

By: Senator(s) Hyde-Smith, Lee (35th)

To: Agriculture

SENATE BILL NO. 2767

1 AN ACT TO AMEND SECTIONS 69-9-5 and 69-9-6, MISSISSIPPI CODE  
2 OF 1972, TO CLARIFY DISBURSEMENT OF SOYBEAN PROMOTION FUNDS; TO  
3 AMEND SECTION 69-10-5, MISSISSIPPI CODE OF 1972, TO CLARIFY  
4 DISBURSEMENT OF RICE PROMOTION FUNDS AND TO REMOVE THE REPEALER ON  
5 THE ASSESSMENT AND COLLECTION OF SUCH FUNDS; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 69-9-5, Mississippi Code of 1972, is  
9 amended as follows:

10 69-9-5. (1) There is imposed and levied an assessment at  
11 the rate of One Cent (1¢) per bushel on all soybeans grown within  
12 the State of Mississippi, and such assessment shall be deducted by  
13 the purchaser from the amount paid the producer at the first point  
14 of sale, whether within or without the state. Assessments on  
15 soybeans put under loan to the Commodity Credit Corporation or  
16 purchased by the Commodity Credit Corporation and delivered to it  
17 shall be payable when such soybeans are placed under loan or are  
18 purchased. The Commodity Credit Corporation may require deduction  
19 and payment of the assessment from the loan proceeds or from the  
20 purchase price on the behalf of the producer. Assessments on  
21 soybeans put under loan to the Commodity Credit Corporation and  
22 redeemed by the producer before the takeover date, if already paid  
23 by having been deducted from the loan proceeds, shall not be  
24 deducted by each handler from the amount paid the producer at the  
25 first point of sale as provided in this section; otherwise, the  
26 assessment shall be deducted. Any soybean producer may request  
27 and receive a refund of the amount of assessment deducted from the  
28 sale of his soybeans provided he makes a written application with  
29 the Department of Agriculture and Commerce within sixty (60) days

30 from date of sale, supported by bona fide copies of sales slips  
31 signed by the purchaser. The application forms shall be prepared  
32 by the Department of Agriculture and Commerce and shall be  
33 available at the first point of sale. All such applications shall  
34 be processed and refunds paid by the Department of Agriculture and  
35 Commerce within sixty (60) days after the funds have been received  
36 by the department. Each marketing agency shall be furnished a  
37 poster to be displayed in a prominent place, stating that refunds  
38 are available and forms to be used, including self-addressed  
39 envelopes, are available at its office.

40 (2) The assessment imposed and levied by this section shall  
41 be payable to and collected by the Department of Agriculture and  
42 Commerce, hereafter referred to as "the department," from the  
43 purchaser of such soybeans at the first point of sale or from the  
44 Commodity Credit Corporation as provided in subsection (1) of this  
45 section. The proceeds of the assessment collected by the  
46 department shall be deposited \* \* \* with the State Treasurer in a  
47 special fund, known as the "Mississippi Soybean Promotion Fund,"  
48 and promptly remitted to a foundation under the terms and  
49 conditions as the Soybean Promotion Board deems necessary to  
50 ensure that the assessments are used properly in carrying out the  
51 purposes of this chapter. The State Fiscal Officer is authorized  
52 to issue warrants for the payment of monies from the Mississippi  
53 Soybean Promotion Fund upon requisition by the Commissioner of  
54 Agriculture and Commerce, or his designee, for refunds to  
55 producers as provided under subsection (1) of this section.

56 (3) The department shall \* \* \* pay over to the Mississippi  
57 Soybean Promotion Fund the funds collected, less three and  
58 one-half percent (3-1/2%) of the gross amount collected. The  
59 payments to the Mississippi Soybean Promotion Board \* \* \* shall be  
60 accompanied by a complete report of all funds collected and  
61 disbursed.

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

82           **SECTION 2.** Section 69-9-6, Mississippi Code of 1972, is  
83 amended as follows:

84           69-9-6. (1) The Department of Agriculture and Commerce is  
85 authorized to collect the assessment created by the Soybean  
86 Promotion, Research and Consumer Information Act administered by  
87 the United States Department of Agriculture on behalf of the  
88 Mississippi Soybean Promotion Board.

89           (2) The department shall \* \* \* pay over to the Mississippi  
90 Soybean Promotion Fund \* \* \*, as established in Section 69-9-5,  
91 all funds collected under \* \* \* this section \* \* \*. The State  
92 Fiscal Officer is authorized to issue warrants for the payment of  
93 monies from the proceeds of this fund upon requisition by the  
94 Mississippi Commissioner of Agriculture and Commerce, or his

95 designee, in accordance with federal statutes governing this  
96 section.

97 (3) The Mississippi Department of Agriculture and Commerce  
98 shall submit to the Soybean Promotion Board a budget detailing and  
99 justifying the administrative costs of the department in  
100 administering the provisions of this chapter, and such budget must  
101 be approved by the Soybean Promotion Board by April 1 of each  
102 year. The department is further authorized to retain an amount  
103 not to exceed three and one-half percent (3-1/2%) of the funds  
104 collected under the provisions of this section as administrative  
105 fees. The amount retained by the department must be approved by  
106 the Soybean Promotion Board by July 1 of each year. This amount  
107 may be retained from any funds collected on behalf of the Soybean  
108 Promotion Board, including those collected under the provisions of  
109 Section 69-9-5.

110 **SECTION 3.** Section 69-10-5, Mississippi Code of 1972, is  
111 amended as follows:

112 69-10-5. (1) There is imposed and levied an assessment at  
113 the rate of Two Cents (2¢) per bushel on all rice grown within the  
114 State of Mississippi; from and after July 1, 1991, the rate of  
115 assessment shall be increased by an additional One Cent (1¢) per  
116 bushel so that the total assessment equals Three Cents (3¢) per  
117 bushel. Such assessment shall be deducted by the purchaser from  
118 the amount paid the producer at the first point of sale, whether  
119 within or without the state. Assessments on rice put under loan  
120 to the Commodity Credit Corporation or purchased by the Commodity  
121 Credit Corporation and delivered to it shall be payable when such  
122 rice is placed under loan or is purchased. The Commodity Credit  
123 Corporation may require deduction and payment of the assessment  
124 from the loan proceeds or from the purchase price on the behalf of  
125 the producer. Assessments on rice put under loan to the Commodity  
126 Credit Corporation and redeemed by the producer before the  
127 takeover date, if already paid by having been deducted from the

128 loan proceeds shall not be deducted by each miller or handler from  
129 the amount paid the producer at the first point of sale as  
130 provided in this section; otherwise, the assessment shall be  
131 deducted.

132 (2) The assessment imposed and levied by this section shall  
133 be payable to and collected by the Mississippi Department of  
134 Agriculture and Commerce, hereafter referred to as "the  
135 department," from the purchaser of such rice at the first point of  
136 sale or from the Commodity Credit Corporation as provided in  
137 subsection (1) of this section. The proceeds of the assessment  
138 collected by the department shall be deposited \* \* \* with the  
139 State Treasurer in a special fund known as the "Mississippi Rice  
140 Promotion Fund," and promptly remitted to a foundation under the  
141 terms and conditions as the Rice Promotion Board deems necessary  
142 to ensure that such assessments are used properly in carrying out  
143 the purposes of this chapter. \* \* \*

144 (3) The Mississippi Department of Agriculture and Commerce  
145 shall submit to the Mississippi Rice Promotion Board a budget  
146 detailing and justifying the administrative costs of the  
147 department in administering the provisions of this chapter, and  
148 such budget must be approved by the Mississippi Rice Promotion  
149 Board by April 1 of each year. The department shall \* \* \* pay  
150 over to the Mississippi Rice Promotion Fund the funds collected,  
151 less an amount not to exceed three and one-half percent (3-1/2%)  
152 of the gross amount collected. The amount withheld by the  
153 department must be approved by the Mississippi Rice Promotion  
154 Board by July 1 of each year. The payments to the Mississippi  
155 Rice Promotion Board \* \* \* shall be accompanied by a complete  
156 report of all funds collected and disbursed.

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

161 him for the Mississippi Rice Promotion Fund. Such records shall  
162 be in such form and contain such other information as the  
163 department shall by rule or regulation prescribe. The records  
164 shall be preserved by the purchaser for a period of two (2) years  
165 and shall be offered for inspection at any time upon oral or  
166 written demand by the department or any duly authorized agent or  
167 representative thereof. Every purchaser or the Commodity Credit  
168 Corporation, at such time or times as the commissioner of the  
169 department may require, shall submit reports or other documentary  
170 information deemed necessary for the efficient and equitable  
171 collection of the assessment imposed in this chapter. The  
172 department shall have the power to cause any duly authorized agent  
173 or representative to enter upon the premises of any purchaser of  
174 rice and examine or cause to be examined by such agent, only  
175 books, papers and records which deal in any way with respect to  
176 the payment of the assessment or enforcement of the provisions of  
177 this chapter.

178 \* \* \*

179 **SECTION 4.** This act shall take effect and be in force from  
180 and after its passage.