

House Bill 1621

By: Representative Lim of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated,
2 relating to advertisement and sale of meat generally, so as to provide payment requirements
3 for the purchase and sale of livestock; to provide for alternative payment requirements as
4 agreed upon by parties to the purchase and sale of livestock; to provide for the enforcement
5 and penalty for failure to pay for livestock as required; to amend Chapter 10 of Title 50 of
6 the Official Code of Georgia Annotated, relating to the Georgia Development Authority, so
7 as to authorize the Georgia Development Authority to guarantee or insure loans and provide
8 grants to certain meat and poultry processing plants; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 4 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
13 advertisement and sale of meat generally, is amended by adding a new Code section to read
14 as follows:

15 "26-2-162.

16 (a) Each packer, market agency, or dealer purchasing livestock shall, before the close of
17 the next business day following the purchase of livestock and transfer of possession
18 thereof, deliver to the seller or his or her duly authorized representative the full amount of
19 the purchase price, provided that each packer, market agency, or dealer purchasing
20 livestock for slaughter shall, before the close of the next business day following purchase
21 of livestock and transfer of possession thereof, actually deliver at the point of transfer of
22 possession to the seller or his or her duly authorized representative a check or shall transfer
23 funds for the full amount of the purchase price to the account of the seller by wire,
24 electronic funds transfer, or any other expeditious method determined appropriate by the
25 Commissioner of Agriculture for the full amount of the purchase price; or, in the case of
26 a purchase on a carcass or 'grade and yield' basis, the purchaser shall make payment by
27 check at the point of transfer of possession or shall transfer funds for the full amount of the
28 purchase price to the account of the seller by wire, electronic funds transfer, or any other
29 expeditious method determined appropriate by the Commissioner for the full amount of the
30 purchase price not later than the close of the first business day following determination of
31 the purchase price. If, however, the seller or his or her duly authorized representative is
32 not present to receive payment at the point of transfer of possession, as herein provided,
33 the packer, market agency, or dealer shall transfer funds for the full amount of the purchase
34 price by wire, electronic funds transfer, or any other expeditious method determined
35 appropriate by the Commissioner or place a check in the United States mail for the full
36 amount of the purchase price, properly addressed to the seller, within the time limits
37 specified in this subsection. Such action shall be deemed in compliance with the
38 requirement for prompt payment.

39 (b) Notwithstanding the provisions of subsection (a) of this Code section and subject to
40 such terms and conditions as the Commissioner of Agriculture may prescribe, the parties
41 to the purchase and sale of livestock may expressly agree in writing, before such purchase

or sale, to effect payment in a manner other than that required in subsection (a) of this Code section. Any such agreement shall be disclosed in the records of any market agency or dealer selling the livestock, and in the purchaser's records and on the accounts or other documents issued by the purchaser relating to the transaction.

(c) Any delay or attempt to delay by a packer, market agency, or dealer purchasing livestock the collection of funds as herein provided, or otherwise for the purpose of or resulting in extending the normal period of payment for such livestock, shall constitute a misdemeanor punishable by a fine in an amount not exceeding \$1,000.00 or imprisonment for a period not exceeding 12 months, or both, at the discretion of the court."

SECTION 2.

Chapter 10 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Development Authority, is amended by revising paragraph (1) of subsection (a) of Code Section 50-10-5, relating to powers and duties, as follows:

"(a)(1) In addition to, and not in limitation of, the powers granted in this chapter, the Georgia Development Authority shall have and may exercise the power and authority to:

(A) Guarantee or insure loans made for rural rehabilitation purposes or for agricultural and industrial development, provided that, with respect to any such guarantee or contract of insurance made by the authority involving an asset provided to the authority under Public Law 499, Eighty-first Congress, Second Session, the authority shall maintain a reserve or insurance fund out of such assets in an amount not less than 15 percent of the contingent liability existing by reason of any such contracts of insurance or guarantee. The reserve or insurance fund of the authority may be invested; and

(B) Borrow money from funds granted to the state by the administrator of the federal Environmental Protection Agency pursuant to 33 U.S.C.A. Section 1381, et seq., and administered by the Georgia Environmental Finance Authority pursuant to paragraph (30) of subsection (b) of Code Section 50-23-5 and to use the same to make

68 loans to finance eligible water pollution control projects which are designed to mitigate
69 pollution from agricultural operations. The borrowing of such moneys and
70 administration of such loans made by the Georgia Development Authority shall be in
71 accordance with federal requirements; and
72 (C) Guarantee or insure loans, and provide grants as appropriated by the General
73 Assembly, to assist authorized meat processing and poultry processing plants licensed
74 pursuant to Code Section 26-2-209 or 26-2-210, which employ fewer than 200
75 employees."

76 **SECTION 3.**

77 All laws and parts of laws in conflict with this Act are repealed.