

3-204.01. Council plow-up request; civil penalty.

A. At the request of the cotton research and protection council, the director, acting as an agent of the council, shall plow up cotton fields that are not in compliance with section 3-1086, subsection D. An injunction shall not be granted to stay this state from plowing up the fields. The director may request the cotton research and protection council to provide monies pursuant to section 3-1085, subsection B to help defray the costs of the plow up until the owner or person in charge reimburses the department for the actual costs of the plow up.

B. If the actual costs of the plow up are not paid within three months after the owner or person in charge receives notice of the amount of the costs, the department may impose a civil penalty of one hundred fifty per cent of the costs of the plow up. At the director's request, the attorney general shall file an action in superior court to recover civil penalties assessed pursuant to this subsection.

C. A producer may appeal to the council the order of the council for the plow up of noncompliant cotton fields by the department pursuant to title 41, chapter 6, article 10.

D. All costs and civil penalties collected under this section shall be deposited, pursuant to sections 35-146 and 35-147, in the dangerous plants, pests and diseases trust fund established by section 3-214.01.