the action of the applicant, the supersedeas shall not continue past the date set by the board for such hearing.

Application for reinstatement of a revoked license may be made upon expiration of the period of revocation or if permanently revoked, then after twelve (12) months from date of said revocation. Each reinstatement application shall be accompanied by a reinstatement fee of Fifty Dollars (\$ 50.00). All licenses shall be valid until suspended or revoked as herein provided or until cancelled by the licensee. Licenses shall not be transferable. Proceeds from the license fees collected under this article shall be transmitted to the State Treasurer for credit to the special fund as provided for

elsewhere in this article.

Cite as Miss. Code § 69-7-267

Source: Laws, 1973, ch. 427, § 9; Laws, 1976, ch. 374, § 9; Laws, 1979, ch. 346, § 9; Laws, 1981, ch. 308, § 9; reenacted, Laws, 1983, ch. 314, § 9; reenacted and amended, Laws, 1987, ch. 506, § 9; reenacted, Laws, 1991, ch. 331, § 9; reenacted without change, Laws, 1996, ch. 475, § 9, eff. 7/1/1996.

§ 69-7-269. Producers prohibited from distributing eggs on which assessment not paid; payment of assessment by dealer.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-269. Producers prohibited from distributing eggs on which assessment not paid; payment of assessment by dealer

No egg producer with over three thousand (3,000) hens nor any egg handler or dealer shall sell or offer for sale any lot of eggs produced, distributed or marketed in Mississippi upon which the assessment imposed herein has not been paid. The assessment imposed herein shall be paid at such time or times as is fixed by the board. In the event such assessment is paid by any dealer who is not a producer, the dealer may bill the producer of such eggs in the amount of the assessment paid by him.

Cite as Miss. Code § 69-7-269

Source: Laws, 1973, ch. 427, § 10; Laws, 1976, ch. 374, § 10; Laws, 1979, ch. 346, § 10; Laws, 1981, ch. 308, § 10; reenacted, Laws, 1983, ch. 314, § 10; reenacted and amended, Laws, 1987, ch. 506, § 10; reenacted, Laws, 1991, ch. 331, § 10; reenacted without change, Laws, 1996, ch. 475, § 10, eff. 7/1/1996.

§ 69-7-271. Civil penalties.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-271. Civil penalties

Any dealer or handler who fails to file a report or to pay any assessment within the time required by the board shall forfeit to the commissioner a penalty of five percent (5%) of the assessment determined to be due, plus one percent (1%) of such amount for each month of delay or fraction thereof after the first month after such report was required to be filed or such assessment became due. The commissioner, if satisfied that the delay was excusable, may remit all or any part of such penalty. The penalty shall be paid to the commissioner and shall be disposed of by him in the same manner as funds derived from the payment of the assessment imposed herein.

The commissioner shall collect the penalties levied herein, together with the delinquent assessment, by any or all of the following methods:

- (a) By voluntary payment by the person liable;
- (b) By legal proceedings instituted in a court of competent jurisdiction;
- (c) By injunctive relief to enjoin any dealer or handler or other person owing such assessment and/or penalties from operating his business or engaging in business as a dealer or handler of eggs until the delinquent assessment and/or penalties are paid.

Cite as Miss. Code § 69-7-271

Source: Laws, 1973, ch. 427, § 11; Laws, 1976, ch. 374, § 11; Laws, 1979, ch. 346, § 11; Laws, 1981, ch. 308, § 11; reenacted, Laws, 1983, ch. 314, § 11; reenacted, Laws, 1987, ch. 506, § 11; reenacted, Laws, 1991, ch. 331, § 11; reenacted without change, Laws, 1996, ch. 475, § 11, eff. 7/1/1996.

§ 69-7-273. Criminal penalties.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-273. Criminal penalties

Any person required to pay the assessment provided for in this article who refuses to allow full inspection of the premises, or any books, records or other documents relating to the liability of such person for the assessment herein imposed, or who shall hinder or in any way delay or prevent such inspection, or who shall fail or refuse to properly and timely pay all costs incurred by the board or the commissioner in conducting such examinations, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding One Thousand Dollars (\$ 1,000.00), or by imprisonment in the county jail not to exceed one (1) year, or both.

Whoever violates any other provision of this article or any rule or regulation of the board pursuant thereto shall be guilty of a misdemeanor. Upon conviction of a first offense, he shall be punished by a fine not to exceed One Hundred Dollars (\$ 100.00); upon a second offense, a fine not to exceed Five Hundred Dollars (\$ 500.00); and upon a third or subsequent offense, a fine not to exceed One Thousand Dollars (\$ 1,000.00) or by imprisonment in the county jail not to exceed thirty (30) days, or both.

Cite as Miss. Code § 69-7-273

Source: Laws, 1973, ch. 427, § 13; Laws, 1976, ch. 374, § 12; Laws, 1979, ch. 346, § 12; Laws, 1981, ch. 308, § 12; reenacted, Laws, 1983, ch. 314, § 12; reenacted and amended, Laws, 1987, ch. 506, § 12; reenacted Laws, 1991, ch. 331, § 12; reenacted without change, Laws, 1996, ch. 475, § 12, eff. 7/1/1996.

§ 69-7-275. Application.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-275. Application

The provisions of this article shall not apply to any egg producer who has less than three thousand (3,000) laying hens, nor to any eggs produced and also used for hatching purposes, nor eggs produced or purchased for further processing by egg breaking plants.

For the purposes of this article, anyone not the owner of the chickens or eggs who performs the services of caring for the chickens, gathering the eggs and related services for a contractor or employer, and who does not otherwise engage in distribution or sale of such eggs, shall be excepted from the provisions of this article, shall not be considered as a "producer" as defined herein, and shall not be liable for any assessments provided herein.

Cite as Miss. Code § 69-7-275

Source: Laws, 1973, ch. 427, § 12; Laws, 1976, ch. 374, § 13; Laws, 1979, ch. 346, § 13; Laws, 1981, ch. 308, § 13; reenacted, Laws, 1983, ch. 314, § 13; reenacted, Laws, 1987, ch. 506, § 13; reenacted, Laws, 1991, ch. 331, § 13; reenacted without change, Laws, 1996, ch. 475, § 13, eff. 7/1/1996.

§ 69-7-277. Repealed.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 7. MARKETS AND MARKETING; DOMESTIC FISH FARMING

Article 6. EGG MARKETING BOARD

Current through 3/27/2018

§ 69-7-277. Repealed

Cite as Miss. Code § 69-7-277 History. Repealed by Laws of 1996, ch. 475, § 14, eff. 7/1/1996.

Prior History: (Laws, 1991, ch. 331, § 15, eff. 7/1/1991.)