

By: Representative Eaton

To: Agriculture

HOUSE BILL NO. 616

1 AN ACT TO REENACT AND AMEND SECTION 69-10-5, MISSISSIPPI CODE
2 OF 1972, TO EXTEND THE REPEALER ON THE ASSESSMENTS LEVIED ON ALL
3 RICE GROWN WITHIN THE STATE; TO PROVIDE THAT THE PROCEEDS FROM THE
4 ASSESSMENTS SHALL BE REMITTED TO A FOUNDATION UNDER SUCH TERMS AND
5 CONDITIONS AS THE RICE PROMOTION BOARD DEEMS NECESSARY TO ENSURE
6 THAT THE ASSESSMENTS ARE USED TO PROMOTE THE GROWTH AND
7 DEVELOPMENT OF THE RICE INDUSTRY IN MISSISSIPPI; AND FOR RELATED
8 PURPOSES.

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

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

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

30 provided in this section; otherwise, the assessment shall be
31 deducted.

32 (2) The assessment imposed and levied by this section shall
33 be payable to and collected by the Mississippi Department of
34 Agriculture and Commerce, hereafter referred to as "the
35 department," from the purchaser of such rice at the first point of
36 sale or from the Commodity Credit Corporation as provided in
37 subsection (1) of this section. The proceeds of the assessment
38 collected by the department shall be deposited * * * with the
39 State Treasurer in a special fund, the "Mississippi Rice Promotion
40 Fund," and promptly remitted to a foundation under such terms and
41 conditions as the Rice Promotion Board deems necessary to ensure
42 that such assessments are used properly in carrying out the
43 purposes of this chapter.

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 * * * 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 2006.

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