

By: Representatives White, Dixon

To: Agriculture

HOUSE BILL NO. 475

1 AN ACT TO AMEND SECTION 69-37-17, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE REPEALER ON THE PROVISION OF LAW THAT REQUIRES THE  
3 BOLL WEEVIL MANAGEMENT CORPORATION TO PROVIDE AN ANNUAL AUDIT OF  
4 ITS ACCOUNTS BY NOVEMBER 15; AND FOR RELATED PURPOSES.

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

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

8 69-37-17. (1) At the request of the corporation, the bureau  
9 shall authorize a statewide referendum among all Mississippi  
10 cotton growers on the question of whether an assessment, not to  
11 exceed One Dollar (\$1.00) per acre, shall be levied upon all  
12 cotton producers to offset, in whole or in part, the cost of  
13 maintaining the corporation, conducting referenda, and/or  
14 conducting a program to collect data and information on boll  
15 weevil populations and control costs. Any assessments levied for  
16 data-collecting programs as a result of the referendum shall be in  
17 addition to assessments being collected to support any other boll  
18 weevil management programs in the state.



19           (2) At the request of the corporation, the bureau shall  
20 authorize a statewide referendum among all Mississippi cotton  
21 growers on the question of whether an assessment, not to exceed  
22 Twelve Dollars (\$12.00) per acre, shall be levied upon all cotton  
23 growers to offset, in whole or in part, the cost of managing boll  
24 weevil suppression, pre-eradication, eradication, or  
25 post-eradication programs authorized by this chapter or by any  
26 other law of this state. The programs shall be designed on a  
27 statewide basis.

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

40           (4) All cotton growers having membership in a local cotton  
41 growers association shall be entitled to vote in any referendum  
42 authorized by subsections (1) and (2) of this section, and the  
43 bureau, after consultation with the corporation, shall determine



44 any questions of eligibility to vote. A cotton grower must be  
45 growing cotton within this state and be a member of a local cotton  
46 growers association in order to be eligible to vote in elections  
47 and referenda concerning boll weevil management practices.

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

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

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

63 (b) There is created within the State Treasury a  
64 special fund to be designated the "Mississippi Boll Weevil  
65 Management Corporation Trust Fund" into which shall be deposited  
66 all the revenues collected by the department for assessments  
67 levied under the provisions of this section. Monies in the fund  
68 shall be disbursed upon warrants issued by the State Fiscal



69 Officer upon requisitions signed by the corporation's board.  
70 Monies in the fund shall remain inviolate and any unexpended  
71 amounts remaining in the fund at the end of the fiscal year, and  
72 any interest earned thereon, shall be divested to the corporation.

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

76 (b) (i) The corporation shall provide the annual audit  
77 no later than November 15 for the preceding calendar year.

78 (ii) This paragraph (b) shall stand repealed on  
79 July 1, \* \* \*2019.

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

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

87 **SECTION 2.** This act shall take effect and be in force from  
88 and after July 1, 2016.

