

PUBLIC ACTS, 1999

CHAPTER NO. 410

HOUSE BILL NO. 1846

By Representatives Walley, Ford

Substituted for: Senate Bill No. 1846

By Senator Carter

AN ACT to amend Tennessee Code Annotated, Section 43-6-426, relative to eradication of the cotton boll weevil.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 43-6-426, is amended by deleting subsection (c) in its entirety and by substituting instead the following new subsection:

(c) Whenever a cotton grower fails to pay all assessments, penalties, and costs associated with the treatment and/or destruction of a cotton crop, the commissioner may recover the amount due from the buyer of the grower's crop, equal to but not exceeding the amount the buyer paid for the crop. Notice of the commissioner's claim shall be given in writing to the grower and the buyer. The buyer shall pay the commissioner's claim before payment for the crop is made to the grower. Beginning on the date written notice is received by the buyer, the commissioner's claim shall apply to any cotton crop grown by the grower, including future crops, until the commissioner's claim is paid in full. The buyer shall be liable for making such payment to the commissioner; however, any buyer of cotton shall take free of the commissioner's claim if such buyer has not received written notice of the claim by the date the grower receives payment for the crop.

SECTION 2. Tennessee Code Annotated, Section 43-6-426, is amended by adding the following new subsection (d):

(d) If the grower's cotton crop fails or is not sufficient to pay the commissioner's claim as provided for in subsection (c), the commissioner shall have a lien of equal dignity with other liens for monies owed to the State against all real and personal property owned or subsequently acquired by the grower in accordance with the provisions of §67-1-1403. The commissioner shall cause a notice of a lien for payment of such claim to be recorded in the office of the appropriate county register of deeds as provided for in §67-1-1403.

SECTION 3. Tennessee Code Annotated, Section 43-6-426, is amended by adding the following as a new subsection (e):

The commissioner may promulgate rules as may be necessary to file a lien to accomplish the purposes of this part.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 27, 1999


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999


DON SUNDQUIST, GOVERNOR