

3/11/11 11:45am

Chapter No. 356

11/SS02/R776

JN / AS / SG

***SENATE BILL NO. 2702***

Originated in Senate \_\_\_\_\_ Secretary

SENATE BILL NO. 2702

AN ACT TO AMEND SECTION 69-10-5, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER ON THE LAW PROVIDING FOR THE ASSESSMENT ON RICE GROWN IN THE STATE OF MISSISSIPPI AND THE RECORDS AND REPORTING REQUIREMENTS OF THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE FOR THE MISSISSIPPI RICE PROMOTION FUND; AND FOR RELATED PURPOSES.

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

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

69-10-5. (1) There is imposed and levied an assessment at the rate of Two Cents (2¢) per bushel on all rice grown within the State of Mississippi; from and after July 1, 1991, the rate of assessment shall be increased by an additional One Cent (1¢) per bushel so that the total assessment equals Three Cents (3¢) per bushel. Such assessment shall be deducted by the purchaser from the amount paid the producer at the first point of sale, whether within or without the state. Assessments on rice put under loan to the Commodity Credit Corporation or purchased by the Commodity Credit Corporation and delivered to it shall be payable when such rice is placed under loan or is purchased. The Commodity Credit Corporation may require deduction and payment of the assessment from the loan proceeds or from the purchase price on the behalf of the producer. Assessments on rice put under loan to the Commodity Credit Corporation and redeemed by the producer before the takeover date, if already paid by having been deducted from the loan proceeds shall not be deducted by each miller or handler from the amount paid the producer at the first point of sale as

provided in this section; otherwise, the assessment shall be deducted.

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

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

(4) Each purchaser or the Commodity Credit Corporation shall keep a complete and accurate record of all rice handled by him and shall furnish each producer with a signed sales slip showing the number of bushels purchased from him and the amount deducted by him for the Mississippi Rice Promotion Fund. Such records shall be in such form and contain such other information as the

department shall by rule or regulation prescribe. The records shall be preserved by the purchaser for a period of two (2) years and shall be offered for inspection at any time upon oral or written demand by the department or any duly authorized agent or representative thereof. Every purchaser or the Commodity Credit Corporation, at such time or times as the commissioner of the department may require, shall submit reports or other documentary information deemed necessary for the efficient and equitable collection of the assessment imposed in this chapter. The department shall have the power to cause any duly authorized agent or representative to enter upon the premises of any purchaser of rice and examine or cause to be examined by such agent, only books, papers and records which deal in any way with respect to the payment of the assessment or enforcement of the provisions of this chapter.

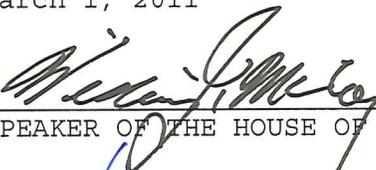
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SECTION 2. This act shall take effect and be in force from and after its passage.

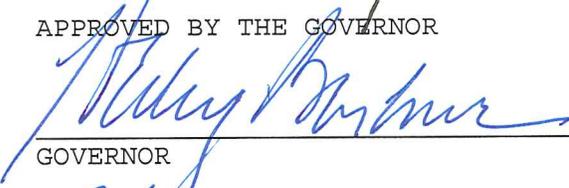
PASSED BY THE SENATE  
February 2, 2011

  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 1, 2011

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
GOVERNOR

*Yaka 11:45*