

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S4/4/03
A Bill

Act 1726 of 2003
SENATE BILL 856

5 By: Senator Bryles
6 By: Representative Childers
7

8
9 **For An Act To Be Entitled**

10 AN ACT TO *AMEND* THE ARKANSAS BOLL WEEVIL
11 SUPPRESSION ERADICATION ACT; AND FOR OTHER
12 PURPOSES.
13

14 **Subtitle**

15 AN ACT TO *AMEND* THE ARKANSAS BOLL WEEVIL
16 SUPPRESSION ERADICATION ACT.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code § 2-16-612 is amended by adding an additional*
22 *subsection to read as follows:*

23 *(g)(1) In order for a cotton growers' organization to maintain*
24 *certification by the State Plant Board, it shall provide that its board of*
25 *directors serve four-year terms of office except that on July 1, 2004, the*
26 *terms shall be staggered so that, to the extent possible, an equal number of*
27 *members' terms shall expire each year.*

28 *(2) Board members may succeed themselves.*

29 *(3)(A) Within the parameters of subdivision (g)(3)(B) of this*
30 *section, the cotton growers' organization shall ensure that the five (5)*
31 *eradication zones, as they existed on January 1, 2003, are represented on the*
32 *board in proportion to the number of acres of cotton planted in each zone*
33 *using the prior three (3) years average acreage to determine the proportional*
34 *representation.*

35 *(B) Beginning July 1, 2004, the cotton growers'*
36 *organization shall cause its board to be composed of:*



1 (i) At least one (1) member but no more than (2)
 2 members who reside within the Southeast Boll Weevil Eradication Zone as it
 3 existed on January 1, 2003;

4 (ii) At least one (1) member but no more than (2)
 5 members who reside within the Southwest Boll Weevil Eradication Zone as it
 6 existed on January 1, 2003;

7 (iii) At least one (1) member but no more than (2)
 8 members who reside within the Central Boll Weevil Eradication Zone as it
 9 existed on January 1, 2003;

10 (iv) At least one (1) member but no more than (2)
 11 members who reside within the Northeast Ridge Boll Weevil Eradication Zone as
 12 it existed on January 1, 2003; and

13 (v) At least one (1) member but no more than (2)
 14 members who reside in the Northeast Boll Weevil Eradication Zone as it
 15 existed on January 1, 2003.

16 (4) As vacancies occur, they shall be filled in a manner that
 17 will, to the extent possible, ensure the proportional representation required
 18 in subdivision (g)(3)(A).

19
 20 SECTION 2. Arkansas Code § 2-16-617(c) is amended to read as follows:

21 (c)(1) In addition to any other remedies for the collection of
 22 assessments, including penalties, the State Plant Board may secure a lien
 23 upon cotton subject to such assessments. If the cotton was grown on a cost
 24 share basis, the lien may be perfect on the landowner's share and the
 25 grower's share of the cotton. Provided, that any buyer of cotton shall take
 26 free of such lien if he has not received written notice of the lien from the
 27 State Plant Board or if he has paid for such cotton by a check in which the
 28 State Plant Board is named as joint payee.

29 (2) The amount of the lien on the cotton shall reflect the
 30 landowner's and grower's proportionate share of the assessment.

31
 32 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 33 General Assembly of the State of Arkansas that the representation on the
 34 board of directors of the certified crop growers' organization should be
 35 proportional to the acreage of cotton within each eradication zone; that this
 36 act so provides; and that this act should go into effect as soon as possible

1 in order to provide appropriate representation of the cotton growers within
2 each zone. Therefore, an emergency is declared to exist and this act being
3 immediately necessary for the preservation of the public peace, health, and
4 safety shall become effective on:

5 (1) The date of its approval by the Governor;

6 (2) If the bill is neither approved nor vetoed by the Governor,
7 the expiration of the period of time during which the Governor may veto the
8 bill; or

9 (3) If the bill is vetoed by the Governor and the veto is
10 overridden, the date the last house overrides the veto.

11

12

/s/ Bryles

13

14

15

APPROVED: 4/22/2003

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36