

By: Representative Holland

To: Agriculture

HOUSE BILL NO. 805

1 AN ACT TO REENACT SECTION 69-10-5, MISSISSIPPI CODE OF 1972,  
2 WHICH PROVIDES FOR AN ASSESSMENT ON RICE GROWN IN THE STATE FOR  
3 DEPOSIT INTO THE MISSISSIPPI RICE PROMOTION FUND; TO AMEND  
4 REENACTED SECTION 69-10-5, MISSISSIPPI CODE OF 1972, TO EXTEND THE  
5 REPEALER; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 69-10-5, Mississippi Code of 1972, is  
8 reenacted and amended as follows:

9 69-10-5. (1) There is imposed and levied an assessment at  
10 the rate of Two Cents (2¢) per bushel on all rice grown within the  
11 State of Mississippi; from and after July 1, 1991, the rate of  
12 assessment shall be increased by an additional One Cent (1¢) per  
13 bushel so that the total assessment equals Three Cents (3¢) per  
14 bushel. Such assessment shall be deducted by the purchaser from  
15 the amount paid the producer at the first point of sale, whether  
16 within or without the state. Assessments on rice put under loan  
17 to the Commodity Credit Corporation or purchased by the Commodity  
18 Credit Corporation and delivered to it shall be payable when such  
19 rice is placed under loan or is purchased. The Commodity Credit  
20 Corporation may require deduction and payment of the assessment  
21 from the loan proceeds or from the purchase price on the behalf of  
22 the producer. Assessments on rice put under loan to the Commodity

23 Credit Corporation and redeemed by the producer before the  
24 takeover date, if already paid by having been deducted from the  
25 loan proceeds shall not be deducted by each miller or handler from  
26 the amount paid the producer at the first point of sale as  
27 provided in this section; otherwise, the assessment shall be  
28 deducted.

29 (2) The assessment imposed and levied by this section shall  
30 be payable to and collected by the Mississippi Department of  
31 Agriculture and Commerce, hereafter referred to as "the  
32 department," from the purchaser of such rice at the first point of  
33 sale or from the Commodity Credit Corporation as provided in  
34 subsection (1) of this section. The proceeds of the assessment  
35 collected by the department shall be deposited monthly with the  
36 State Treasurer in a special fund to be established as the  
37 "Mississippi Rice Promotion Fund," and disbursement therefrom  
38 shall be made upon warrants issued by the State Fiscal Officer  
39 upon requisitions signed by the Chairman and Secretary-Treasurer  
40 of the Mississippi Rice Promotion Board, or their designee, in the  
41 manner provided by law. The State Treasurer shall invest such  
42 proceeds and any interest earned thereon shall be credited to such  
43 special fund and shall not be deposited in the State General Fund.

44 (3) The Mississippi Department of Agriculture and Commerce  
45 shall submit to the Mississippi Rice Promotion Board a budget  
46 detailing and justifying the administrative costs of the  
47 department in administering the provisions of this chapter, and  
48 such budget must be approved by the Mississippi Rice Promotion  
49 Board by April 1 of each year. The department shall monthly pay  
50 over to the Mississippi Rice Promotion Fund the funds collected,  
51 less an amount not to exceed three and one-half percent (3-1/2%)  
52 of the gross amount collected. The amount withheld by the  
53 department must be approved by the Mississippi Rice Promotion

54 Board by July 1 of each year. The monthly settlement to the  
55 Mississippi Rice Promotion Board shall be made on or before the  
56 twentieth day of each month and shall be accompanied by a complete  
57 report of all funds collected and disbursed.

58 (4) Each purchaser or the Commodity Credit Corporation shall  
59 keep a complete and accurate record of all rice handled by him and  
60 shall furnish each producer with a signed sales slip showing the  
61 number of bushels purchased from him and the amount deducted by  
62 him for the Mississippi Rice Promotion Fund. Such records shall  
63 be in such form and contain such other information as the  
64 department shall by rule or regulation prescribe. The records  
65 shall be preserved by the purchaser for a period of two (2) years  
66 and shall be offered for inspection at any time upon oral or  
67 written demand by the department or any duly authorized agent or  
68 representative thereof. Every purchaser or the Commodity Credit  
69 Corporation, at such time or times as the commissioner of the  
70 department may require, shall submit reports or other documentary  
71 information deemed necessary for the efficient and equitable  
72 collection of the assessment imposed in this chapter. The  
73 department shall have the power to cause any duly authorized agent  
74 or representative to enter upon the premises of any purchaser of  
75 rice and examine or cause to be examined by such agent, only  
76 books, papers and records which deal in any way with respect to  
77 the payment of the assessment or enforcement of the provisions of  
78 this chapter.

79 (5) This section shall stand repealed from and after July 1,  
80 2005.

81 SECTION 2 This act shall take effect and be in force from

82 and after July 1, 1999.