

By: Representative Eaton

To: Agriculture

HOUSE BILL NO. 618

1 AN ACT TO AMEND SECTION 69-9-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE PROCEEDS FROM ASSESSMENTS LEVIED ON ALL SOYBEANS
3 GROWN WITHIN THE STATE SHALL BE REMITTED TO A FOUNDATION UNDER THE
4 TERMS AND CONDITIONS AS THE SOYBEAN PROMOTION BOARD DEEMS
5 NECESSARY TO ENSURE THAT THE ASSESSMENTS ARE USED TO PROMOTE THE
6 GROWTH AND DEVELOPMENT OF THE SOYBEAN INDUSTRY IN THE STATE; TO
7 AMEND SECTION 69-9-6, MISSISSIPPI CODE OF 1972, TO REVISE THE TIME
8 OF PAYMENT OF THE ASSESSMENTS TO THE MISSISSIPPI SOYBEAN PROMOTION
9 FUND; AND FOR RELATED PURPOSES.

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

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

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

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

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

59 (3) The department shall * * * pay over to the Mississippi
60 Soybean Promotion Fund the funds collected, less three and
61 one-half percent (3-1/2%) of the gross amount collected. The
62 monthly settlement to the Mississippi Soybean Promotion Board
63 shall be made on or before the twentieth day of each month and

64 shall be accompanied by a complete report of all funds collected
65 and disbursed.

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

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

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

93 (2) The department shall * * * pay over to the Mississippi
94 Soybean Promotion Fund for the preceding months, as established in
95 Section 69-9-5, all funds collected under the provisions of this
96 section on or before the twentieth day of each month. The State

97 Fiscal Officer is authorized to issue warrants for the payment of
98 monies from the proceeds of this fund upon requisition by the
99 Mississippi Commissioner of Agriculture and Commerce, or his
100 designee, in accordance with federal statutes governing this
101 section.

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

115 **SECTION 3.** This act shall take effect and be in force from
116 and after July 1, 2005.