

*As Engrossed: 3/11/93 3/15/93*

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**ACT 854 OF 1993**  
**HOUSE BILL 1898**

4 **By: Representatives McGinnis, Schexnayder and Owen Miller**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE  
9 2, CHAPTER 16, SUBCHAPTER 6, THE BOLL WEEVIL SUPPRESSION  
10 ERADICATION ACT; AND FOR OTHER PURPOSES."

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### **Subtitle**

13 "AMENDING THE BOLL WEEVIL SUPPRESSION ERADICATION ACT."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. Arkansas Code 2-16-607(c) is amended to read as follows:

18 "(c) Any judge of this state will, within his jurisdiction, and upon  
19 proper cause shown, issue a warrant giving the Plant Board the right of entry  
20 to any premises for the purpose of carrying out the provisions of this section  
21 or other activities authorized by this subchapter."

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23 SECTION 2. Arkansas Code 2-16-608 is amended to read as follows:

24 "2-16-608. Reports.

25 Every person growing cotton in this state shall furnish to the Plant  
26 Board, or its designated representative, on forms supplied by the Plant Board,  
27 or its cooperators, such information as the Plant Board may require,  
28 concerning the size and location of all commercial cotton fields and of  
29 noncommercial patches of cotton grown as ornamentals or for other purposes."

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31 SECTION 3. Arkansas Code 2-16-612(b)(1)(B) is amended to read as  
32 follows:

33 "(B) Membership in the organization will consist of all cotton growers  
34 in an eradication zone."

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36 SECTION 4. Arkansas Code 2-16-614(b) is amended to read as follows:

1           "(b) The assessment levied under this subchapter shall be based upon  
2 the number of acres of cotton planted in the eradication area. The amount of  
3 the assessment, the period of time for which it shall be levied, how it shall  
4 be levied, when it shall be paid, and the geographical area to be covered by  
5 the assessment shall be determined by the Plant Board and established by  
6 regulations pursuant to this section. The annual cost shall not exceed fifty  
7 dollars (\$50.00) per acre."

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9           SECTION 5. Arkansas Code 2-16-616(b)(1) is amended to read as follows:

10           "(b)(1) After the passage of any referendum, eligible growers will be  
11 allowed to hold another referendum five years after actual field operations  
12 begin, or at the call of the foundation."

13

14           SECTION 6. Arkansas Code 2-16-617 is amended by adding two new  
15 subdivisions at the end thereof to read as follows:

16           "(d) No gins in the state of Arkansas shall gin any cotton for any  
17 cotton grower, from Arkansas or from any other state unless and until that  
18 grower files with the respective gin a certificate of compliance issued by the  
19 Arkansas State Plant Board certifying that said grower has paid all fees,  
20 assessments, penalties, and/or costs imposed and required pursuant to Act 710  
21 of 1991, as amended, unless a grower has been granted an extension by the  
22 Arkansas State Plant Board in compliance with subparagraph (e) hereunder. It  
23 is the responsibility of each grower to procure a certificate of compliance  
24 or proof that an exemption for compliance has been granted from the Plant  
25 Board by September 1 of each successive crop year and to file same with a gin.

26           Any gin that gins cotton for any cotton grower who has not filed a  
27 current valid certificate of compliance issued by the Arkansas State Plant  
28 Board shall be assessed a penalty to be established by Plant Board  
29 regulations. Any cotton grower will be subject to having a lien placed on the  
30 following year\_s crop for any unpaid assessments or penalties incurred in the  
31 previous year.

32           (e) An exemption for assessment of penalties for those cotton growers  
33 for whom paying the \_assessment of a penalty\_ would impose an undue financial  
34 hardship shall be provided. The director of the Plant Board is authorized to  
35 establish, upon the recommendation of the cotton growers\_ organization

1 certified pursuant to Section 12 of Act 710 of 1991, a payment plan in such  
2 hardship cases. This exemption shall be implemented as follows:

3 (1) Arkansas State Plant Board shall adopt rules and regulations  
4 defining the criteria to be used in determining financial hardship.

5 (2) Any cotton grower who claims an exemption shall apply on a  
6 form prescribed by the Plant Board. A separate application shall be filed for  
7 each calendar year in which a cotton grower claims an exemption. Each  
8 application shall contain an explanation of the conditions to be met for  
9 approval. An oath shall be included on the form and the form, upon  
10 completion, shall be returned to the Plant Board.

11 (3) The Board shall forward all completed exemption application  
12 forms to the certified cotton growers\_ organization. The certified growers\_  
13 organization shall determine from the information contained in the application  
14 forms whether or not the applicants qualify for a hardship exemption and may  
15 recommend a payment plan to the Plant Board; and

16 (4) The certified cotton growers\_ organization shall notify the  
17 Plant Board of its determination, which shall be binding upon the applicants.  
18 Upon receipt of the determination of the certified cotton growers\_  
19 organization, the Plant Board shall promptly notify each affected cotton  
20 grower of that determination. If an exemption has been denied, assessments  
21 and penalties for the year in which the application was made will become due  
22 at the time they would otherwise have become due had not application for  
23 exemption been filed or within thirty (30) days after the date of the Plant  
24 Board\_s notice of an adverse determination, whichever is later."

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26 SECTION 7. All provisions of this act of a general and permanent nature  
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
28 Revision Commission shall incorporate the same in the Code.

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30 SECTION 8. If any provision of this act or the application thereof to  
31 any person or circumstance is held invalid, such invalidity shall not affect  
32 other provisions or applications of the act which can be given effect without  
33 the invalid provision or application, and to this end the provisions of this  
34 act are declared to be severable.

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1 SECTION 9. All laws and parts of laws in conflict with this act are  
2 hereby repealed.

3 /s/Bob McGinnis, et al

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5 APPROVED: 4/2/93  
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