Chapter 13. Cattle Industry Board.

§ 3.2-1300. Definitions.
As used in this chapter, unless the context requires a different meaning:

"Board" means the Cattle Industry Board.

"Cattle" means beef-type and dairy-type cattle sold for a consideration in excess of $100 per head in the Commonwealth.

"Handler" means, at the point where the cattle are weighed or traded and the value determined, an operator of any stockyard, livestock dealership, slaughterhouse, packing plant, or livestock auction market, or any other person who purchases from a producer.

"Producer" means any person engaged in the business of raising cattle.


§ 3.2-1301. Cattle Industry Board; composition and appointment of members.
A. The Cattle Industry Board, established by the passage of a referendum held pursuant to Chapter 375 of the Acts of Assembly of 1983, is continued within the Department.

The Board shall be composed of 11 members, each of whom shall be a citizen of the United States and a resident of the Commonwealth. Each member shall have been actively engaged in the type of production or business that he will represent on the Board for at least five years, shall derive a substantial proportion of his income from such production or business, and shall continue to be actively engaged in such production or business during his term.

B. The Governor shall appoint the members, who represent the cattle industry as follows:

1. Six beef cattle producers, one from each cattle production area of the Commonwealth. The six areas shall be designated by the Board in general accordance with census-based feeder cattle populations and updated every five years using USDA National Agricultural Statistics Service information.

2. Two producers doing business in any of the six cattle production areas.

3. One dairy producer.

4. Two handlers.

C. Such appointments shall be made by the Governor and confirmed in accordance with § 2.2-107. The Governor shall be guided in his appointments by nominations made by the Virginia Farm Bureau Federation, Virginia Cattlemen’s Association, Virginia Livestock Markets Association, or other agricultural organizations representing Virginia cattle producers. Each such agricultural organization may nominate producers from each production area or for each Board position. The recommendations shall be submitted prior to the expiration of the member’s term for which the nomination is being provided. If any such agricultural organization fails to provide its nominations, the Governor may appoint other nominees who meet the criteria set out in this subsection. However, no nomination shall be considered if the nominee currently serves on a
board appointed pursuant to the USDA-approved collection and administration of the National Beef Checkoff in accordance with the federal 1985 National Beef Promotion Act and Order.


§ 3.2-1302. Repealed.
Repealed by Acts 2018, c. 469, cl. 2.

§ 3.2-1302.1. Cattle Industry Board officers and meetings.
The Board shall elect a chairman from the membership of the Board and such other officers as deemed appropriate. The Board shall meet once per year and at such other times as called by the chairman. The chairman may call special meetings at any time and shall call a special meeting when requested by four or more members of the Board.

2018, c. 469.

§ 3.2-1303. Repealed.

§ 3.2-1304. Powers and duties of Cattle Industry Board.
A. The Cattle Industry Board shall be responsible for the promotion and economic development of the Virginia cattle industry and of beef products, including the improvement of the commercial value of cattle for Virginia producers.

B. The Board may expend funds collected pursuant to § 3.2-1306 to provide for programs to serve the Virginia cattle industry for market development, education, publicity, research, and the promotion of the sale and use of cattle and beef products; to manage the funds so as to accumulate a reserve for contingencies; to establish an office and employ such technical, professional, and other assistants as may be required; and to contract for market development, publicity, research, advertising, and other promotional services.

C. The Board shall establish a meeting place anywhere within the Commonwealth, but the selection of the location shall be guided by consideration for the convenience of the majority of those most likely to have business with the Board or to be affected by this chapter.

D. An annual report shall be made by the Board to the Commissioner and shall be published as a public record to include a statement on receipts and itemized disbursements of the Virginia Cattle Industry Fund.


§ 3.2-1305. Virginia Cattle Industry Fund established.
There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Cattle Industry Fund, hereinafter referred to as “the Fund.” The Fund shall be established on the books of the Comptroller. All funds collected pursuant to § 3.2-1306 shall be paid into the state treasury and credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.
All moneys credited to the Fund shall be used exclusively as set forth in this chapter. The Auditor of Public Accounts shall audit all the accounts of the Board as is provided for in § 30-133. Expenditures and disbursements from the Fund shall be made by the Board on warrants issued by the Comptroller upon written request signed by a duly authorized officer of the Board.


§ 3.2-1306. Collection and disposition of assessment by handler; reports.
A. Beginning January 1, 2019, and ending July 1, 2023, every handler shall deduct 50 cents ($0.50) per head from the proceeds of sale owed to the respective owners of all cattle and calves when sold in the Commonwealth, with the exception of dairy cows going back to farms for milk, animals selling for less than $100 per head, or cattle of any type weighing 99 pounds or less. The handler shall remit such assessments to the Tax Commissioner on or before the last day of each month in which the handler sells cattle.

B. Every handler shall complete reports on forms furnished by the Tax Commissioner and submit such reports to the Tax Commissioner along with the assessments collected pursuant to subsection A. Each report shall include a statement of the number of cattle handled and the amount of money collected, and any other information deemed necessary by the Tax Commissioner to carry out his functions. Notwithstanding the provisions of § 58.1-3, upon request, the Tax Commissioner is authorized to provide the Board with a list of taxpayers and amounts paid.

C. Any assessment that is not paid when due shall be collected pursuant to § 3.2-1102.

D. Any producer from whom an assessment has been collected pursuant to subsection A who is dissatisfied with the assessment and the Board’s use of the assessment may, within 90 days of the collection of the assessment, make a written demand with documented proof of sale for a refund of the assessment from the Board. The Board shall refund such assessments within 90 days of receiving a written demand for a refund.


§ 3.2-1307. Records to be kept by handler.
Every handler shall keep a complete record of the number of cattle subject to payment bought by him for a period of not less than three years. Such record shall be open for inspection by the Tax Commissioner, and shall be established and maintained as required by the Tax Commissioner.


§ 3.2-1308. Falsification of records; misdemeanor.
It is a Class 1 misdemeanor:

1. For any first handler to fail to submit to the Tax Commissioner any statement or report required in this chapter within 60 days from the time such statement or report is required to be submitted.

2. For any first handler knowingly to report falsely to the Tax Commissioner the number of taxable cattle handled by him during any period or to falsify the records.
1970, c. 310, § 3.1-796.27; 1985, c. 237; 2008, c. 860.