

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

To: Agriculture

SENATE BILL NO. 2873  
(As Sent to Governor)

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 the Mississippi State University  
49 Foundation under the terms and conditions as the Soybean Promotion  
50 Board deems necessary to ensure that the assessments are used  
51 properly in carrying out the purposes of this chapter. The State  
52 Fiscal Officer is authorized to issue warrants for the payment of  
53 monies from the Mississippi Soybean Promotion Fund upon  
54 requisition by the Commissioner of Agriculture and Commerce, or  
55 his designee, for refunds to producers as provided under  
56 subsection (1) of this section.

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

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

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

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

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

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

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

111 (4) The board shall make a report of all income and  
112 expenditures made annually and provide copies of such report to  
113 the department.

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