

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1604

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BEAN (Sponsor), SWINGER, MYERS, MAYER, REINHART, HENKE, HARRIS (110), BRINGER, WITTE, DAVIS (122), SHOEMYER, BARNITZ, SEIGFREID, BLACK AND KUESSNER (Co-sponsors).

Read 1st time March 2, 2004, and copies ordered printed.

Read 2nd time March 3, 2004 and referred to the Committee on Agriculture March 9, 2004.

Reported from the Committee on Agriculture March 11, 2004, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 29, 2004.

STEPHEN S. DAVIS, Chief Clerk

4815L.01P

AN ACT

To repeal section 263.534, RSMo, and to enact in lieu thereof one new section relating to cotton liens.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 263.534, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 263.534, to read as follows:

263.534. 1. A cotton grower who fails to pay, when due and upon reasonable notice, any assessment levied under sections 263.500 to 263.537, shall be subject to a per-acre penalty as established in the department's regulations, in addition to the assessment.

2. A cotton grower who fails to pay all assessments, including penalties, within thirty days of notice of penalty, shall destroy any cotton plants growing on [his] **the grower's** acreage which is subject to the assessment. Any such cotton plants which are not destroyed shall be deemed to be a public nuisance, and such public nuisance may be abated in the same manner as any public nuisance.

3. The department may petition the circuit court of the judicial circuit in which the public nuisance is located to have the nuisance condemned and destroyed with all costs of destroying to be levied against the grower. Injunctive relief shall be available to the department

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

12 notwithstanding the existence of any other legal remedy, and the department shall not be required
13 to file a bond.

14 4. In addition to any other remedies for the collection of assessments, including
15 penalties[, the department may secure a lien upon cotton subject to such assessments] **and**
16 **interest, the department shall have an assessment lien that attaches and is perfected sixty**
17 **days after the date the department mails notice of the assessment and shall cover any**
18 **cotton crop grown by the grower, including future crops and the proceeds of the cotton**
19 **sale, until the assessment, including any penalties and interest, is paid in full. The**
20 **department shall notify the farm service agency, lienholders on the cotton, and first**
21 **handlers of cotton, including buyers and ginner, of liens attached within thirty days of the**
22 **date of perfection. Such assessment lien is not an agricultural lien for purposes of and is**
23 **not subject to the provisions of sections 400.9-101 to 400.9-508, RSMo (Article 9 of the**
24 **Uniform Commercial Code).** Such lien shall attach in preference to any prior lien,
25 encumbrance or mortgage upon such cotton.