

By: Representative Holland

To: Agriculture

HOUSE BILL NO. 805
(As Passed the House)

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.