

§ 69-37-1. Short title.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 37. MISSISSIPPI BOLL WEEVIL MANAGEMENT ACT

Current through 3/27/2018

§ 69-37-1. Short title

This chapter shall be known and may be cited as the "Mississippi Boll Weevil Management Act."

Cite as Miss. Code § 69-37-1

Source: Laws, 1993, ch. 345, § 1, eff. 7/1/1993.

§ 69-37-3. Purpose; liberal construction.

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§ 69-37-3. Purpose; liberal construction

The Legislature has determined that the boll weevil is a public nuisance, a pest and a menace to the cotton industry. The purpose of this chapter is:

- (a) To provide procedures through which cotton growers in the State of Mississippi may manage boll weevil suppression, pre-eradication or eradication programs and boll weevil containment/maintenance programs;
- (b) To provide for certification of the Mississippi Boll Weevil Management Corporation to cooperate with state and federal agencies in the administration of cost-sharing programs for suppression, pre-eradication, eradication or post-eradication of boll weevils in Mississippi; and

- (c) To empower the Mississippi Department of Agriculture and Commerce to promulgate and enforce regulations in support of those programs. This chapter should be construed liberally to achieve these purposes.

Cite as Miss. Code § 69-37-3

Source: Laws, 1993, ch. 345, § 2; Laws, 2010, ch. 524, §2, eff. 7/1/2010.

§ 69-37-5. Definitions.

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§ 69-37-5. Definitions

As used in this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

- (a) "Assessment" means the amount per acre to be charged each cotton grower to finance, in whole or part, a boll weevil suppression, pre-eradication, eradication or post-eradication program in this state. The assessments shall be based on scientifically sound data regarding the level of boll weevil infestation in the state and the anticipated cost of conducting the proposed program.
- (b) "Board" means the Board of Directors of the Mississippi Boll Weevil Management Corporation.
- (c) "Boll weevil" means *Anthonomus grandis* Boheman in any stage of development.
- (d) "Mississippi Boll Weevil Management Corporation Board of Directors" means the statewide administrative board elected by all Mississippi cotton growers who are members of a local cotton growers association to serve and represent the interests and concerns of Mississippi cotton growers with respect to the administration of boll weevil management programs and the nonvoting advisory members as provided in Section 69-7-13.
- (e) "Bureau" means the Bureau of Plant Industry within the regulatory office of the Mississippi Department of Agriculture and Commerce.

- (f) "Certificate" means a document issued or authorized by the Bureau of Plant Industry indicating that a regulated article is not contaminated with boll weevils.
- (g) "Cotton growers association" means a local association with membership open to all Mississippi cotton growers. Cotton growers associations represent the interests and concerns of Mississippi cotton growers to the Mississippi Boll Weevil Management Corporation.
- (h) "Commissioner" means the Commissioner of Agriculture and Commerce.
- (i) "Containment/maintenance program" means a statewide program designed to monitor the level of boll weevil infestations to eliminate any reinfestation of boll weevils.
- (j) "Corporation" means the Mississippi Boll Weevil Management Corporation.
- (k) "Cotton" means any cotton plant or cotton plant products upon which the boll weevil is dependent for completion of any portion of its life cycle.
- (l) "Cotton grower" means any person who under the rules and regulations of the United States Department of Agriculture is actively engaged in cotton farming.
- (m) "Department" means the Mississippi Department of Agriculture and Commerce.
- (n) "Eradication program" means any statewide program designed to eliminate, contain and monitor the boll weevil as an economic pest within a specified area.
- (o) "Host" means any plant or plant product upon which the boll weevil is dependent for completion of any portion of its life cycle.
- (p) "Infested" means actually infested with a boll weevil or so exposed to infestation that it would be considered infested according to criteria established by program management and the Mississippi Boll Weevil Management Corporation.
- (q) "Information gathering program" means any statewide program designed to gather information that will be used in administering a boll weevil management program.
- (r) "Management program" means any statewide program designed to suppress or eradicate, contain and monitor the boll weevil or to gather information that will be used in planning or implementing such suppression or eradication programs.
- (s) "Permit" means a document issued or authorized by the Bureau of Plant Industry to provide for the movement of regulated articles to restricted designations for limited handling, utilization or processing.
- (t) "Person" means any individual, partnership, corporation, company, society, association or other business entity.
- (u) "Pest" means any species of plant, animal, or microbe that adversely affects cotton

production; including, but not limited to: insects, weeds, nematodes, bacteria, fungi, and viruses.

- (v) "Post-eradication program" means any unified program designed to maintain boll weevil free status in the program area.
- (w) "Pre-eradication program" means any statewide program designed to reduce overall boll weevil populations before entering a full scale eradication program.
- (x) "Region" means a specific cotton growing area within the state as defined by the Technical Advisory Committee as those regions existed before July 1, 2010, defined based on similarities in boll weevil populations, cotton cultural practices, national topography and climate.
- (y) "Regulated article" means any article of any character carrying or capable of carrying the boll weevil, including cotton plants, seed cotton, cottonseed, other hosts, gin trash, gin equipment, mechanical cotton pickers and other equipment associated with cotton production, harvesting or processing.
- (z) "Suppression" means any statewide program designed to reduce overall boll weevil populations throughout the specified area.
- (aa) "Technical Advisory Committee" means a group of professional scientists in the fields of entomology, agronomy, agricultural economics and other appropriate disciplines appointed by the Boll Weevil Management Board to provide technical guidance in developing and conducting effective boll weevil management programs.

Cite as Miss. Code § 69-37-5

Source: Laws, 1993, ch. 345, § 3; Laws, 2010, ch. 524, §3, eff. 7/1/2010.

§ 69-37-7. Authorization for programs to suppress or eradicate boll weevil; cooperation with other agencies or persons.

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§ 69-37-7. Authorization for programs to suppress or eradicate boll weevil; cooperation

with other agencies or persons

The commissioner, with the approval of the corporation, is authorized to carry out programs to suppress or eradicate the boll weevil in this state through suppression, pre-eradication, post-eradication, or containment/maintenance programs. The commissioner is authorized to cooperate with any agency of any state or the federal government, any other agency in this state, any person engaged in growing, processing, marketing, or handling cotton, or any group of those persons in this state in programs to effectuate the purposes of this chapter and may enter into written agreements to effectuate those purposes. The agreements may provide for cost sharing and for division of duties and responsibilities under this chapter and may include other provisions generally to effectuate the purposes of this chapter.

Cite as Miss. Code § 69-37-7

Source: Laws, 1993, ch. 345, § 4; Laws, 2010, ch. 524, §4, eff. 7/1/2010.

§ 69-37-9. Entry upon premises to carry out provisions of chapter; monitoring, inspection, treatment with pesticides, and other activities; notice to owner; warrant.

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§ 69-37-9. Entry upon premises to carry out provisions of chapter; monitoring, inspection, treatment with pesticides, and other activities; notice to owner; warrant

The commissioner and the corporation or their authorized agent(s), after first notifying the owner, shall have authority to enter cotton fields, cotton processing facilities and other premises in order to carry out survey, suppression or eradication activities, including treatment with pesticides and monitoring of growing cotton or other host plants as may be necessary to carry out the provisions of this chapter. The commissioner and the corporation or their authorized agent(s) shall have authority to make inspection of any fields or premises in this state and any property located therein for the purpose of determining whether such property is infested with the boll weevil and for determining the extent of infestation. Such inspection and other activities may be conducted in a reasonable manner without a warrant at any reasonable time. Any judge of this state may, within his or her jurisdiction and upon proper cause shown, issue a warrant giving the commissioner the

right of entry to any premises for the purpose of carrying out the provisions of this section or other activities authorized by this chapter.

Cite as Miss. Code § 69-37-9

Source: Laws, 1993, ch. 345, § 5; Laws, 2010, ch. 524, §5, eff. 7/1/2010.

§ 69-37-11. All persons growing cotton to furnish information to commissioner and corporation.

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§ 69-37-11. All persons growing cotton to furnish information to commissioner and corporation

Every person growing cotton in this state shall furnish to the commissioner and the corporation on forms supplied by the commissioner such information as the commissioner may require concerning the size and location of all commercial cotton fields and of noncommercial plantings of cotton grown as an ornamental plant or for any other purposes.

Cite as Miss. Code § 69-37-11

Source: Laws, 1993, ch. 345, § 6; Laws, 2010, ch. 524, §6, eff. 7/1/2010.

§ 69-37-13. Bureau may certify Mississippi Boll Weevil Management Corporation for purpose of entering into agreements to effectuate purposes of chapter; eligibility for certification; corporation board of directors.

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§ 69-37-13. Bureau may certify Mississippi Boll Weevil Management Corporation for purpose of entering into agreements to effectuate purposes of chapter; eligibility for certification; corporation board of directors

- (1) The Mississippi Boll Weevil Management Corporation, upon certification by the bureau, may enter into agreements with the State of Mississippi, other states, the federal government and other parties as may be necessary to carry out the purposes of this chapter.
- (2) In order to be eligible for certification by the bureau, the corporation must demonstrate to the satisfaction of the bureau that:
 - (a) It is a nonprofit organization and could qualify for tax-exempt status under Section 501(a) of the Internal Revenue Code of 1954 [26 USC 501(a)];
 - (b) Its purpose is for the representation of cotton growers associations that are open to all cotton growers in this state; and
 - (c) It has only one (1) class of voting members with each member entitled to only one (1) vote.
- (3) The corporation's board of directors shall be composed of members who shall be chosen according to bylaws established by the corporation. Two (2) members elected from each of the five (5) original cotton growers regions as those regions existed before July 1, 2010, shall serve as voting members.
- (4) There shall be six (6) nonvoting advisory members as follows:
 - (a) The Commissioner of Agriculture and Commerce, who shall serve in a nonvoting advisory capacity only, or his or her designee;
 - (b) The Vice President of the College of Agriculture and Life Sciences at Mississippi State University, who shall serve in a nonvoting advisory capacity only, or his or her designee;
 - (c) The Vice President of the School of Agriculture, Research, Extension and Applied Sciences at Alcorn State University, who shall serve in a nonvoting advisory capacity only, or his or her designee;
 - (d) The President of the Mississippi Farm Bureau Federation, who shall serve in a nonvoting advisory capacity only, or his or her designee; and
 - (e) The Chairmen of the Senate and House Agriculture Committees, who shall serve in nonvoting advisory capacities only.
- (5) All books and records of account and minutes of proceedings of the board shall be

available for inspection or audit by the commissioner at any reasonable time.

- (6) Employees or agents of the board who handle funds of the board shall be adequately bonded in an amount to be determined by the commissioner.

Cite as Miss. Code § 69-37-13

Source: Laws, 1993, ch. 345, § 7; Laws, 2010, ch. 524, §7, eff. 7/1/2010.

§ 69-37-15. Certification of Mississippi Boll Weevil Management Corporation as official administrative and regulatory body; effect; revocation; debts of corporation not a liability of bureau or department.

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§ 69-37-15. Certification of Mississippi Boll Weevil Management Corporation as official administrative and regulatory body; effect; revocation; debts of corporation not a liability of bureau or department

Upon determination by the bureau that the Mississippi Boll Weevil Management Corporation meets the requirements of Section 69-37-13, the bureau shall certify the corporation as the official administrative and regulatory body for all Mississippi cotton growers who are members of a cotton growers association as defined in Section 69-37-5. The certification shall be for the purposes of this chapter only and shall not affect other organizations or associations of cotton growers established for other purposes.

The bureau shall certify only one (1) corporation and may revoke the certification of the corporation if at any time the corporation fails to meet the requirements of this chapter. The debts of the corporation, if there are any, shall not become the liability of the bureau or the department.

Cite as Miss. Code § 69-37-15

Source: Laws, 1993, ch. 345, § 8; Laws, 2010, ch. 524, §8, eff. 7/1/2010.

§ 69-37-17. [Paragraph (8)(b) repealed effective 7/1/2020] Referenda, at request of corporation, as to assessments on cotton growers; character and disposition of funds assessed; Mississippi Boll Weevil Management Corporation Trust Fund.

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§ 69-37-17. [Paragraph (8)(b) repealed effective 7/1/2020] Referenda, at request of corporation, as to assessments on cotton growers; character and disposition of funds assessed; Mississippi Boll Weevil Management Corporation Trust Fund

- (1) At the request of the corporation, the bureau shall authorize a statewide referendum among all Mississippi cotton growers on the question of whether an assessment, not to exceed One Dollar (\$ 1.00) per acre, shall be levied upon all cotton producers to offset, in whole or in part, the cost of maintaining the corporation, conducting referenda, and/or conducting a program to collect data and information on boll weevil populations and control costs. Any assessments levied for data-collecting programs as a result of the referendum shall be in addition to assessments being collected to support any other boll weevil management programs in the state.
- (2) At the request of the corporation, the bureau shall authorize a statewide referendum among all Mississippi cotton growers on the question of whether an assessment, not to exceed Twelve Dollars (\$ 12.00) per acre, shall be levied upon all cotton growers to offset, in whole or in part, the cost of managing boll weevil suppression, pre-eradication, eradication, or post-eradication programs authorized by this chapter or by any other law of this state. The programs shall be designed on a statewide basis.
- (3) The assessment levied under this chapter shall be based upon the level of boll weevil infestation and the anticipated cost of conducting the proposed program, as determined by available scientific data, and the number of acres of cotton planted in the specified management zone. The maximum amount of the assessment, the period of time for which it shall be levied, how it shall be levied, and when it shall be paid shall be determined by the bureau and the board and established by regulations according to this section. The maximum amount of the assessment, the period of time for which it will be levied, and when the payment is due shall appear on all ballots for the referenda authorized by subsections (1) and (2) of this section.
- (4) All cotton growers having membership in a local cotton growers association shall be

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

- (5) Each eligible cotton grower shall be mailed a ballot upon which to cast a vote for or against the boll weevil suppression, pre-eradication, eradication or post-eradication program.
- (6) Passage of a referendum under subsection (1) or (2) of this section shall require that at least twenty percent (20%) of the registered cotton growers vote in the referendum and that a majority of those voting statewide approve the referendum.
- (7)
 - (a) The assessments collected by the department under this chapter shall be promptly remitted to the State Treasury on behalf of the corporation in the special fund established in paragraph (b) of this subsection to be held in trust for the use and benefit of the corporation in administering the designated boll weevil management program through the suppression, pre-eradication, eradication or post-eradication of boll weevils.
 - (b) There is created within the State Treasury a special fund to be designated the "Mississippi Boll Weevil Management Corporation Trust Fund" into which shall be deposited all the revenues collected by the department for assessments levied under the provisions of this section. Monies in the fund shall be disbursed upon warrants issued by the State Fiscal Officer upon requisitions signed by the corporation's board. Monies in the fund shall remain inviolate and any unexpended amounts remaining in the fund at the end of the fiscal year, and any interest earned thereon, shall be divested to the corporation.
- (8)
 - (a) The corporation shall provide to the department an annual audit of its accounts performed by a certified public accountant.
 - (b)
 - (i) The corporation shall provide the annual audit no later than November 15 for the preceding calendar year.
 - (ii) This paragraph (b) shall stand repealed on July 1, 2020.
- (9) The assessments collected by the department under this chapter shall not be considered as "state" funds.
- (10) Upon completion or termination of a program, any unused funds shall be transferred to and deposited in the Boll Weevil Management Fund created under Section 69-37-39, for the purpose of being used if there is a future occurrence of a boll weevil outbreak in the

state.

Cite as Miss. Code § 69-37-17

Source: Laws, 1993, ch. 345, § 9; Laws, 2010, ch. 524, §9; Laws, 2012, ch. 453, §1, eff. 4/19/2012.

History. Amended by Laws, 2016, ch. 400, HB 475, 1, eff. 7/1/2016.

§ 69-37-19. Conduct of referenda; expenses.

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§ 69-37-19. Conduct of referenda; expenses

The arrangements for and management of any referendum held under this chapter shall be under the direction of the Mississippi Boll Weevil Management Corporation. The corporation shall bear all expenses incurred in conducting the referendum, to include furnishing the ballots and arranging for the necessary poll holders.

Cite as Miss. Code § 69-37-19

Source: Laws, 1993, ch. 345, § 10; Laws, 2010, ch. 524, §10, eff. 7/1/2010.

§ 69-37-21. Subsequent referenda; annual report; limitation on assessment of fees.

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§ 69-37-21. Subsequent referenda; annual report; limitation on assessment of fees

- (1) If any referendum conducted under this chapter fails to receive the required number of affirmative votes, the bureau, at the request of the corporation, shall be authorized to call other referenda.
- (2) After the passage of any referendum, the eligible voters may be allowed, by subsequent referenda to be held upon recommendation of the corporation, to vote on whether to continue with the program and/or to modify the assessment fee. However, before any referendum is held proposing any modifications of the assessment, the corporation must submit its recommendation to the commissioner for approval. Upon petition by twenty percent (20%) of all eligible voting cotton growers within the state, the corporation shall be required to conduct a subsequent referendum on the question called in the petition, provided that the corporation is required to hold no more than one (1) petitioned referendum during any given calendar year. All the requirements for an initial referendum must be met in any subsequent referenda. The results of the referendum, along with annual audits of all monies expended on programs affected by the referendum, shall be reported each year to the Lieutenant Governor, the Speaker of the House of Representatives and the Chairmen of the Senate Agriculture Committee and the House of Representatives Agriculture Committee.
- (3) It is the intent of the Legislature that the cost of the containment/maintenance phase of the boll weevil eradication program be borne by the producers, and that any subsequent debt incurred by the program be funded by subsidies, loans and grants from the federal government and other sources.
- (4) No assessment under any subsequent referendum for a containment/maintenance program may exceed Twelve Dollars (\$ 12.00) an acre, and it shall be incumbent upon the Mississippi Boll Weevil Management Corporation to levy only that amount necessary to ensure the financial stability of the eradication program.

Cite as Miss. Code § 69-37-21

Source: Laws, 1993, ch. 345, § 11; Laws, 2001, ch. 487, §1; Laws, 2010, ch. 524, §11, eff. 7/1/2010.

§ 69-37-23. Liens to secure payment of assessments and penalties; destruction of untreatable commercial cotton as nuisance; compensation.

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§ 69-37-23. Liens to secure payment of assessments and penalties; destruction of untreatable commercial cotton as nuisance; compensation

- (1) For statewide management when assessments are established by passage of a referendum, the commissioner shall have a lien for payment of the assessments, together with any penalties levied under this chapter, against all cotton grown by each cotton grower who grows cotton within the state. This lien shall be of equal dignity with liens for taxes in favor of the state and the commissioner is authorized to issue executions for the collection of the assessments and liens described in this section in like manner as executions are issued for ad valorem property taxes due the state.
- (2) In addition, the commissioner shall have a special lien on cotton for payment of assessments, together with any penalties levied under this chapter, which shall be superior to any other lien provided by law, shall arise as of the time the assessments become due and payable, and shall cover all cotton grown by the cotton grower from the date the lien arises until the assessments are paid. However, any buyer of cotton shall take free of the lien if the buyer has not received written notice of the lien from the commissioner, or if he has paid for the cotton by a check in which the department is named as joint payee.
- (3) A cotton grower who fails to pay when due and upon reasonable notice any assessment levied under this chapter shall be subject to a per acre penalty as established in the bureau's regulations, in addition to the assessment.
- (4) Commercial cotton that is located in sites that cannot be treated adequately because of health, environmental or other concerns shall be deemed to be a public nuisance and shall be destroyed promptly. The commissioner, with the consent of the corporation and the approval of the Attorney General, may apply to the circuit court of the judicial circuit in which the public nuisance is located to have the nuisance condemned and destroyed. This injunctive relief shall be available to the commissioner notwithstanding the existence of any other legal remedy and the commissioner shall not be required to file a bond. In those cases where commercial cotton is destroyed because of prevented treatment due to health or environmental concerns, the owner of the cotton shall be compensated for that portion of the crop that is destroyed. The per acre amount of the payments shall be based on a reasonable estimate of the value of the crop as determined by the commissioner in consultation with the corporation and the affected producer. Payments for those losses shall be funded by assessment fees paid by cotton growers and administered by the corporation.

Source: Laws, 1993, ch. 345, § 12; Laws, 2010, ch. 524, §12, eff. 7/1/2010.

§ 69-37-25. Quarantine, and control of movement of articles from infested areas in other states, by regulation of Bureau of Plant Industry.

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§ 69-37-25. Quarantine, and control of movement of articles from infested areas in other states, by regulation of Bureau of Plant Industry

The Bureau of Plant Industry is authorized to promulgate regulations quarantining this state, or any portion thereof, and governing the storage, treatment, or other handling in the quarantined areas of regulated articles and the movement of regulated articles into or from such areas. The bureau shall determine when such action is necessary, or appears reasonably necessary, to prevent or retard the spread of the boll weevil. The bureau is also authorized to promulgate regulations governing the movement of regulated articles from other states or portions thereof into this state when such state is known to be infested with the boll weevil. The promulgation of these regulations shall conform in all aspects to the Mississippi Administrative Procedures Law, Sections 25-43-1 et seq., Mississippi Code of 1972, and sound principles of quarantines.

Cite as Miss. Code § 69-37-25

Source: Laws, 1993, ch. 345, § 13, eff. 7/1/1993.

§ 69-37-27. Suppression, pre-eradication, eradication and no-growth zones; growers to share costs; notice, referenda, penalties, and appeal of penalties.

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§ 69-37-27. Suppression, pre-eradication, eradication and no-growth zones; growers to share costs; notice, referenda, penalties, and appeal of penalties

The bureau, with the concurrence of the corporation, is authorized to designate by regulation one or more areas of this state as "suppression zones," "pre-eradication zones" or "eradication zones" where the specified boll weevil management programs will be undertaken. The bureau, with the concurrence of the corporation, is authorized to promulgate reasonable regulations regarding areas where cotton cannot be planted within a specified management zone when there is reason to believe that growing cotton in those areas will jeopardize the success of the program or present a hazard to public health or safety. The bureau, with the concurrence of the corporation, is authorized to issue regulations prohibiting the planting of noncommercial cotton in the management zones and requiring that all growers of commercial cotton in these zones participate in the specified boll weevil management program and share equitably in the cost. The costs shall be determined by available scientific data on the basis of the level of boll weevil infestation and the anticipated costs of the program in the various regions and shall be approved via referendum by cotton growers within the affected area under procedures set forth in this chapter. Notice of the prohibition and requirement shall be given by publication for one (1) day each week for three (3) successive weeks in a newspaper having general circulation in the affected area. The bureau, with the concurrence of the corporation, is authorized to set by regulation a reasonable schedule of penalty fees to be assessed when growers in designated "management zones" do not meet the requirements of regulations issued by the bureau with respect to reporting of acreage and participation in cost-sharing as prescribed by regulation. The penalty fees shall not exceed a charge of One Hundred Dollars (\$ 100.00) per acre. The cotton grower charged with those penalties has the right to appeal this decision to the corporation.

Cite as Miss. Code § 69-37-27

Source: Laws, 1993, ch. 345, § 14; Laws, 2010, ch. 524, §13, eff. 7/1/2010.

§ 69-37-29. Destruction or treatment of cotton in eradication zones; compensation.

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§ 69-37-29. Destruction or treatment of cotton in eradication zones; compensation

The commissioner, with the concurrence of the corporation, is authorized to destroy, or cause to be treated with pesticides, volunteer or other noncommercial cotton and to establish procedures for the purchase and destruction of commercial cotton in eradication zones when the commissioner deems the action necessary to effectuate the purposes of this chapter. No payment shall be made by the commissioner to the owner or lessee for the destruction or injury of any cotton that was planted in an eradication zone after publication of notice as provided in this chapter, or was otherwise handled in violation of this chapter or the regulations adopted under this chapter. However, the commissioner shall pay for losses resulting from the destruction of cotton that was planted in those zones before promulgation of the notice. Payments for those losses shall be funded by assessment fees paid by cotton growers and administered by the corporation.

Cite as Miss. Code § 69-37-29

Source: Laws, 1993, ch. 345, § 15; Laws, 2010, ch. 524, §14, eff. 7/1/2010.

§ 69-37-31. Regulations pertaining to livestock pasturage, human entry, honeybee colonies, and other activities affecting boll weevil control programs.

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§ 69-37-31. Regulations pertaining to livestock pasturage, human entry, honeybee colonies, and other activities affecting boll weevil control programs

- (1) The bureau, with the concurrence of the corporation, is authorized to promulgate reasonable regulations restricting the pasturage of livestock, entry by persons, location of honeybee colonies or other activities affecting the boll weevil eradication program in affected areas, for limited periods of time, which have been or will be treated with pesticides or otherwise treated to cause the eradication of the boll weevil, or in any other areas that may be affected by those treatments.
- (2) The bureau shall also have authority to adopt any other rules and regulations as it deems necessary to further effectuate the purposes of this chapter, provided that those other rules and regulations are approved by the corporation.

Cite as Miss. Code § 69-37-31

Source: Laws, 1993, ch. 345, § 16; Laws, 2010, ch. 524, §15, eff. 7/1/2010.

§ 69-37-33. Penalties for violations.

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§ 69-37-33. Penalties for violations

- (1) Any person who shall violate any of the provisions of this chapter or the regulations promulgated hereunder, or who shall alter, forge or counterfeit or use without authority any certificate or permit or other document provided for in this chapter or in the regulations promulgated hereunder shall be guilty of a misdemeanor.
- (2) Any person who, except in compliance with the regulations of the bureau, shall move any regulated article into this state from any other state, which the bureau found in such regulations is infested by the boll weevil, shall be guilty of a misdemeanor.

Cite as Miss. Code § 69-37-33

Source: Laws, 1993, ch. 345, § 17, eff. 7/1/1993.

§ 69-37-35. Exemptions from assessment penalties for financial hardship; payment plan.

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§ 69-37-35. Exemptions from assessment penalties for financial hardship; payment plan

The commissioner, with the consent of the corporation, is authorized to exempt from the assessment penalty requirements set forth in this chapter those cotton growers for whom paying the assessment penalties would impose an undue financial hardship, and the commissioner is authorized to establish, upon the recommendation of the corporation, a payment plan in those hardship cases. This exemption shall be implemented as follows:

- (a) The commissioner, with the consent of the corporation, shall adopt rules and regulations defining the criteria to be used in determining financial hardship. However, no exemption shall be granted to any cotton grower who, after the amount of assessments and penalties otherwise due has been subtracted from his taxable net income, has a net income exceeding Fifteen Thousand Dollars (\$ 15,000.00) for the year in which he seeks an exemption;
- (b) Any cotton grower who claims an exemption shall apply on a form prescribed by the commissioner. A separate application shall be filed for each calendar year in which a cotton grower claims an exemption. Each application shall contain an explanation of the conditions to be met for approval. An oath shall be included on the form that upon completion shall be returned to the commissioner;
- (c) The commissioner shall forward all completed exemption application forms to the corporation. The corporation shall determine from the information contained in the application forms whether or not the applicants qualify for a hardship exemption (exemption from penalty) and may recommend a payment plan to the commissioner; and
- (d) The corporation shall notify the commissioner of its determination, which shall be binding upon the applicants. Upon receipt of the determination of the corporation, the commissioner shall promptly notify each affected cotton grower of that determination. If an exemption has been denied, assessments and penalties for the year in which the application was made shall become due at the time they would otherwise have become due had no application for exemption been filed or within thirty (30) days after the date of the commissioner's notice of an adverse determination, whichever is later.

Cite as Miss. Code § 69-37-35

Source: Laws, 1993, ch. 345, § 18; Laws, 2010, ch. 524, §16, eff. 7/1/2010.

§ 69-37-37. Extension of chapter to other cotton pests upon recommendation of the corporation.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 37. MISSISSIPPI BOLL WEEVIL MANAGEMENT ACT

Current through 3/27/2018

§ 69-37-37. Extension of chapter to other cotton pests upon recommendation of the corporation

This chapter shall be extended to include all other cotton pest species upon recommendation of the corporation.

Cite as Miss. Code § 69-37-37

Source: Laws, 1993, ch. 345, § 19; Laws, 1997, ch. 308, §1; Laws, 2010, ch. 524, §17, eff. 7/1/2010.

§ 69-37-39. Boll Weevil Management Fund; deposits; disbursements.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 37. MISSISSIPPI BOLL WEEVIL MANAGEMENT ACT

Current through 3/27/2018

§ 69-37-39. Boll Weevil Management Fund; deposits; disbursements

There is created within the State Treasury a special fund to be designated the "Boll Weevil Management Fund" into which shall be deposited all the revenues required to be deposited into the fund under Section 27-65-75(14). Money deposited into the fund shall not lapse at the end of any fiscal year and investment earning on the proceeds in the special fund shall be deposited into the fund. Money from the fund shall be disbursed therefrom upon warrants issued by the State Fiscal Officer upon requisitions signed by the Commissioner of Agriculture and Commerce to assist the Mississippi Boll Weevil Management Corporation in carrying out its duties under the Mississippi Boll Weevil Management Act (Section 69-37-1 et seq.). The commissioner shall disburse all of the money the department receives from the fund to the Mississippi Boll Weevil Management Corporation, as defined in Section 69-37-5, for the exclusive purpose of reducing the per acre grower assessments.

Cite as Miss. Code § 69-37-39

Source: Laws, 1998, ch. 584, §1; Laws, 2010, ch. 524, §18, eff. 7/1/2010.

§ 69-37-41. Mississippi Boll Weevil Management Corporation to be certified as administering authority to plan and implement boll weevil management programs.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 37. MISSISSIPPI BOLL WEEVIL MANAGEMENT ACT

Current through 3/27/2018

§ 69-37-41. Mississippi Boll Weevil Management Corporation to be certified as administering authority to plan and implement boll weevil management programs

From and after July 1, 2010, the Mississippi Boll Weevil Management Corporation shall be certified by the Bureau of Plant Industry as the administering authority to plan and implement boll weevil management programs in this state, and all records, duties, responsibilities, assets, contractual rights and obligations relating to the administration, planning and implementation of boll weevil management programs in this state shall be under the jurisdiction of the corporation upon certification by the bureau. If for any reason the corporation fails to meet the criteria established in Sections 69-37-1 through 69-37-39, the bureau may certify an alternate cotton grower's association to serve as administrative authority of boll weevil management programs.

Cite as Miss. Code § 69-37-41

Source: Laws, 2010, ch. 524, §1, eff. 7/1/2010.