

By: Representative Warren

To: Agriculture

HOUSE BILL NO. 242

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

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

6 **SECTION 1.** Section 69-10-5, Mississippi Code of 1972, is
7 amended as follows:

8 69-10-5. (1) There is imposed and levied an assessment at
9 the rate of Two Cents (2¢) per bushel on all rice grown within the
10 State of Mississippi; from and after July 1, 1991, the rate of
11 assessment shall be increased by an additional One Cent (1¢) per
12 bushel so that the total assessment equals Three Cents (3¢) per
13 bushel. Such assessment shall be deducted by the purchaser from
14 the amount paid the producer at the first point of sale, whether
15 within or without the state. Assessments on rice put under loan
16 to the Commodity Credit Corporation or purchased by the Commodity
17 Credit Corporation and delivered to it shall be payable when such
18 rice is placed under loan or is purchased. The Commodity Credit
19 Corporation may require deduction and payment of the assessment
20 from the loan proceeds or from the purchase price on the behalf of
21 the producer. Assessments on rice put under loan to the Commodity
22 Credit Corporation and redeemed by the producer before the
23 takeover date, if already paid by having been deducted from the
24 loan proceeds shall not be deducted by each miller or handler from
25 the amount paid the producer at the first point of sale as
26 provided in this section; otherwise, the assessment shall be
27 deducted.

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

43 (3) The Mississippi Department of Agriculture and Commerce
44 shall submit to the Mississippi Rice Promotion Board a budget
45 detailing and justifying the administrative costs of the
46 department in administering the provisions of this chapter, and
47 such budget must be approved by the Mississippi Rice Promotion
48 Board by April 1 of each year. The department shall monthly pay
49 over to the Mississippi Rice Promotion Fund the funds collected,
50 less an amount not to exceed three and one-half percent (3-1/2%)
51 of the gross amount collected. The amount withheld by the
52 department must be approved by the Mississippi Rice Promotion
53 Board by July 1 of each year. The monthly settlement to the
54 Mississippi Rice Promotion Board shall be made on or before the
55 twentieth day of each month and shall be accompanied by a complete
56 report of all funds collected and disbursed.

57 (4) Each purchaser or the Commodity Credit Corporation shall
58 keep a complete and accurate record of all rice handled by him and
59 shall furnish each producer with a signed sales slip showing the
60 number of bushels purchased from him and the amount deducted by

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

78 (5) This section shall stand repealed from and after July 1,
79 2007.

80 **SECTION 2.** This act shall take effect and be in force from
81 and after July 1, 2005.