

Senate Amendments to House Bill No. 256

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8 **SECTION 1.** Section 69-37-17, Mississippi Code of 1972, is
9 amended as follows:

10 69-37-17. (1) At the request of the corporation, the bureau
11 shall authorize a statewide referendum among all Mississippi
12 cotton growers on the question of whether an assessment, not to
13 exceed One Dollar (\$1.00) per acre, shall be levied upon all
14 cotton producers to offset, in whole or in part, the cost of
15 maintaining the corporation, conducting referenda, and/or
16 conducting a program to collect data and information on boll
17 weevil populations and control costs. Any assessments levied for
18 data-collecting programs as a result of the referendum shall be in
19 addition to assessments being collected to support any other boll
20 weevil management programs in the state.

21 (2) At the request of the corporation, the bureau shall
22 authorize a statewide referendum among all Mississippi cotton
23 growers on the question of whether an assessment, not to exceed
24 Twelve Dollars (\$12.00) per acre, shall be levied upon all cotton

25 growers to offset, in whole or in part, the cost of managing boll
26 weevil suppression, pre-eradication, eradication, or
27 post-eradication programs authorized by this chapter or by any
28 other law of this state. The programs shall be designed on a
29 statewide basis.

30 (3) The assessment levied under this chapter shall be based
31 upon the level of boll weevil infestation and the anticipated cost
32 of conducting the proposed program, as determined by available
33 scientific data, and the number of acres of cotton planted in the
34 specified management zone. The maximum amount of the assessment,
35 the period of time for which it shall be levied, how it shall be
36 levied, and when it shall be paid shall be determined by the
37 bureau and the board and established by regulations according to
38 this section. The maximum amount of the assessment, the period of
39 time for which it will be levied, and when the payment is due
40 shall appear on all ballots for the referenda authorized by
41 subsections (1) and (2) of this section.

42 (4) All cotton growers having membership in a local cotton
43 growers association shall be entitled to vote in any referendum
44 authorized by subsections (1) and (2) of this section, and the
45 bureau, after consultation with the corporation, shall determine
46 any questions of eligibility to vote. A cotton grower must be
47 growing cotton within this state and be a member of a local cotton
48 growers association in order to be eligible to vote in elections
49 and referenda concerning boll weevil management practices.

50 (5) Each eligible cotton grower shall be mailed a ballot
51 upon which to cast a vote for or against the boll weevil
52 suppression, pre-eradication, eradication or post-eradication
53 program.

54 (6) Passage of a referendum under subsection (1) or (2) of
55 this section shall require that at least twenty percent (20%) of
56 the registered cotton growers vote in the referendum and that a
57 majority of those voting statewide approve the referendum.

58 (7) (a) The assessments collected by the department under
59 this chapter shall be promptly remitted to the State Treasury on
60 behalf of the corporation in the special fund established in
61 paragraph (b) of this subsection to be held in trust for the use
62 and benefit of the corporation in administering the designated
63 boll weevil management program through the suppression,
64 pre-eradication, eradication or post-eradication of boll weevils.

65 (b) There is created within the State Treasury a
66 special fund to be designated the "Mississippi Boll Weevil
67 Management Corporation Trust Fund" into which shall be deposited
68 all the revenues collected by the department for assessments
69 levied under the provisions of this section. Monies in the fund
70 shall be disbursed upon warrants issued by the State Fiscal
71 Officer upon requisitions signed by the corporation's board.
72 Monies in the fund shall remain inviolate and any unexpended
73 amounts remaining in the fund at the end of the fiscal year, and
74 any interest earned thereon, shall be divested to the corporation.

75 (8) (a) The corporation shall provide to the department an
76 annual audit of its accounts performed by a certified public
77 accountant.

78 (b) * * * The corporation shall provide the annual
79 audit no later than November 15 for the preceding calendar year.

80 * * *

81 (9) The assessments collected by the department under this
82 chapter shall not be considered as "state" funds.

83 (10) Upon completion or termination of a program, any unused
84 funds shall be transferred to and deposited in the Boll Weevil
85 Management Fund created under Section 69-37-39, for the purpose of
86 being used if there is a future occurrence of a boll weevil
87 outbreak in the state.

88 **SECTION 2.** This act shall take effect and be in force from
89 and after July 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 69-37-17, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE REPEALER ON THE PROVISION OF LAW THAT REQUIRES THE
3 MISSISSIPPI BOLL WEEVIL MANAGEMENT CORPORATION TO SUBMIT THE
4 ANNUAL AUDIT OF ITS ACCOUNTS TO THE MISSISSIPPI DEPARTMENT OF
5 AGRICULTURE AND COMMERCE NO LATER THAN NOVEMBER 15; AND FOR
6 RELATED PURPOSES.

SS26\HB256A.J

Eugene S. Clarke
Secretary of the Senate