

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

To: Agriculture

SENATE BILL NO. 2873

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 PROVIDE THAT AGREEMENTS SHALL BE REMITTED TO A FOUNDATION AS THE
4 SOYBEAN PROMOTION BOARD DEEMS NECESSARY TO ENSURE THAT THE
5 ASSESSMENTS ARE USED TO PROMOTE THE SOYBEAN INDUSTRY; AND FOR
6 RELATED 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.** This act shall take effect and be in force from
111 and after its passage.