

By: Representative Eaton

To: Agriculture

HOUSE BILL NO. 1385

1 AN ACT TO AMEND SECTION 69-9-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE PROCEEDS FROM THE ASSESSMENTS SHALL BE REMITTED
3 TO THE MISSISSIPPI STATE UNIVERSITY FOUNDATION UNDER THE TERMS AND
4 CONDITIONS DEEMED NECESSARY BY THE SOYBEAN PROMOTION BOARD; TO
5 AMEND SECTION 69-9-6, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
6 DISBURSEMENTS OF SOYBEAN PROMOTION FUNDS; AND FOR RELATED
7 PURPOSES.

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

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

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

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

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

58 (3) The department shall monthly pay over to the Mississippi
59 Soybean Promotion Fund the funds collected, less three and
60 one-half percent (3-1/2%) of the gross amount collected. The
61 payments to the Mississippi Soybean Promotion Board * * * shall be

62 accompanied by a complete report of all funds collected and
63 disbursed.

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

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

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

91 (2) The department shall * * * pay over to the Mississippi
92 Soybean Promotion Fund * * *, as established in Section 69-9-5,
93 all funds collected under * * * this section * * *. The State
94 Fiscal Officer is authorized to issue warrants for the payment of

95 monies from the proceeds of this fund upon requisition by the
96 Mississippi Commissioner of Agriculture and Commerce, or his
97 designee, in accordance with federal statutes governing this
98 section.

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

112 **SECTION 3.** This act shall take effect and be in force from
113 and after its passage.