

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of Senate Bill No. 856

"AN ACT TO CREATE THE ARKANSAS BOLL WEEVIL SUPPRESSION ERADICATION
ACT."

Amendment No. 3 to Senate Bill No. 856.

Amend Senate Bill No. 856 as originally introduced:

Page 1, line 10, delete "CREATE" and substitute "AMEND"

AND

Page 1, line 15, delete "CREATE" and substitute "AMEND"

AND

Delete everything after the Enacting Clause and substitute the following:

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

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

(2) Board members may succeed themselves.

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

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

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

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



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

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

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

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

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

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

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

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the representation on the board of directors of the certified crop growers' organization should be proportional to the acreage of cotton within each eradication zone; that this act so provides; and that this act should go into effect as soon as possible in order to provide appropriate representation of the cotton growers within each zone. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator Bryles
LDH/JMB - 040320030738
JMB557

Secretary