

Regular Session, 2009

SENATE BILL NO. 154

BY SENATORS THOMPSON, LONG, NEVERS, RISER AND WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AGRICULTURE/FOREST DEPT. Removes the State Market Commission and Farm Youth Loan Program and makes changes to various boards, commissions and offices within the Department of Agriculture and Forestry. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 3:2(A), 80, 131, 302, 303, 415, 556.2(10), 556.7(A), 641, 642,

3 643, 644, 652, 666(9), 734(B)(1) and (6), 741, 825, 832, 851, 1024, 1025, 1311(3)

4 and (12), 1312(A) and (C), 1313(C)(2)(b) and (E), 1362(9) and (24), 1432(A), 1651,

5 1652, 1732, 1772, 1891(28), 1892(A)(1) and (F), 1900(A) and (B), 2351, 2352,

6 2353, 2354, 2358.2(A), 2358.4(C), 3113(A), 3202(11) and (13), 3211(B)(3),

7 3225(A), 3402(1), (2), (7), (9) and (16), 3403(A)(7) and (H), 3404(B), 3405(B)(5)

8 and (6), 3407(A)(2) and (3) and (E), 3408(A)(9)(c) and (10), 3409 (B), (C), (D) and

9 (F), 3410 (E) and (F), 3410.1(A) and (B), 3410.2(J), 3411(B), (C) and (D),

10 3411.1(B)(2) and (D), 3412, 3413(A), (B), (C), (E) and (F), 3414(B), 3415(A) and

11 (C), 3416(A), (B) and (C), 3417(D) and (F), 3418(A), 3419(A), (C) and (D),

12 3424(B), 3802(A), 4224, 4603(B)(7), R.S. 29:726(E)(20)(a)(v) and

13 729(E)(13)(a)(vi), R.S. 36:4(A)(13), 621(C), 622, 623, the introductory paragraph

14 of 624(B), 625, 626(A) and (B), 628(C), (D) and (E), 629(B), the introductory

15 paragraph of (C), the introductory paragraph of (D), the introductory paragraph of

16 (E), (F), (G), (I), (J), (K) and (L), R.S. 37:2202, R.S. 51:2, the introductory paragraph

17 of 6, 472 and R.S. 54:112; to enact R.S. 3:2(F), 283.1 and 751(E); and to repeal R.S.

1 3:14, 401 through 409, 414, Part I-A of Chapter 5 of Title 3 of the Louisiana Revised  
 2 Statutes of 1950, comprised of R.S. 3:421 through 426, Part I-D of Chapter 5 of Title  
 3 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:446.1 through  
 4 446.7, Part IV of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
 5 comprised of R.S. 3:521 through 538, Part V of Chapter 5 of Title 3 of the Louisiana  
 6 Revised Statutes of 1950, comprised of R.S. 3:541 through 550, 824, 1312(H) and  
 7 1906(A) and R.S. 36:627(E), 628(B) and 629(C)(2), and R.S. 39:455, relative to the  
 8 Department of Agriculture and Forestry; to abolish the State Market Commission;  
 9 to abolish the Farm Youth Loan Program; to abolish other programs administered by  
 10 the State Market Commission; to authorize the transfer of duties and obligations to  
 11 the Louisiana Agricultural Finance Authority; to provide relative to the Fertilizer  
 12 Commission and submission of tonnage reports; to provide for restrictions on the  
 13 sale of fertilizer; to provide for the powers and duties of the commissioner of  
 14 agriculture and forestry; to provide relative to the composition of certain boards and  
 15 commissions; to provide relative to the Louisiana Agricultural Commodities  
 16 Commission; to provide relative to the functions of the office of agricultural and  
 17 environmental sciences; to provide for recovery in receiverships; to change the name  
 18 of the office of animal health services to the office of animal health and food safety;  
 19 to provide relative to the assessment levied on grain sorghum; to provide for  
 20 definitions; to direct the Louisiana Law Institute to re-designate certain provisions  
 21 in current law; to provide for technical changes; and to provide for related matters.

22 Be it enacted by the Legislature of Louisiana:

23 Section 1. R.S. 3:2(A), 80, 131, 302, 303, 415, 556.2(10), 556.7(A), 641, 642, 643,  
 24 644, 652, 666(9), 734(B)(1) and (6), 741, 825, 832, 851, 1024, 1025, 1311(3) and (12),  
 25 1312(A) and (C), 1313(C)(2)(b) and (E), 1362(9) and (24), 1432(A), 1651, 1652, 1732, 1772,  
 26 1891(28), 1892(A)(1) and (F), 1900(A) and (B), 2351, 2352, 2353, 2354, 2358.2(A),  
 27 2358.4(C), 3113(A), 3202(11) and (13), 3211(B)(3), 3225(A), 3402(1), (2), (7), (9) and (16),  
 28 3403(A)(7) and (H), 3404(B), 3405(B)(5) and (6), 3407(A)(2) and (3) and (E),  
 29 3408(A)(9)(c) and (10), 3409 (B), (C), (D) and (F), 3410 (E) and (F), 3410.1(A) and (B),

1 3410.2(J), 3411(B), (C) and (D), 3411.1(B)(2) and (D), 3412, 3413(A), (B), (C), (E) and (F),  
 2 3414(B), 3415(A) and (C), 3416(A), (B) and (C), 3417(D) and (F), 3418(A), 3419(A), (C),  
 3 and (D), 3424(B), 3802(A), 4224 and 4603(B)(7) are hereby amended and reenacted and  
 4 R.S. 3:2(F), 283.1 and 751(E) are hereby enacted to read as follows:

5 §2. Creation, powers, and duties of Department of Agriculture and Forestry and the  
 6 commissioner of agriculture and forestry

7 A. The Department of Agriculture **and Forestry** is created in accordance  
 8 with the provisions of Article IV, Section 10 of the Constitution of Louisiana. The  
 9 commissioner of agriculture shall head the department and shall exercise all  
 10 functions of the state relating to the promotion, protection, and advancement of  
 11 agriculture and forestry, except research and educational functions expressly  
 12 allocated by the constitution or by law to other state agencies. The department shall  
 13 exercise such functions and the commissioner shall have other powers and perform  
 14 such duties as authorized by the constitution or provided by law. The Department  
 15 of Agriculture shall be known as the Department of Agriculture and Forestry.  
 16 Whenever the phrases "Department of Agriculture" and "Department of Agriculture  
 17 and Immigration" appear in any statute, rule or regulation, contract, or other  
 18 document, those phrases shall be deemed to refer to the Department of Agriculture  
 19 and Forestry.

20 \* \* \*

21 **F. The commissioner of agriculture and forestry and any department**  
 22 **head for the state of Louisiana may by mutual agreement:**

23 **(1) Enter into a cooperative endeavor for the purpose of implementing**  
 24 **any law which relates to the powers and duties of their respective departments.**

25 **(2) Adopt rules and regulations necessary for the implementation of the**  
 26 **cooperative endeavor.**

27 \* \* \*

28 §80. Directors; executive committee

29 The affairs of the association shall be managed by a board of not less than

1 five directors, a majority of whom shall be elected by the members or stockholders  
2 from their own members and shall have all rights and powers as provided for under  
3 the general corporation laws of this state, and such other powers as may be necessary  
4 to the proper execution of this Part. The by-laws may provide that the territory in  
5 which the association has members shall be divided into districts and that the  
6 directors shall be elected according to such districts. In such cases, the by-laws shall  
7 specify the number of directors to be elected by each district, the manner and method  
8 of reappointing the directors and redistricting the territory covered by the  
9 association. The by-laws may provide that primary elections shall be held in each  
10 district to elect the directors apportioned to the districts and the results of all primary  
11 elections shall be ratified by the next regular meeting of the association, or they may  
12 be considered final as to the association.

13 The by-laws may provide that one or more directors may be appointed by the  
14 governor of the state, the dean of the college of agriculture of the Louisiana State  
15 University and Agricultural and Mechanical College, or the commissioner of  
16 agriculture and ~~immigration~~ **forestry**. The directors appointed in this manner shall  
17 represent primarily the interest of the general public in associations. The director or  
18 directors so appointed need not be members or stockholders of the association, but  
19 shall have the same powers and rights as the other directors. Directors so appointed  
20 shall not number more than one-fifth of the entire number of directors.

21 The directors of the association may provide a fair remuneration for the time  
22 actually spent by its officers, directors, and employees in its service. No director,  
23 during the term of his office, shall be a party to a contract for profit with the  
24 association differing in any way from the business relations accorded regular  
25 members or holders of common stock of the association.

26 The by-laws may provide for an executive committee and may allot to the  
27 committee all the functions and powers of the board of directors, subject to the  
28 general direction and control of the board.

29 When a vacancy on the board of directors occurs, other than by expiration of

1 term, the remaining members of the board, by a majority vote, shall fill the vacancy,  
 2 unless the by-laws provide for an election of directors by districts. In such case, the  
 3 board of directors shall immediately call a special election to be voted in by the  
 4 members or stockholders in that district to fill the vacancy.

5 \* \* \*

6 §131. Directors; election

7 The affairs of the association shall be managed by a board of not less than  
 8 five directors, elected by the members or stockholders from their own members and  
 9 shall have all rights and powers as provided for under the general corporation laws  
 10 of this state, and such other powers as may be necessary to the proper execution of  
 11 this Part. The by-laws may provide that the territory in which the association has  
 12 members shall be divided into districts and that the directors shall be elected  
 13 according to such districts. In such cases, the by-laws shall specify the number of  
 14 directors to be elected by each district, the manner and method of reappointing the  
 15 directors and redistricting the territory covered by the association. The by-laws may  
 16 provide that primary elections shall be held in each district to elect the directors  
 17 apportioned to such districts and the results of all primary elections shall be ratified  
 18 by the next regular meeting of the association or may be considered final as to the  
 19 association.

20 The by-laws may provide that one or more directors may be appointed by the  
 21 governor of the state, the dean of the college of agriculture of the Louisiana State  
 22 University and Agricultural and Mechanical College, or the ~~Commissioner of~~  
 23 ~~Agriculture and Immigration~~ **commissioner of agriculture and forestry**. The  
 24 directors appointed in this manner shall represent primarily the interest of the general  
 25 public in associations. The director or directors so appointed need not be members  
 26 or stockholders of the association, but shall have the same powers and rights of the  
 27 other directors. Directors so appointed shall not number more than one-fifth of the  
 28 entire number of directors.

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1 actually spent by its officers, directors and employees in its service. No director,  
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3 association differing in any way from the business relations accorded regular  
4 members or holders of common stock of the association.

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6 committee all the functions and powers of the board of directors, subject to the  
7 general direction and control of the board.

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9 term, the remaining members of the board by a majority vote shall fill the vacancy,  
10 unless the by-laws provide for an election of directors by districts. In such case, the  
11 board of directors shall immediately call a special election to be voted in by the  
12 members or stockholders in that district to fill the vacancy.

13 \* \* \*

14 **§283.1. Transfer; State Market Commission**

15 **A. All employees of the office of marketing and agro-economic**  
16 **development are transferred to the office of management and finance.**

17 **B. All funds appropriated to the State Market Commission shall be**  
18 **transferred to the Louisiana Agricultural Finance Authority.**

19 **C. Any appropriation for Fiscal Year 2009 - 2010 to the office of**  
20 **marketing and agro-economic development shall be deemed to be appropriated**  
21 **to the office of management and finance within the Department of Agriculture**  
22 **and Forestry.**

23 **D. All property and facilities owned and operated by, leased by or for**  
24 **the State Market Commission are transferred to the Louisiana Agricultural**  
25 **Finance Authority.**

26 **E. All unfinished business of the State Market Commission shall be**  
27 **completed by, all references in laws and refer to, and all obligations of that**  
28 **office shall be administered by the Louisiana Agricultural Finance Authority.**

29 **All legal proceedings of the State Market Commission shall be continued in the**

1 name of the State Market Commission and further proceedings shall be in the  
 2 name of Louisiana Agricultural Finance Authority without the necessity for  
 3 amendment of any document.

4 \* \* \*

5 §302. Farmers' institute conductor

6 The ~~Commissioner of Agriculture and Immigration~~ commissioner of  
 7 agriculture and forestry may appoint a farmers' institute conductor, who shall  
 8 devote his time exclusively to the work, as the commissioner may direct.

9 §303. Holding institutes; lecturers

10 Farmers' institutes shall be held yearly at such time and at such places as the  
 11 ~~Commissioner of Agriculture and Immigration~~ commissioner of agriculture and  
 12 forestry may direct. The commissioner shall make rules and regulations for  
 13 organizing and conducting the institutes, and may call on the president of the  
 14 Louisiana State University and Agricultural and Mechanical College to furnish one  
 15 or more lecturers from the faculty or student body, whose traveling expenses shall  
 16 be paid going to or returning from the institute work. The commissioner may also  
 17 employ lecturers, male or female, at nominal salaries and traveling expenses while  
 18 so employed, to perform duties in connection with institute work. The course of  
 19 instruction at institutes shall be so arranged as to present to those in attendance the  
 20 results of the most recent investigations in practical and scientific agriculture.

21 \* \* \*

22 §415. Logo for state products

23 A. The ~~State Market Commission~~ Department of Agriculture and Forestry  
 24 may develop and adopt an official logo for products produced in this state.

25 B. The ~~commission may register the logo~~ may be registered as a trademark  
 26 and ~~may take~~ appropriate steps may be taken to protect the logo from misuse or  
 27 infringement.

28 C. The ~~commission~~ department may license the use of the logo and may  
 29 adopt rules for determining which products and which producers or manufacturers

1 will be allowed to use the logo.

2 D. The ~~commission~~ department by rule may establish fees to be charged for  
3 the use of the logo.

4 E. The ~~commission~~ department may spend funds to promote the logo.

5 \* \* \*

6 §556.2. Definitions

7 As used in this Part, the following terms shall have the following meanings  
8 ascribed to them:

9 \* \* \*

10 (10) "Distributor" means a Louisiana manufacturer of crawfish bags or a  
11 person who brings crawfish bags into Louisiana which were manufactured outside  
12 of Louisiana or a person who brings crawfish tail meat into Louisiana or who  
13 distributes crawfish tail meat in Louisiana.

14 \* \* \*

15 §556.7. Referendum

16 A. No assessment provided for in R.S. 3:556.6 shall be levied or imposed  
17 unless the assessment is approved by a majority of the crawfish farmers and  
18 harvesters voting in a referendum held for that purpose.

19 \* \* \*

20 §641. Bond or other security required of milk buyers

21 Any person, firm or corporation who shall engage in the business of  
22 purchasing milk from producers or co-operative associations for the purpose of  
23 manufacturing, pasteurizing, distributing milk or milk products shall, before carrying  
24 on business, furnish a bond or other security for the payment of all amounts to  
25 become due by them to the producers of milk or co-operative associations for milk  
26 sold by producers or co-operative associations. The bond shall be signed by a surety  
27 company authorized to do business in Louisiana. The bond or such other security  
28 as may be required shall be sufficient in amount to cover all amounts due the  
29 producers of milk or co-operative associations for two normal or customary pay

1 periods, but not to exceed 25 days in total, based upon the average of the preceding  
 2 six-month period of purchases from milk producers or co-operative associations,  
 3 provided that the minimum bond or other security shall not be less than the amount  
 4 sufficient to cover amounts due producers or co-operative associations for one  
 5 week's purchases. The bond or other security shall be approved as to form, amount,  
 6 and sufficiency by the commissioner of agriculture and ~~immigration~~ **forestry** and  
 7 shall be filed by him and retained in his office, subject to public inspection.

8 §642. Commissioner of agriculture and ~~immigration~~ **forestry** to adopt regulations

9 The commissioner of agriculture and ~~immigration~~ **forestry** may adopt rules  
 10 as to the determination of the amount of the bond or other security and the filing of  
 11 it.

12 §643. Failure to post bond or other security

13 Any person, firm, or corporation who shall engage in the business of  
 14 purchasing milk from producers for the purpose of manufacturing, pasteurizing, or  
 15 distributing milk or milk products within the state without having first posted the  
 16 bond or other security that shall be required by the commissioner of agriculture and  
 17 ~~immigration~~ **forestry**, and as required by this Part, shall be guilty of a misdemeanor,  
 18 and upon conviction shall be punished by a fine of not less than ten dollars nor more  
 19 than two hundred dollars, or by imprisonment in the parish jail for not less than ten  
 20 days nor more than six months, or both, in the discretion of the court.

21 §644. Producers' rights under bond or other security

22 Any producer of milk to whom money is due for milk sold to any  
 23 manufacturer, pasteurizer, or distributor, shall have full recourse on the bond or other  
 24 security that shall be required by the commissioner of agriculture and ~~immigration~~  
 25 **forestry**, as provided by this Part, for all such amounts.

26 \* \* \*

27 §652. Penalty; enforcement

28 Failure to comply with R.S. 3:651 shall result in the loss of operating license.  
 29 It shall be the duty of the Department of Agriculture and ~~Immigration~~ **Forestry** to

1 determine compliance with R.S. 3:651 and to enforce its provisions.

2 \* \* \*

3 §666. Application for charter

4 The application for charter shall include the following information:

5 \* \* \*

6 (9) A charter fee of two hundred fifty dollars **per license issued**, which will  
7 be retained by the Department of Agriculture **and Forestry** whether or not the  
8 charter is granted.

9 \* \* \*

10 §734. Livestock brand inspectors

11 \* \* \*

12 B. Personnel of the commission who are commissioned peace officers shall  
13 be under the direction, control, and supervision of the commissioner and shall have  
14 the following powers and duties:

15 (1) To provide for the protection of the assets and property of the Department  
16 of Agriculture and Forestry and to enforce all of the provisions of this Part, and the  
17 rules and regulations adopted under the provisions of this Part, ~~including~~ **and**  
18 provisions in the Louisiana Criminal Code relating to the theft of animals, the illegal  
19 branding or marking of animals, the disposition of strayed animals, ~~the control of~~  
20 ~~feral nuisance animals~~, the theft of any farm machinery, equipment, or supplies, and  
21 to perform such duties with respect to any other farm-related crime.

22 \* \* \*

23 (6) To be attired in a uniform approved by the commissioner and carry proper  
24 credentials evidencing their authority, which shall be exhibited upon demand of any  
25 person. Notwithstanding the provisions of R.S. 49:121~~(D)~~**(E)**, every automobile,  
26 truck, or other vehicle belonging to the state that is used by an inspector shall  
27 conform with the provisions of R.S. 49:121(A)(1), (B), and (C).

28 \* \* \*

29 §741. Publication of brands and marks

1           The commission shall ~~publish~~ **maintain** a list of all recorded brands and  
2 marks ~~in book form.~~ ~~The lists, which~~ shall be supplemented annually. The  
3 ~~publication and the supplements~~ **list** shall contain a facsimile of each recorded brand  
4 or mark and the owner's name and mailing address. The ~~publication and the~~  
5 ~~supplements shall be arranged~~ **list shall be maintained** in convenient form for  
6 reference. The commission shall ~~provide one copy of the publication and the~~  
7 ~~supplements free of charge to~~ **notify** the clerk of court for each parish who shall keep  
8 ~~them as public record, and~~ the sheriff of each parish, ~~and such other law enforcement~~  
9 ~~agencies as may in the opinion of the director be appropriate~~ **of the list as**  
10 **supplemented.** The ~~publication and supplements~~ **list** may be sold to the general  
11 public.

\* \* \*

§751. Beaver, coyote, and coydog control program

\* \* \*

**E. Operation of the program shall be subject to the availability of funds.**

\* \* \*

§825. Commissioner of ~~Agriculture and Immigration~~ **agriculture and forestry** to  
appoint enforcement officer and deputies

The ~~Commissioner of Agriculture and Immigration~~ **commissioner of**  
**agriculture and forestry** shall appoint an enforcement officer and such deputies as  
may be needed, who shall be responsible for the enforcement of this part along with  
the regulations and supplemental rules and regulations promulgated by the  
~~Commissioner of Agriculture and Immigration on recommendation of the market~~  
**commissioner.**

\* \* \*

§832. Attorney General and district attorneys to represent ~~Commissioner of~~  
~~Agriculture and Immigration~~ **commissioner of agriculture and**  
**forestry**

It shall be the duty of the Attorney General and the various district attorneys

1 to represent the ~~Commissioner of Agriculture and Immigration~~ **commissioner of**  
2 **agriculture and forestry** in all legal proceedings in carrying out the provisions of  
3 this Part and the rules and regulations made pursuant thereto.

4 \* \* \*

5 §851. Power to secure samples

6 The ~~Commissioner of Agriculture and Immigration~~ **commissioner of**  
7 **agriculture and forestry** hereinafter cited as the commissioner is empowered to  
8 secure samples of agricultural products which are sold or traded upon the basis of  
9 content or lack of specified constituents.

10 \* \* \*

11 §1024. Director of experiment stations as state chemist

12 The director of ~~experiment stations~~ **the Louisiana Agricultural Experiment**  
13 **Station** of the Louisiana State University ~~and Agricultural and Mechanical College~~  
14 **Center** shall be the state chemist, with all the rights conferred and all the duties and  
15 obligations imposed on the state chemist, especially as to analytical and  
16 microscopical work that may be necessary or desirable and all research as may  
17 contribute to the knowledge of the properties, values, and proper use of commercial  
18 feeding stuffs, commercial fertilizers, and commercial insecticides and fungicides  
19 in Louisiana.

20 §1025. Duty of state chemist to analyze samples of soils, water, oils, and minerals

21 The state chemist, **or his designee**, shall analyze samples of soils, water, oils,  
22 minerals, etc., when samples are sent to him with the request that they be analyzed.  
23 The work shall not be compulsory during the period beginning January first and  
24 ending May 15 of each year.

25 \* \* \*

26 §1311. Definitions

27 In this Part, the following definitions shall apply:

28 \* \* \*

29 (3) State chemist means the director of the ~~agricultural experiment station~~



1 (b) If the report is not filed and payment made within ~~twenty~~ **thirty** days after  
 2 the due date, a penalty of ten percent of the amount due shall be assessed against the  
 3 registrant. If payment is not made within ~~twenty~~ **thirty** days after the due date, the  
 4 amount of fees due plus the penalty shall constitute a debt and shall become the basis  
 5 for a judgment against the registrant.

6 \* \* \*

7 E. No superphosphate containing less than eighteen percent available  
 8 phosphoric acid (P<sub>2</sub>O<sub>5</sub>) ~~nor any mixed fertilizer in which the sum of the guarantees~~  
 9 ~~for nitrogen, available phosphoric acid and soluble potash totals less than twenty~~  
 10 ~~percent~~ shall be sold in this state.

11 The provisions of this Subsection shall not apply to specialty fertilizer as  
 12 defined in R.S. 3:1311(12) or to mixtures whose primary purpose is to supply the  
 13 so-called "minor elements".

14 \* \* \*

15 §1362. Definitions

16 As used in this Part, the following terms shall have the following meanings  
 17 ascribed to them:

18 \* \* \*

19 (9) "Commissioner" means the commissioner of agriculture **and forestry** or  
 20 his designee.

21 \* \* \*

22 (24) "State chemist" means the director of the **Louisiana** Agricultural  
 23 ~~Experimental~~ **Experiment** Station at **of** the Louisiana State University ~~and~~  
 24 Agricultural ~~and Mechanical College~~ **Center**, or his designee.

25 \* \* \*

26 §1432. Seed Commission; creation; members; employment of necessary personnel

27 A. The Seed Commission is created and shall be composed of the following  
 28 five members: commissioner of agriculture and forestry, director of Louisiana  
 29 Cooperative Extension Service, director of Louisiana Agricultural Experiment

1 Station, president of Louisiana ~~Seedsman's~~ **Ag Industries** Association, and president  
 2 of Louisiana Farm Bureau Federation, or their designees. Each designee shall have  
 3 the same rights as the member by whom he or she was designated, including voting  
 4 rights. The commission shall elect a chairman from among its members.

5 \* \* \*

6 §1651. Distribution of entomological work between entomologist of experiment  
 7 stations and state entomologist

8 All of the entomological work of the state relating to demonstration,  
 9 inspection, and quarantine work shall be conducted by the Department of Agriculture  
 10 and ~~Immigration~~ **Forestry** and all of the investigational, experimental, and research  
 11 work of an entomological nature shall be conducted by the experiment stations of  
 12 Louisiana State University and ~~Agricultural and Mechanical College~~ **Agricultural**  
 13 **Center**. The ~~entomologist of the experiment stations~~ **head of the Department of**  
 14 **Entomology at the Louisiana State University Agricultural Center** shall have  
 15 charge and direction of the entire entomological work of the stations.

16 There shall be a state entomologist appointed by the ~~Commissioner of~~  
 17 ~~Agriculture and Immigration~~ **commissioner of agriculture and forestry** who shall  
 18 have charge of the entomological work of the department. The state entomologist  
 19 shall be under the supervision and control of the ~~Commissioner of Agriculture and~~  
 20 ~~Immigration~~ **commissioner of agriculture and forestry**.

21 §1652. Power of the ~~department of agriculture and immigration~~ **Department of**  
 22 **Agriculture and Forestry** to control pests and diseases; rules and  
 23 regulations; restricting importation

24 The Department of Agriculture and ~~Immigration~~ **Forestry** shall have full and  
 25 plenary power to deal with all crop and fruit pests and such contagious and infectious  
 26 crop and fruit diseases as in the opinion of the ~~Entomologist~~, **entomologist**, may be  
 27 prevented, controlled, or eradicated; with full power to make, promulgate and  
 28 enforce such rules, ordinances and regulations, and to do and perform such acts as,  
 29 in the judgment of the entomologist, may be necessary to control, eradicate, or

1 prevent the introduction, spread, or dissemination of all injurious crop and fruit pests  
 2 and diseases. The rules, ordinances and regulations of the department shall have the  
 3 force and effect of law five days after their promulgation in the official journal of the  
 4 state. The department may prohibit or regulate the shipment or bringing into this  
 5 state of any plants, farm products, or other articles of any nature or character  
 6 whatsoever from any state, territory, or foreign country, when in the opinion of the  
 7 entomologist the prohibition or regulation is necessary.

\* \* \*

9 §1732. Commissioner of ~~Agriculture and Immigration~~ **agriculture and forestry** to  
 10 promulgate rules and regulations

11 The ~~Commissioner of Agriculture and Immigration~~ **commissioner of**  
 12 **agriculture and forestry** shall have full and plenary power to deal with sweet potato  
 13 insect pests and diseases which may be prescribed, controlled, or eradicated; he shall  
 14 have full power to promulgate and enforce the rules, ordinances and regulations and  
 15 to do and perform such acts through agents or otherwise, as in his opinion may be  
 16 necessary to control, eradicate, or prevent the introduction, spread, or dissemination  
 17 of any and all contagious diseases and insect pests as far as may be possible and all  
 18 such rules, ordinances, and regulations shall have the force of law.

\* \* \*

20 §1772. Responsibility for law enforcement

21 The ~~Commissioner of Agriculture and Immigration~~ **commissioner of**  
 22 **agriculture and forestry** and the state entomologist department shall carry out all  
 23 provisions of the law relative to pests and diseases affecting agricultural and  
 24 horticultural plants and plant products and quarantines and embargoes resulting  
 25 therefrom.

\* \* \*

27 §1891. Definitions

28 For the purposes of this Chapter the following definitions shall apply:

\* \* \*

1 (28) "State chemist" means the director of the Louisiana Agricultural  
 2 Experiment Station at of the Louisiana State University and ~~Agricultural and~~  
 3 ~~Mechanical College~~ Agricultural Center, or his designee.

4 \* \* \*

5 §1892. Creation of Feed Commission; powers and authority

6 A.(1) There is hereby created within the Department of Agriculture and  
 7 Forestry the Louisiana Feed Commission to be composed of the commissioner of  
 8 agriculture and forestry, the director of the Louisiana Agricultural Experiment  
 9 Station, the director of the Louisiana Cooperative Extension Service, the president  
 10 of the Louisiana Farm Bureau Federation, Inc., the chairmen of the Livestock  
 11 Advisory Committee and the Dairy Advisory Committee of the Louisiana Farm  
 12 Bureau Federation, Inc., the president of the Louisiana Thoroughbred Breeder's  
 13 Association, the president of the Louisiana Cattlemen's Association, the president of  
 14 the Louisiana ~~Grain and Feed Dealer's~~ Ag Industries Association or his designee,  
 15 and a person who owns or operates a feed business which is not a member of the  
 16 Louisiana ~~Grain and Feed Dealer's~~ Ag Industries Association and an independent  
 17 feed manufacturer domiciled in Louisiana, each of whom shall be appointed by and  
 18 who shall serve at the pleasure of the governor, or their duly authorized  
 19 representatives. Each appointment by the governor shall be submitted to the Senate  
 20 for confirmation.

21 \* \* \*

22 F. The ~~director of the Agricultural Experiment Station shall be designated as~~  
 23 ~~the state chemist and~~ shall be responsible for making any chemical analysis or other  
 24 tests necessary for carrying out the provisions of this Chapter.

25 \* \* \*

26 §1900. ~~Penalties~~ Deficiency assessments; enforcement

27 A. If a given lot or shipment of feed is found by official sample and analysis  
 28 to be deficient in one or more of the guaranteed feeding units, a ~~penalty~~ deficiency  
 29 assessment shall be assessed against the registrant with respect to the lot of shipment

1 of feed in question in accordance with the following provisions:

2 (1) Crude protein:

3 (a) For feeds guaranteed to contain 0-19.99% protein a ~~penalty~~ **deficiency**  
4 **assessment** of four times the value of the protein deficiency if such deficiency is in  
5 excess of two percent of the guaranteed analysis plus an analytical tolerance factor  
6 of .3%.

7 (b) For feeds guaranteed to contain 20-34.99% protein a ~~penalty~~ **deficiency**  
8 **assessment** of four times the value of the protein deficiency if such deficiency is in  
9 excess of two percent of the guaranteed analysis plus an analytical tolerance factor  
10 of .4%.

11 (c) For feeds guaranteed to contain 35-49.99% protein a ~~penalty~~ **deficiency**  
12 **assessment** of four times the value of the protein deficiency if such deficiency is in  
13 excess of two percent of the guaranteed analysis plus an analytical tolerance factor  
14 of .5%.

15 (d) For feeds guaranteed to contain fifty percent or more protein a ~~penalty~~  
16 **deficiency assessment** of four times the value of the protein deficiency if such  
17 deficiency is in excess of two percent of the guaranteed analysis plus an analytical  
18 tolerance factor of .6%.

19 (2) Crude fat: A ~~penalty~~ **deficiency assessment** of ten percent of the retail  
20 purchase price of the feed if the deficiency is greater than ten percent of the  
21 guarantee.

22 (3) Crude fiber: A ~~penalty~~ **deficiency assessment** of ten percent of the retail  
23 purchase price of the feed if the excess is greater than ten percent of the guarantee.

24 (4) Minerals: A ~~penalty~~ **deficiency assessment** of ten percent of the purchase  
25 price of the feed if the deficiency or excess, where applicable, is greater than the  
26 tolerance established by the commission by rule.

27 B. When the commissioner has evidence which indicates that a person has  
28 committed an offense for which the ~~penalty~~ **deficiency assessment** is found in  
29 Subsection A of this Section, the commissioner shall notify the person by certified

1 mail, return receipt requested, of the facts involved in the alleged offense and the  
 2 ~~penalty~~ **deficiency assessment** set forth in Subsection A of this Section for the  
 3 alleged offense. If the alleged violator does not pay the ~~penalty~~ **deficiency**  
 4 **assessment** within thirty days of the notice **or the alleged violator disputes the**  
 5 **deficiency found**, the commissioner may call a hearing to adjudicate the matter as  
 6 provided in Subsection E of this Section. All ~~penalties~~ **deficiency assessments**  
 7 assessed pursuant to this Subsection shall be paid to the person who purchased the  
 8 feed for use when that person can be identified.

9 \* \* \*

10 §2351. Rules and regulations

11 Power and authority is hereby delegated to the State Entomologist to prepare  
 12 and promulgate rules and regulations necessary and proper to establish a program for  
 13 the eradication and control of the imported fire ant (*Solenopsis saevissima richteri*  
 14 Forel), subject to the approval of the ~~Commissioner of Agriculture and Immigration~~  
 15 **commissioner of agriculture and forestry**.

16 §2352. Expenditure of funds; cooperation with federal agencies

17 Authority is hereby delegated to the State Entomologist to expend funds to  
 18 establish and carry out a program for the eradication and control of the imported fire  
 19 ant, and to cooperate with and to receive cooperation from the United States  
 20 Department of Agriculture, including the expenditure of federal funds for that  
 21 purpose, subject to the approval of the ~~Commissioner of Agriculture and~~  
 22 ~~Immigration~~ **commissioner of agriculture and forestry**.

23 §2353. Creation of eradication areas

24 The State Entomologist, subject to the approval of the ~~Commissioner of~~  
 25 ~~Agriculture and Immigration~~ **commissioner of agriculture and forestry**, shall have  
 26 authority to create and designate imported fire ant eradication areas. The  
 27 ~~Commissioner of Agriculture and Immigration~~ **commissioner of agriculture and**  
 28 **forestry** may declare all state laws and all regulations of the department pertaining  
 29 to the eradication and control of imported fire ants to be in full force and effect in the

1 designated area on and after the date stated. Treatment will begin after this  
 2 declaration by the commissioner and after all property owners residing within the  
 3 designated area have been notified. Official notice of the establishment of imported  
 4 fire ant eradication areas shall be published in the official journal of the State of  
 5 Louisiana.

6 §2354. Penalty for violation; civil liability

7 Whoever violates any provision set forth in this ~~part~~ **Part** or any rule or  
 8 regulation promulgated by the Department of Agriculture and ~~Immigration~~ **Forestry**,  
 9 or interferes with any authorized agent of the Department of Agriculture and  
 10 ~~Immigration~~ **Forestry** while in the performance of his official duty, is guilty of a  
 11 misdemeanor and shall, upon conviction thereof, be punished by a fine of not less  
 12 than twenty-five dollars, nor more than five hundred dollars for each offense, or  
 13 imprisoned for not less than ten days nor more than thirty days, or by both fine and  
 14 imprisonment, in the discretion of the court having jurisdiction, and shall also be  
 15 liable to any persons injured for all damages resulting from the violation.

16 \* \* \*

17 §2358.2. Administration and enforcement; rules and regulations

18 A. The provisions of this Part shall be administered by the Department of  
 19 Agriculture and Forestry through the office of animal health services **and food**  
 20 **safety**.

21 \* \* \*

22 §2358.4. Licensing; fees; renewal

23 \* \* \*

24 C. The commissioner shall adopt, by rule in accordance with the  
 25 Administrative Procedure Act, the fee to be charged for the issuance of a turtle  
 26 farmer license. ~~The amount of the fee shall be based upon the cost of the services~~  
 27 ~~provided.~~ The amount of the fee shall not exceed two hundred fifty dollars per  
 28 license issued ~~or renewed~~ **annually**.

29 \* \* \*

1 §3113. Administration and enforcement

2 A. The provisions of this Part shall be administered by the commissioner of  
3 agriculture and forestry through the office of animal health ~~services~~ **and food safety**.

4 \* \* \*

5 §3202. Definitions

6 \* \* \*

7 (11) "Department" means the Louisiana Department of Agriculture **and**  
8 **Forestry**.

9 \* \* \*

10 (13) "Division" means the division of pesticide ~~waste control~~ **and**  
11 **environmental programs within the office of agricultural and environmental**  
12 **sciences**.

13 \* \* \*

14 §3211. Louisiana Advisory Commission on Pesticides

15 \* \* \*

16 B. The commission shall consist of the following eleven members appointed  
17 by the commissioner in accordance with the following provisions:

18 \* \* \*

19 (3) One chemical representative appointed from a list of three persons  
20 nominated by the Louisiana ~~Agricultural Chemical~~ **Ag Industries** Association.

21 \* \* \*

22 §3225. State chemist

23 A. The director of the **Louisiana** Agricultural ~~Experimental~~ **Experiment**  
24 Station of the Louisiana State University ~~and Agricultural and Mechanical College~~  
25 **Center** shall be the state chemist.

26 \* \* \*

27 §3402. Definitions

28 As used in this Chapter, the following terms shall have the meanings ascribed  
29 below:



\* \* \*

H. ~~A majority of the membership~~ **Five members** shall constitute a quorum for the transaction of official business. All official actions of the commission shall require the affirmative vote of ~~a majority of the members~~ **five members** of the commission.

\* \* \*

§3404. Officers and employees

\* \* \*

B. The commission, with the approval of the commissioner, shall appoint a director and an assistant director who shall be in the unclassified service of the state. **The director and assistant director may perform any other duties and functions which he or the commission consider necessary or desirable to carry out the purposes of this Chapter.**

§3405. Powers and duties of the commission

\* \* \*

B. The commission may:

\* \* \*

(5) Establish and impose civil penalties for any violation of this Chapter or any rule or regulation adopted ~~pursuant hereto~~ **in accordance with the Administrative Procedure Act**. Each day on which any violation occurs shall be considered a separate offense. No penalty may be imposed unless a violation is substantiated in an adjudicatory proceeding by the commission under Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950. The commission may not impose any penalty in excess of one thousand dollars for each single day on which a violation occurs.

(6) Suspend or revoke the license of any warehouse, **cotton merchant** or grain dealer licensed under this Chapter for any violation of this Chapter or any rule or regulation adopted ~~pursuant hereto~~ **in accordance with the Administrative Procedure Act**, provided that no license shall be revoked in the absence of an

1 adjudicatory proceeding by the commission in accordance with Chapter 13 of Title  
2 49 of the Louisiana Revised Statutes of 1950.

3 \* \* \*

4 §3407. Seizure by commission

5 A. The commissioner, with the prior approval of the commission, shall  
6 institute legal proceedings by petition in the district court for the district in which the  
7 licensee is located for an order authorizing the commissioner to effect a seizure of  
8 the facilities of the licensee and to act as receiver thereof whenever any of the  
9 following conditions occur:

10 \* \* \*

11 (2) The licensee does not have sufficient funds to operate ~~his~~ **its** business and  
12 is in imminent danger of being unable to continue to operate ~~his~~ **its** business.

13 (3) The licensee is unable to fulfill ~~his~~ **its** obligations to producers.

14 \* \* \*

15 E. As part of the receivership, the commissioner ~~shall~~ **may** recover from the  
16 assets of the licensee the costs of administering the receivership, including the cost  
17 of liability insurance for the commission, the commissioner, and employees who are  
18 engaged in the administration of the receivership.

19 §3408. Contents of application for and renewal of warehouse license, cotton  
20 merchant license, and grain dealer license

21 A. The application for licensure as a warehouse, cotton merchant, or grain  
22 dealer shall contain:

23 \* \* \*

24 (9) Except as otherwise provided in Chapter 2 of Title 37 of the Louisiana  
25 Revised Statutes of 1950, the financial statement shall be prepared by an accountant  
26 who is not a full-time employee of the applicant and who meets at least one of the  
27 following requirements:

28 \* \* \*

29 (c) Has passed the examination administered by the National Society of

1           **Public Accountants.**

2                       (10) All financial statements shall be accompanied by a certification by the  
3           applicant or the chief executive officer of the applicant, under penalty of perjury as  
4           provided in R.S. 14:123, that the financial statement accurately reflects the financial  
5           condition of the applicant for the period covered in the statement. Only one financial  
6           statement shall be required for a chain of warehouses covered by a single warehouse  
7           license. The initial application for a license ~~must~~ **shall** be accompanied by the  
8           warehouse's or grain dealer's most recent financial statement. Thereafter, all  
9           financial statements shall be filed within ninety days after the close of the grain  
10          dealer's or warehouse's fiscal year.

11   \*       \*       \*

12          §3409. Warehouse license required prior to operation of warehouse; demonstration  
13   of competency; renewal; fees; licensed capacity; weighmaster  
14   required; prohibition

15   \*       \*       \*

16                       B. The applicant for a warehouse license shall file the application described  
17          in R.S. 3:3408 and either demonstrate ~~his~~ **its** competency to engage in the business  
18          of operating a warehouse or satisfactorily complete any examination that may be  
19          required by the commission.

20                       C. Each license issued by the commission under this Section shall specify  
21          on the face thereof that it is a warehouse license and shall be posted by the  
22          ~~warehouseman~~ **warehouse** in ~~his~~ **its** principal place of business in this state.

23                       D. Each warehouse license issued by the commission shall be valid until  
24          June 30 following date of issue and ~~must~~ **shall** be renewed on or before July 1 of  
25          each year.

26   \*       \*       \*

27                       F. Each license shall cover all facilities which are owned and/or leased by  
28          the ~~person~~ **entity** to whom the license is issued and used by the ~~person~~ **entity** in the  
29          conduct of ~~his~~ **its** business as a ~~warehouseman~~ **warehouse**.

\* \* \*

§3410. Bond required as a condition of warehouse license, time of filing; amount of bond, minimum and maximum; approval; notice of cancellation; changes in licensed capacity; insurance; alternate security; failure to maintain bond and insurance in full force and effect

\* \* \*

E. Each bond ~~must~~ shall be approved by the commission prior to the issuance of the warehouse license.

F. Each bond ~~must~~ shall provide for ninety days written notice to the commission prior to cancellation.

\* \* \*

§3410.1. Self-insurance fund

A. The commission may operate a program of self-insurance for ~~warehousemen~~ warehouses, grain dealers, and cotton merchants licensed under this Chapter.

B. The insurance shall be limited to the amount of the bonds required by R.S. 3:3410 ~~and~~, 3411 and 3411.1 and shall be accepted in lieu of those bonds.

\* \* \*

§3410.2. Grain and Cotton Indemnity Fund; creation; assessment; rules and regulations; suspension of assessment; eligibility for reimbursement; availability of money; prorated claims; reimbursement for administrative expenses; failure to pay; subrogation

\* \* \*

J. Any licensee who knowingly or intentionally refuses or fails to collect the assessment required under this Section ~~from producers~~ or to submit any assessment collected from producers to the commission for deposit in the Grain and Cotton Indemnity Fund shall be subject to civil penalties.

\* \* \*

§3411. License; ~~buying or selling~~ to buy or sell agricultural commodities; posting

1                    requirements for grain dealers; duration of license; bond  
 2                    required as a condition of a grain dealer license, time of filing,  
 3                    amount of bond, notice of cancellation, alternate security; failure  
 4                    to maintain bond and stock insurance

\*       \*       \*

6                    B. Each applicant for a grain dealer license shall file the application described  
 7                    in R.S. 3:3408 and either demonstrate ~~his~~ its competency to engage in the business  
 8                    of buying and/or selling agricultural commodities or satisfactorily complete any  
 9                    examination that may be required by the commission prior to licensure.

10                  C. Each license issued by the commission under this Section shall specify on  
 11                  the face thereof that it is a grain dealer license, and shall be posted by the licensee  
 12                  in ~~his~~ its principal place of business in this state.

13                  D. Each license issued by the commission shall be valid until June thirtieth  
 14                  following the date of issue and ~~must~~ shall be renewed on or before July first of each  
 15                  year.

\*       \*       \*

17                  §3411.1. License required prior to engaging in business of buying or selling cotton;  
 18                  security requirements; agent agreements

\*       \*       \*

20                  B.

\*       \*       \*

22                  (2) The premiums and all expenses of the bond shall be borne by the cotton  
 23                  merchant. The bond shall be signed by a surety company authorized to do business  
 24                  in this state with security in favor of the commission, and shall be subject to the  
 25                  approval of the commission as to form and sufficiency. Such bond shall be filed  
 26                  with the commission where it shall be subject to public inspection. Each bond shall  
 27                  provide for no less than ninety days written notice to the commission prior to  
 28                  cancellation.

\*       \*       \*

1 D. The commission may require the cotton merchant to submit to an  
2 examination and audit of ~~his~~ its accounts, books, and records.

3 \* \* \*

4 §3412. Grounds for not issuing license

5 The commission may refuse to issue a license to any applicant for a  
6 warehouse license, cotton merchant license, or grain dealer license if the commission  
7 finds that the warehouse proposed for licensure is not suitable for the storage of  
8 agricultural commodities, or if the commission finds that the applicant for a  
9 warehouse license, cotton merchant license, or a grain dealer license ~~does not possess~~  
10 ~~a good reputation~~, cannot demonstrate a net worth of one hundred thousand dollars,  
11 or is incompetent to conduct such warehouse, cotton merchant, or grain dealer  
12 business in accordance with this Chapter or the rules and regulations adopted  
13 pursuant hereto; or if there is any other sufficient reason within the intent of this  
14 Chapter for not issuing such warehouse, cotton merchant, or grain dealer license.

15 §3413. Hedging requirement, grain dealer's maximum risk position; appeal from  
16 commission action; change of maximum risk position

17 A. Each grain dealer shall adhere to normal merchandising practices, as  
18 determined by the commission, in hedging ~~his~~ its obligations. "Normal  
19 merchandising practices" means that each grain dealer shall achieve and maintain a  
20 relatively even hedge position within a reasonable period of time after each purchase  
21 of commodities.

22 B. In order to determine the risk position of any grain dealer, the commission  
23 may require the grain dealer to submit, in addition to the certified financial statement  
24 required as a part of the application for licensure, unaudited financial statements in  
25 the interim between the annual application for the renewal of the license. No grain  
26 dealer may maintain a risk position in excess of thirty percent of ~~his~~ its current net  
27 worth, provided that the commission may specify a lower maximum risk position for  
28 any grain dealer in an amount having a reasonable relationship to that grain dealer's  
29 net worth.

1 C. Whenever the commission, on the basis of its inspection, examination, or  
 2 audit of a grain dealer, anticipates a need for the establishment of a maximum risk  
 3 position of less than thirty percent of the grain dealer's current net worth, the  
 4 commission shall notify the grain dealer, as required by Chapter 13 of Title 49 of the  
 5 Louisiana Revised Statutes of 1950, to appear at a public hearing before the  
 6 commission and show cause why such lower maximum risk position should not be  
 7 established by the commission for the grain dealer. The grain dealer shall be allowed  
 8 to appear in person or be represented by counsel at said public hearing and shall be  
 9 afforded every reasonable opportunity to present data or arguments in support of ~~his~~  
 10 its position. The commission shall not establish a maximum risk position of less  
 11 than thirty percent of any grain dealer's current net worth prior to a hearing  
 12 conducted pursuant to by Chapter 13 of Title 49 of the Louisiana Revised Statutes  
 13 of 1950.

\* \* \*

15 E. Any grain dealer may request in writing at any time that the commission  
 16 revise the risk position established for his business activities and the commission  
 17 shall act upon ~~his~~ its request at its next regular or special meeting.

18 F. Any grain dealer aggrieved by any action of the commission in revising  
 19 ~~his~~ its maximum risk position may seek judicial relief as provided by Chapter 13 of  
 20 Title 49 of the Louisiana Revised Statutes of 1950.

\* \* \*

22 §3414. Written evidence required for contracts; quarterly statements on storage  
 23 contracts

\* \* \*

25 B. In addition to the requirements provided in Subsection A of this Section,  
 26 the ~~warehouseman~~ warehouse shall provide a written statement to the producer who  
 27 has contracted for storage on a quarterly basis. The statement shall include all  
 28 charges and the rate of accrual of the charges.

\* \* \*

1 §3415. Scale ticket required; contents

2 A. Whenever any agricultural commodity or other farm product is delivered  
3 to a warehouse or grain dealer licensed under this Chapter, the ~~warehouseman~~  
4 warehouse or grain dealer shall issue a scale ticket covering the commodity or other  
5 farm product within seventy-two hours of delivery. Scale tickets covering  
6 commodities or other farm products deposited for any type of storage shall be  
7 marked to indicate "storage". Title to commodities deposited for storage shall  
8 remain with the producer.

9 \* \* \*

10 C. Each ~~warehouseman~~ warehouse and grain dealer shall use sequentially  
11 prenumbered scale tickets which shall have an original and not less than one copy.

12 \* \* \*

13 §3416. Warehouse receipts; authorization for and release

14 A. Each ~~warehouseman~~ warehouse shall, on demand, issue a warehouse  
15 receipt for any agricultural commodity or other farm product stored in the  
16 warehouse. Warehouse receipts may be negotiable or non-negotiable.

17 B. Each person to whom a non-negotiable warehouse receipt is issued shall  
18 furnish the ~~warehouseman~~ warehouse with a written statement indicating the person  
19 or persons having power to authorize delivery of the commodity covered by the  
20 warehouse receipt, together with a bona fide signature of such person or persons. No  
21 ~~warehouseman~~ warehouse shall honor an order for the release of the commodity  
22 covered by a non-negotiable warehouse receipt until ~~he~~ it has first ascertained that  
23 the person issuing the order has authority to order the release and that the signature  
24 of the person authorizing the release is genuine.

25 C. Except as otherwise provided by law, or by the rules and regulations of  
26 the commission, a ~~warehouseman~~ warehouse shall not deliver any agricultural  
27 commodity or other farm product for which ~~he~~ it has issued a non-negotiable  
28 warehouse receipt unless the warehouse receipt has been returned to ~~him~~ it or unless  
29 ~~he~~ it has obtained an authorized written order for a partial release of such commodity

1 or other farm products. When a portion of the commodity has been delivered on the  
2 basis of a partial release, the last portion of the commodity shall not be delivered  
3 unless the warehouse receipt is returned.

4 \* \* \*

5 §3417. Special provisions for handling of warehouse receipts

6 \* \* \*

7 D. Every ~~warehouseman~~ **warehouse** shall promptly and plainly cancel on  
8 the face thereof each warehouse receipt returned to ~~him~~ **it** upon the delivery by it of  
9 the agricultural commodity or other farm product for which the warehouse receipt  
10 was issued.

11 \* \* \*

12 F. Failure to properly account for any agricultural commodity or other farm  
13 product in open storage may subject the warehouse or grain dealer to seizure as  
14 provided by R.S. 3:3407, suspension or revocation of ~~his~~ **its** license, other penalties  
15 provided by this Chapter, or any combination hereof.

16 §3418. Delivery and discharge from storage of stored agricultural commodities

17 A. Except as provided herein, every warehouse licensed under this Chapter  
18 shall, without unnecessary delay, deliver the agricultural commodity or other farm  
19 product stored therein upon a demand made either by the holder of a warehouse  
20 receipt or a scale ticket marked for storage covering the agricultural commodity or  
21 other farm product or by the depositor thereof if such demand is accompanied by an  
22 offer to satisfy the warehouse lien; an offer to surrender the warehouse receipt, if  
23 negotiable, with such endorsements as would be necessary for the negotiation of the  
24 warehouse receipt; and written acknowledgment, when the agricultural commodity  
25 or other farm product is delivered to ~~him~~ **it**, that the commodity or product has been  
26 so delivered. The above action is not required in any circumstances where the  
27 ~~warehouseman~~ **warehouse** has determined that there are liens recorded against the  
28 commodity or other farm product covered by the warehouse receipt or scale ticket  
29 marked for storage or where the order of any court of competent jurisdiction

1 prohibits the release of the agricultural commodity or other farm product.

2 \* \* \*

3 §3419. Records required

4 A. Each ~~warehouseman~~ **warehouse** shall maintain complete, separate, and  
5 correct records and accounts pertaining to each warehouse, including, but not limited  
6 to, records and accounts of all commodities and farm products received therein and  
7 withdrawn therefrom, all unissued warehouse receipts and scale tickets issued by  
8 ~~him~~ **it**, and the warehouse receipts and scale tickets returned to ~~him~~ **it** and canceled  
9 by ~~him~~ **it**.

10 \* \* \*

11 C. ~~Warehousemen~~ **Warehouses**, cotton merchants, and grain dealers shall  
12 maintain all required records in a form acceptable to the commission for a period of  
13 five years.

14 D. Each ~~warehouseman~~ **warehouse**, cotton merchant, and grain dealer shall  
15 permit any officer or authorized representative of the commission to enter all  
16 locations listed on the application of such ~~warehouseman~~ **warehouse**, cotton  
17 merchant, or dealer and inspect, examine, and/or audit all contents, facilities,  
18 equipment, records, books, and accounts relating thereto. Such inspection,  
19 examination, and/or audit may be made on any business day, during normal working  
20 hours. The ~~warehouseman~~ **warehouse**, cotton merchant, or grain dealer shall  
21 provide the necessary assistance required for any inspection, examination, and/or  
22 audit made in accordance with this Chapter or the rules and regulations adopted  
23 pursuant hereto.

24 \* \* \*

25 §3424. Prohibited acts; criminal penalties

26 \* \* \*

27 B. Any grain dealer who intentionally violates R.S. 3:3413(B) by  
28 maintaining a risk position in excess of thirty percent of ~~his~~ **its** current net worth  
29 shall be subject, upon conviction, to a fine of not more than ten thousand dollars,

1 imprisonment for not more than ten years, or both.

2 \* \* \*

3 §3802. Chairman, secretary

4 A. The commissioner of agriculture **and forestry** shall be the chairman of  
5 the commission. The chairman shall enforce the provisions of this Chapter and the  
6 rules and regulations adopted by the commission and shall employ such personnel,  
7 other than the director and assistant director, as may be necessary to administer the  
8 provisions of this Chapter.

9 \* \* \*

10 §4224. Authority to ~~retain~~ **detain** meats

11 Whenever carcasses, parts of ~~carcass~~ **carcasses**, meat, meat food product or  
12 poultry product of cattle, sheep, poultry, swine, goats, horses, mules or other equines,  
13 or any product exempted from the definition of meat food product or poultry product,  
14 or any dead, dying, disabled or diseased animal or fowl described above is found by  
15 any authorized representative of the commissioner upon any premises where it is  
16 held for purposes of, or during or after distribution in intrastate commerce, and there  
17 is reason to believe that any such article is adulterated or misbranded and is capable  
18 of use as human food, or that it has not been inspected, in violation of the provisions  
19 of this Chapter or of the Federal Meat Inspection Act or the Federal Food, Drug and  
20 Cosmetic Act, or that such article or animal has been or is intended to be, distributed  
21 in violation of any such provisions, it may be detained by such representative for a  
22 period not to exceed twenty days, pending action under R.S. 3:4225 or notification  
23 of any federal authorities having jurisdiction over such article or animal, and shall  
24 be moved by any person, **entity**, firm or corporation from the place at which it is  
25 located when so detained, until released by such representative. All official marks  
26 may be required by such representative to be removed from such article or animal  
27 before it is released unless it appears to the satisfaction of the commissioner that the  
28 article or animal is eligible to retain such marks.

29 \* \* \*

1 §4603. Commission of Weights and Measures

2 \* \* \*

3 B. The commission shall consist of the following ten members appointed by  
4 the commissioner as follows:

5 \* \* \*

6 (7) One representative who shall be appointed by the commissioner from a  
7 list of three nominees submitted by the Louisiana ~~Grain and Feed~~ **Ag Industries**  
8 Association.

9 \* \* \*

10 Section 2. R.S. 29:726(E)(20)(a)(v) and 729(E)(13)(a)(vi) are hereby amended and  
11 reenacted to read as follows:

12 §726. Governor's Office of Homeland Security and Emergency Preparedness;  
13 authority and responsibilities

14 \* \* \*

15 E. The office shall either directly or through authorized assignment to another  
16 state agency or department:

17 \* \* \*

18 (20)(a)

19 \* \* \*

20 (v) Require animal shelters, humane societies, veterinary offices, boarding  
21 kennels, breeders, grooming facilities, hospitals, schools, animal testing facilities,  
22 and any other businesses or not-for-profit agencies that normally house household  
23 pets or service animals to create evacuation plans for such animals consistent with  
24 the provisions of this Paragraph. Such plans shall be made available to the public  
25 upon request and shall be filed annually with the Louisiana Department of  
26 Agriculture and Forestry, office of animal health ~~services~~ **and food safety** and with  
27 their respective parish office of homeland security and emergency preparedness.

28 \* \* \*

29 §729. Parish homeland security and emergency preparedness agency authorities and

1 responsibilities

2 \* \* \*

3 E. The parish office of homeland security and emergency preparedness shall:

4 \* \* \*

5 (13)(a) In consultation with experts in the fields of animal sheltering,  
6 veterinary medicine, public health and safety, other professional and technical  
7 personnel deemed appropriate, and the state office of homeland security and  
8 emergency preparedness, formulate emergency operation plans for the humane  
9 evacuation, transport, and temporary sheltering of service animals and household  
10 pets in times of emergency or disaster that:

11 \* \* \*

12 (vi) Require that animal shelters, humane societies, veterinary offices,  
13 boarding kennels, breeders, grooming facilities, hospitals, schools, animal testing  
14 facilities, and any other businesses or not-for-profit agencies that normally house  
15 household pets or service animals, create evacuation plans for such animals  
16 consistent with the provisions of this Paragraph. Such plans shall be made available  
17 to the public upon request and shall be filed annually with the Louisiana Department  
18 of Agriculture and Forestry, office of animal health ~~services~~ **and food safety** and  
19 with their respective parish homeland security and emergency preparedness agency.

20 \* \* \*

21 Section 3. R.S. 36:4(A)(13), 621(C), 622, 623, the introductory paragraph of 624(B),  
22 625, 626(A) and (B), 628(C), (D) and (E), 629(B), the introductory paragraph of (C), the  
23 introductory paragraph of (D), the introductory paragraph of (E), (F), (G), (I), (J), (K) and  
24 (L) are hereby amended and reenacted to read as follows:

25 §4. Structure of executive branch of state government

26 A. In accordance with the provisions of Article IV, Section 1 and Article  
27 XIV, Section 6 of the Constitution of Louisiana, all offices, boards, commissions,  
28 agencies, and instrumentalities of the executive branch of state government, whether  
29 constitutional or statutory, and/or their functions, powers, duties, and responsibilities

1 shall be allocated, either in the Act by which this Title was created or by legislation  
 2 enacted subsequent thereto, within the departments listed in this Section, except as  
 3 provided in Subsections B and C of this Section, and in order to comply with this  
 4 constitutional mandate, the agencies of the executive branch of state government  
 5 hereinafter enumerated, whether heretofore created by the constitution or by statute,  
 6 and/or their functions, powers, duties, and responsibilities are allocated, in the  
 7 manner hereinafter set forth in this Title, within the following designated  
 8 departments:

9 \* \* \*

10 (13) Department of Agriculture **and Forestry**

11 \* \* \*

12 §621. Department of Agriculture and Forestry; creation; domicile; composition;  
 13 purposes and functions

14 \* \* \*

15 C.(1) The Department of Agriculture and Forestry shall be composed of the  
 16 executive office of the commissioner, the office of forestry, the office of  
 17 management and finance, ~~the office of marketing and agro-economic development,~~  
 18 the office of agricultural and environmental services, the office of agro-consumer  
 19 services, the office of animal health services **and food safety**, the office of soil and  
 20 water conservation, and such other offices as shall be created by law.

21 (2) Whenever the commissioner of agriculture **and forestry** determines that  
 22 the administration of the functions of the department may be more efficiently  
 23 performed by eliminating, merging, or consolidating existing offices or establishing  
 24 new offices, he shall present a plan therefor to the legislature for its approval by  
 25 statute.

26 §622. Officers of the department; compensation for one office only

27 A. The officers of the department shall be the commissioner of agriculture  
 28 **and forestry**, the assistant commissioner for management and finance, the deputy  
 29 commissioner, if a deputy commissioner is appointed, the confidential assistant, and

1 an assistant commissioner for each office of the department. With the exception of  
 2 the commissioner of agriculture **and forestry**, each of them shall be selected as  
 3 provided in this Title. They shall perform functions as provided in this Title. If a  
 4 deputy commissioner is appointed, he shall be the first assistant to the commissioner  
 5 appointed pursuant to Article IV, Section 13 of the constitution. If a deputy  
 6 commissioner is not appointed, the commissioner shall appoint his first assistant to  
 7 the office of assistant commissioner for management and finance or to one of the  
 8 offices of assistant commissioner.

9 B. No person serving as commissioner of agriculture **and forestry**, deputy  
 10 commissioner, assistant commissioner for management and finance, confidential  
 11 assistant, or assistant commissioner shall receive any additional salary from the state  
 12 other than that salary which he receives by virtue of serving in any one of such  
 13 offices.

14 C. Notwithstanding any provision herein to the contrary, subject to approval  
 15 of the commissioner of agriculture **and forestry**, any person serving as assistant  
 16 commissioner for management and finance, deputy commissioner, confidential  
 17 assistant, or assistant commissioner, may receive additional compensation for part-  
 18 time services rendered as an instructor in post-secondary educational institutions, or  
 19 as a member of the National Guard.

20 §623. Commissioner of agriculture **and forestry**

21 The commissioner of agriculture **and forestry** shall serve as the executive  
 22 head and chief administrative officer of the Department of Agriculture **and Forestry**  
 23 and shall have the responsibility for the policies of the department, except as  
 24 otherwise provided by this Title, and for the administration, control, and operation  
 25 of the functions, programs, and affairs of the department.

26 §624. Powers and duties of commissioner of agriculture **and forestry**

27 \* \* \*

28 B. The commissioner of agriculture **and forestry** shall have authority to:

29 \* \* \*

1 §625. Deputy commissioner

2 There may be a deputy commissioner of the department, who shall be  
3 appointed by the commissioner of agriculture **and forestry** with consent of the  
4 Senate and who shall serve at the pleasure of the commissioner of agriculture **and**  
5 **forestry** at a salary fixed by the commissioner of agriculture **and forestry** which  
6 salary shall not exceed the amount approved for such position by the legislature. If  
7 appointed, the deputy commissioner shall be the first assistant of the commissioner  
8 of agriculture **and forestry**. The duties and functions of the deputy commissioner  
9 shall be determined and assigned by the commissioner of agriculture **and forestry**.  
10 He shall serve as acting commissioner of agriculture **and forestry** in the absence of  
11 the commissioner as provided by law.

12 §626. Assistant commissioner for management and finance; functions; office of  
13 management and finance

14 A. There shall be an assistant commissioner for management and finance of  
15 the Department of Agriculture **and Forestry** who shall be appointed by the  
16 commissioner of agriculture **and forestry** with the consent of the Senate and who  
17 shall serve at the pleasure of the commissioner of agriculture **and forestry** at a salary  
18 fixed by the commissioner of agriculture **and forestry** which salary shall not exceed  
19 the amount approved for such position by the legislature while in session. The  
20 assistant commissioner for management and finance shall be directly responsible to  
21 and shall perform his functions under the supervision and control of the  
22 commissioner of agriculture **and forestry**.

23 B. The assistant commissioner for management and finance shall direct and  
24 be responsible for the functions of the office of management and finance within the  
25 Department of Agriculture **and Forestry**. In such capacity he shall be responsible  
26 for accounting and budget control, procurement and contract management,  
27 management and program analysis, data processing, personnel management, and  
28 grants management for the department and all of its offices, including all agencies  
29 transferred to the Department of Agriculture **and Forestry**, except as otherwise

1 specifically provided in this Title.

2 \* \* \*

3 §628. Offices; purposes and functions

4 \* \* \*

5 C.(1) The office of agricultural and environmental sciences shall **administer**  
6 **the provisions of law relating to fertilizers, seeds, plant diseases, commercial**  
7 **feeds, pesticides, horticulture, and apiaries. The office shall** perform technical  
8 services and laboratory functions for the farmers of the state and shall perform  
9 functions designed to **expand and** improve seed certification; increase production  
10 of rice and nursery stock; **monitor and provide for the prevention, control and**  
11 **eradication of regulated and exotic crop pests or diseases endangering**  
12 **Louisiana's agricultural, horticultural, and apiary industries; assure that**  
13 **products certified for export are free from pests; oversee the qualifications and**  
14 **practices of persons engaged in the green industry; protect Louisiana from the**  
15 ~~introduction and spread of injurious insect pests and plant diseases; sample~~  
16 pesticides, feeds, fertilizer, **seed** and agricultural ~~minerals~~ **materials** to assure that  
17 they meet all requirements of law and regulation; **assure the proper labeling,**  
18 **distribution, storage, sale, offering for sale, and application of pesticides; license**  
19 **and regulate pesticide applicators and pest control companies;** regulate the  
20 treatment, storage, or disposal of pesticide wastes; ~~train and certify pesticide~~  
21 ~~applicators;~~ and perform other related functions, all in accordance with applicable  
22 law.

23 (2) The division of pesticide ~~waste control shall be~~ **and environmental**  
24 **programs** within the office of agricultural and environmental sciences ~~and~~ shall  
25 administer the provisions of law relating to the treatment, storage, or disposal of  
26 pesticide wastes. The division shall coordinate programs for pesticide waste control  
27 with the appropriate agencies or departments within the **state and** federal  
28 government ~~and the Louisiana Department of Natural Resources.~~

29 D. The office of agro-consumer services shall perform the functions of the

1 state relating to the inspection of ~~poultry~~, and dairy products, the regulation of  
 2 weights and measures, ~~the classification of perishable commodities~~, the licensing and  
 3 inspection of statewide bonded warehouses, **grain dealers, and cotton merchants**  
 4 and other such functions which insure quality agricultural products for the consumer,  
 5 all in accordance with applicable law.

6 E. The office of animal health ~~services~~ **and food safety** shall be responsible  
 7 for the inspection of meat, **fruits and vegetables**, the control and eradication of  
 8 infectious diseases that affect the livestock and poultry industries of the state, ~~and~~ the  
 9 control of livestock theft and denying a market for stolen cattle and horses in  
 10 Louisiana, **and the enforcement of Louisiana grown products and performance**  
 11 **of other related functions**, all in accordance with applicable law.

12 \* \* \*

13 §629. Transfer of boards, commissions, departments, and agencies to the  
 14 Department of Agriculture and Forestry

15 \* \* \*

16 B. For purposes of this Chapter, references in Chapters 22 and 24 of this Title  
 17 to "secretary" shall refer to the commissioner of agriculture **and forestry**, references  
 18 to the "undersecretary" shall refer to the assistant commissioner for management and  
 19 finance, references to an "assistant secretary" shall refer to an assistant  
 20 commissioner, except the assistant commissioner for management and finance.

21 C. The following agencies as defined by R.S. 36:3 are transferred to and  
 22 hereafter shall be within the Department of Agriculture **and Forestry** as provided  
 23 in R.S. 36:802.3:

24 \* \* \*

25 D. The following agencies, as defined by R.S. 36:3, are transferred to and  
 26 hereinafter shall be within the Department of Agriculture **and Forestry**, as provided  
 27 in R.S 36:913:

28 \* \* \*

29 E. The following agencies, as defined by R.S. 36:3, are transferred to and

1 hereinafter shall be within the Department of Agriculture **and Forestry**, as provided  
2 in R.S. 36:802.1:

3 \* \* \*

4 F. The Louisiana Sweet Potato Advertising and Development Commission  
5 (R.S. 3:451-458) is hereby transferred to and hereafter shall be within the  
6 Department of Agriculture **and Forestry** as provided in R.S. 36:802.2.

7 G. The Dairy Stabilization Board (R.S. 3:4106) is hereby transferred to and  
8 hereafter shall be within the Department of Agriculture **and Forestry** as provided  
9 in R.S. 36:801 until the second Monday in March of 1980, at which time the Dairy  
10 Stabilization Board shall be transferred as provided in Part III of Chapter 22 of this  
11 Title.

12 \* \* \*

13 I. The Horticulture Commission of Louisiana (R.S. 3:3801 et seq.) is  
14 transferred to and hereafter shall be within the Department of Agriculture **and**  
15 **Forestry** as provided in R.S. 36:802.

16 J. The Louisiana Agricultural Commodities Commission (R.S. 3:3401-3425)  
17 hereafter shall be within the Department of Agriculture **and Forestry** as provided  
18 under R.S. 36:802.6.

19 K. The Louisiana Agricultural Finance Authority (R.S. 3:261 through R.S.  
20 3:283) is established within the Department of Agriculture **and Forestry** and  
21 hereafter shall exercise and perform its powers, duties, functions, and responsibilities  
22 in the manner provided for agencies transferred in accordance with R.S. 36:802.6.

23 L. The Dairy Industry Promotion Board (R.S. 3:557.1-557.12) hereafter shall  
24 be within the Department of Agriculture **and Forestry** as provided in R.S. 36:802.7.

25 \* \* \*

26 Section 4. R.S. 37:2202 is hereby amended and reenacted to read as follows:

27 §2202. Definitions

28 The term "weather modification", as used in this Chapter, means the changing  
29 or controlling by chemical, mechanical, or physical methods the occurrence of

1 lightning or the precipitation of rain, hail, mist, sleet, or snow.

2 The term "Commissioner", as used in this Chapter, means the commissioner  
3 of the Louisiana ~~State~~ Department of Agriculture and ~~Immigration~~ **Forestry**.

4 Section 5. R.S. 51:2, the introductory paragraph of 6, and 472 are hereby amended  
5 and reenacted to read as follows:

6 §2. Bond

7 Every commission merchant shall furnish a bond of one thousand dollars,  
8 payable to the Commissioner of Agriculture and ~~Immigration~~ **Forestry** of Louisiana  
9 or his successors in office, to guarantee his compliance with the provisions of R.S.  
10 51:1 through 51:4, such bond to be signed as surety by any surety company  
11 authorized to do business in this state.

12 \* \* \*

13 §6. Inspection of records by state officers, etc.

14 All books, records, and other papers and documents of all persons, selling on  
15 commission any agricultural, horticultural, or other products of the farm, lake, gulf,  
16 ocean, or stream may be inspected at any time by the Commissioner of Agriculture  
17 and ~~Immigration~~ **Forestry**, the Attorney General, any district attorney of the state,  
18 or any assistant or representative designated by either of these authorities, for the  
19 purpose of:

20 \* \* \*

21 §472. Penalty

22 Whoever violates R.S. 51:471 shall be fined not more than five hundred  
23 dollars for each offense, or imprisoned for not more than ten days, or both.

24 If no station or store of stock is established within sixty days after the first  
25 sale as provided in R.S. 51:471 and any sale is made thereafter the penalty shall be  
26 not less than five hundred dollars nor more than one thousand dollars, or  
27 imprisonment for not more than thirty days, or both. In addition, the Commissioner  
28 of Agriculture and ~~Immigration~~ **Forestry** shall publish notice of failure and  
29 delinquency at the expense of his department in journals within the state, or by any

1 other method he may select.

2 Section 6. R.S. 54:112 is hereby amended and reenacted to read as follows:

3 §112. Exception to Chapter

4 Warehouses coming under the jurisdiction of the ~~State Warehouse~~  
5 ~~Commission~~ **Louisiana Agricultural Commodities Commission**, ~~defined and~~  
6 ~~regulated in Chapter 4 of this Title~~, are not subject to the provisions of this Chapter.

7 Section 7. R.S. 3:14, 401 through 409, 414, Part I-A of Chapter 5 of Title 3 of the  
8 Louisiana Revised Statutes of 1950, comprised of R.S. 3:421 through 426, Part I-D of  
9 Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:446.1  
10 through 446.7, Part IV of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 3:521 through 538, Part V of Chapter 5 of Title 3 of the Louisiana  
12 Revised Statutes of 1950, comprised of R.S. 3:541 through 550, 824, 1312(H), 1906(A),  
13 R.S. 36:627(E), 628(B) and 629(C)(2), and R.S. 39:455 are hereby repealed in their entirety.

14 Section 8. The Louisiana State Law Institute is hereby directed to re-designate the  
15 following provisions of law:

16 A. R.S. 3:410 through 413 to Part IV. STATE GRADE OF FARM PRODUCTS  
17 AND MISLABELING OF FRUITS AND VEGETABLES of Chapter 7 of Title 3 of the  
18 Louisiana Revised Statutes of 1950, comprised of R.S. 3:901 through 904.

19 B. R.S. 3:415 to Subpart I of Part II of Chapter 30 of Title 3 of Louisiana Revised  
20 Statutes of 1950, comprised of R.S. 3:4721.

21 C. Part II of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
22 comprised of R.S. 3:451 through 458 to Part III-A of Chapter 12 of Title 3 of the Louisiana  
23 Revised Statutes of 1950, comprised of R.S. 3:1741 through 1748 ("Part III-A. SWEET  
24 POTATO PROMOTION").

25 D. Part II-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
26 comprised of R.S. 4:471 through 478 to Part X Chapter 6 of Title 3 of the Louisiana Revised  
27 Statutes of 1950, comprised of R.S. 3:730.1 through 730.8.

28 E. Part III of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
29 comprised of R.S. 3:491 through 502 to Chapter 22-B of Title 3 of the Louisiana Revised

1 Statutes of 1950, comprising of R.S. 3:3671 through 3682.

2 F. Part VI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
3 comprising of R.S. 3:551.1 through 551.12 to Part II-A of Chapter 7 of Title 3 of the  
4 Louisiana Revised Statutes of 1950, comprising of R.S. 3:835 through 846.

5 G. Part VII of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
6 comprised of R.S. 3:551.31 through 551.36 to Chapter 21-D of Title 3 of the Louisiana  
7 Revised Statutes, comprising of R.S. 3:3551 through 3556.

8 H. Part VIII of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
9 comprised of R.S. 3:551.61 through 551.68 to Chapter 21-B of Title 3 of the Louisiana  
10 Revised Statutes of 1950, comprised of R.S. 3:3531 through 3538.

11 I. Part IX of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
12 comprised of R.S. 3:551.71 through 551.78 to Chapter 21-C of Title 3 of the Louisiana  
13 Revised Statutes, comprised of R.S. 3:3541 through 3548.

14 J. Part XI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
15 comprised of R.S. 3:552.1 through 552.26 to Chapter 21-A of Title 3 of the Louisiana  
16 Revised Statutes of 1950, comprised of R.S. 3:3501 through 3526.

17 K. Part XII of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
18 comprised of R.S. 3:555.1 through 555.13 to Part IV of Chapter 15 of Title 3 of the  
19 Louisiana Revised Statutes of 1950, comprised of R.S. 3:2051 through 2063.

20 L. Part XIV of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
21 comprised of R.S. 3:557.1 through 557.12 to Chapter 26-A of Title 3 of the Louisiana  
22 Revised Statutes of 1950, comprised of R.S. 3:4151 through 4162.

23 M. Part XIV-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,  
24 comprised of R.S. 3:557.21 and 557.22 to Subpart H of Part II of Chapter 30 of Title 3 of  
25 Louisiana Revised Statutes of 1950, comprised of R.S. 3:4711 and 4712.

26 N. Part I of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950 from  
27 "LOUISIANA STATE LIVESTOCK SANITARY BOARD" to "LOUISIANA BOARD OF  
28 ANIMAL HEALTH."

29 Section 9. All books, papers, records, money, equipment, actions and other property

1 of any kind, movable and immovable, real and personal, possessed, controlled or used by the  
2 State Market Commission, the provisions for which are enacted, amended or repealed by this  
3 Act, in carrying out the functions, duties and responsibilities granted by this Act are hereby  
4 transferred to the Louisiana Agricultural Finance Authority (LAFA).

5 Section 10. Any legal proceeding, as defined in R.S. 36:924, to which any agency  
6 or office, the statutory provisions for which are amended or repealed by the provisions of  
7 this Act, is a party and which is filed, initiated, or otherwise pending before any court on the  
8 effective date of this Act and all documents involved in or affected by said legal proceeding,  
9 shall retain their effectiveness and shall be continued in the name of the former agency. All  
10 further legal proceedings and documents in the continuance, disposition and enforcement  
11 of said legal proceedings shall be in the name of the original party agency, and the Louisiana  
12 Agricultural Finance Authority shall be substituted for the original party agency without the  
13 necessity for amendment of any document to substitute the name of the department or the  
14 name or title of any section of the department. For purposes of this Section, "document"  
15 shall be defined as provided in R.S. 36:924.

16 Section 11. This Act shall not be construed in any manner which will impair the  
17 contractual or other obligations of the State Market Commission, the provisions for which  
18 are enacted, amended or repealed by this Act. It is hereby specifically provided that all  
19 obligations shall be administered by the Louisiana Agricultural Finance Authority, to the  
20 same extent as if originally made by it. In like manner and in order to prevent any violation  
21 of the provisions, terms, or conditions of any gift, donation, deed, will, trust or other  
22 instrument or disposition by which property of any kind has been vested from the purposes  
23 for which such property was thus vested, it is hereby specifically provided that such  
24 instrument or disposition hereafter shall be deemed to have been vested in Louisiana  
25 Agricultural Finance Authority, including all of the obligations and debts.

26 Section 12. This Act shall become effective upon signature by the governor or, if not  
27 signed by the governor, upon expiration of the time for bills to become law without signature  
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
29 vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

2 Section 13. The provisions of R.S. 3:551.33(B), relative to the levied assessment  
3 only as it applies to grain sorghum grown within the state, shall not be effective from July  
4 1, 2009 until June 30, 2010.

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The original instrument was prepared by Curry Johnson. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

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#### DIGEST

Thompson (SB 154)

Proposed law corrects the official department name from the Department of Agriculture and Immigration to the Department of Agriculture and Forestry and provides for other technical corrections.

Proposed law corrects the official title of the commissioner from commissioner of agriculture and immigration to commissioner of agriculture and forestry.

Present law provides for the State Market Commission, composed of thirteen members as follows: the commissioner of agriculture and forestry, the chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development, the chairman of the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development, and ten members to be appointed by the governor. Present law provides for duties of the commission and grants the commission the authority to acquire machinery, equipment, facilities, market centers, make loans and guarantees, and charge assessments.

Proposed law repeals present law.

Present law authorizes the State Market Commission to acquire property and to erect and install thereon such structures, facilities and equipment as may be necessary for the inspection, grading, standardization, classification, refrigeration, processing and marketing of agricultural products. Present law further authorizes the State Market Commission to administer the properties and rent or lease property under its control.

Proposed law repeals present law.

Present law requires the State Market Commission to make written operating reports at the end of each fiscal year to the House and Senate Committees on Agriculture, Forestry, Aquaculture and Rural Development, setting forth the loans and guarantees of the preceding year approved and denied by the commission.

Proposed law repeals present law.

Present law provides for the "Agricultural Products Processing Development Law," administered by the State Market Commission, to develop and enhance the capacity to process agricultural products in Louisiana including providing financial assistance to any person who owns, leases, or operates, or is seeking to own, lease, or operate an agricultural plant in this state. Present law authorizes the State Market Commission to make loans and guarantees, fix their rate of interest, make contracts and leases, conduct conferences and studies, review agricultural product processing potential throughout the state, renegotiate, refinance or foreclose on mortgages, and enter in cooperative endeavor agreements. Present law further provides for the Agricultural Products Processing Development Fund for the State Market Commission to implement, administer and make loans and loan guarantees.

Proposed law repeals present law.

Proposed law transfers the duties and obligations of the State Market Commission to the Louisiana Agricultural Finance Authority. Proposed law further provides for the transfer of the commission's funds, bonds, loan guarantees, employees, property and facilities to Louisiana Agricultural Finance Authority.

Present law authorizes the commissioner to withhold and retain from any fees or revenues collected by the department, not previously dedicated, \$200,000 annually to be distributed among the seven divisions of the department for the purpose of balancing agriculture with industry and promoting the building of Louisiana by using Louisiana products.

Proposed law repeals present law.

Present law provides for a permissive method for the establishment of terminal and assembly markets, through the creation of non-profit public corporations, known as "farm products market facilities," in order to promote the efficient and economic handling of farm and food products. Present law provides for membership, tenure and powers of the board of directors of terminal market facilities and assembly market facilities. Present law authorizes the issuance of bonds and requires the facilities to perform annual audits filed with the State Market Commission.

Proposed law repeals present law.

Present law provides for the "Farm Youth Loan Program" and authorizes the State Market Commission to grant farm youth loans. Present law provides rules for eligibility and terms of the loans.

Present law provides that the office of marketing and agro-economic development shall perform the staff functions related to the program and the assistant commissioner of the office of marketing and agro-economic development is the executive director of the program.

Proposed law repeals present law.

Present law authorizes the State Market Commission to recommend regulation of egg marketing to the commissioner.

Proposed law repeals present law.

Present law requires the commissioner to analyze at least one sample of each brand of fertilizer sold in the state annually.

Proposed law repeals present law.

Present law requires the Louisiana Feed Commission to publish at least semiannually information concerning the sales, production and use of commercial feeds as well as a report of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label. The information concerning production and use of commercial feed shall not disclose the operations of any person.

Proposed law repeals present law.

Present law authorizes the borrowing of money and the issuance and sale of bonds by the State Bond and Building Commission in an amount not to exceed \$2,000,000 which is available to be used by the State Market Commission.

Proposed law repeals present law.

Present law permits the State Market Commission to license, adopt and promote an official logo for products produced in Louisiana and establish fees for use of the logo. Proposed law retains present law but moves the authority from the State Market Commission to the Department of Agriculture and Forestry.

Present law defines "distributor" as a Louisiana manufacturer of crawfish bags or a person who brings crawfish bags into Louisiana which were manufactured outside of Louisiana. Proposed law retains present law but adds to the definition a person who brings crawfish tail meat into Louisiana or who distributes crawfish tail meat in Louisiana.

Present law requires that an application for public livestock market operation include a \$250 charter fee. Proposed law retains present law but further requires that the fee be applied per license issued.

Proposed law removes the reference regarding control of feral nuisance animals from the powers and duties of livestock brand inspectors.

Proposed law removes the requirement that the list of brands and marks be published in book form and provided to the clerk of court and sheriff free of charge.

Proposed law provides that the operation of the beaver, coyote and coydog control program is subject to the availability of funds.

Proposed law clarifies in the definition of "specialty fertilizer" the weights to qualify for specialty fertilizer to include solid fertilizer.

Proposed law changes the requirement for determination of fertilizer values from semiannual to annual and removes the publication requirement.

Present law requires tonnage reports on fertilizer within 20 days. Proposed law extends the deadline to 30 days.

Proposed law removes the requirement that any fertilizer sold contain a combination of 20% NPK (Nitrogen, Phosphorus, Potassium) analysis.

Proposed law clarifies the membership of the Commission of Weights and Measures, the Louisiana Advisory Commission on Pesticides, the Feed Commission, the Seed Commission, the Fertilizer Commission, and the Louisiana Agricultural Commodities Commission.

Proposed law changes the term "penalty" to "deficiency assessment."

Present law provides for a fee up to \$250 for the issuance of a turtle farmer license. Proposed law retains present law and requires the turtle licensing fee to renewal annually.

Present law (Pesticide Law) defines "division" as the division of pesticide waste control. Proposed law changes the definition to the division of pesticide and environmental programs within the office of agricultural and environmental sciences.

Present law provides that a majority of the members of the Louisiana Agricultural Commodities Commission constitutes a quorum. Proposed law changes the quorum requirement to five members.

Present law provides for the appointment of a director and assistant director for the Louisiana Agricultural Commodities Commission. Proposed law retains present law and further authorizes the director and assistant director to perform necessary duties for the

Louisiana Agricultural Commodities Commission.

Present law requires the commissioner to recover administrative costs associated with a receivership. Proposed law removes the requirement for recovery and instead permits the commissioner to recover administrative costs associated with receiverships.

Present law allows the Louisiana Agricultural Commodities Commission to deny issuance of a license based upon the applicant's reputation. Proposed law removes the grounds to deny a license based upon the reputation of the applicant.

Proposed law removes sugar and milo from the definition of "agricultural commodities."

Proposed law changes the term "warehouseman" to "warehouse."

Proposed law changes the term "retain" to "detain." It clarifies the detention of product found in intrastate commerce that may or may not bear the mark of inspection.

Proposed law changes the name of the office of animal health services to the office of animal health and food safety.

Present law provides for the office of agricultural and environmental sciences to perform technical services and laboratory functions for the farmers of the state and perform functions designed to improve seed certification, increase production of rice and nursery stock; protect Louisiana from the introduction and spread of injurious insect pests and plant diseases; sample pesticides, feeds, fertilizer and agricultural minerals to assure that they meet all requirements of law and regulation; regulate the treatment, storage or disposal of pesticide wastes; train and certify pesticide applicators; and perform other related functions, all in accordance with applicable law. Further provides for the division of pesticide waste control to be within the office of agricultural and environmental sciences and administer the provisions of law relating to the treatment, storage or disposal of pesticide wastes. Provides for the division to coordinate programs for pesticide waste control with the appropriate agencies or departments within the federal government and the Dept. of Natural Resources.

Proposed law changes present law and provides for the office of agricultural and environmental sciences to administer the provisions of law relating to fertilizers, seeds, plant diseases, commercial feeds, pesticides, horticulture and apiaries. Provides for the office to perform technical services and laboratory functions for the farmers of the state and functions designed to expand and improve seed certification, increase production of rice and nursery stock; monitor and provide for the prevention, control and eradication of regulated and exotic crop pests or diseases endangering Louisiana's agricultural, horticultural and apiary industries; assure that products certified for export are free from pests; oversee the qualifications and practices of persons engaged in the green industry; sample pesticides, feeds, fertilizer, seed and agricultural materials to assure that they meet all requirements of law and regulation; assure the proper labeling, distribution, storage, sale, offering for sale and application of pesticides; license and regulate pesticide applicators and pest control companies; regulate the treatment, storage or disposal of pesticide wastes; and other related functions, all in accordance with applicable law.

Proposed law further provides for the division of pesticide and environmental programs within the office of agricultural and environmental sciences to administer the provisions of law relating to the treatment, storage or disposal of pesticide wastes. Provides for the division to coordinate programs for pesticide waste control with the appropriate agencies or departments within the state and federal government.

Present law, which is suspended by HCR 159 of 2008 RS until June 30, 2009, levies an assessment at the rate of one-half cent per bushel on all wheat, corn, and grain sorghum grown in the state. Provides that the assessment not be imposed unless approved by a majority of the wheat, corn, and grain sorghum producers voting in a referendum and that

the assessment be effective for a period of five crop years. Provides that the assessment may be extended in five year increments for an indefinite period of time by ratification and approval of a majority of the producers of the commodities subject to the assessment.

Proposed law provides that the one-half cent per bushel assessment as it applies to grain sorghum not be effective from July 1, 2009 until June 30, 2010.

Proposed law directs the Louisiana Law Institute to re-designate certain provisions of law throughout Title 3.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 3:2(A), 80, 131, 302, 303, 415, 556.2(10), 556.7(A), 641, 642, 643, 644, 652, 666(9), 734(B)(1) and (6), 741, 825, 832, 851, 1024, 1025, 1311(3) and (12), 1312(A) and (C), 1313(C)(2)(b) and (E), 1362(9) and (24), 1432(A), 1651, 1652, 1732, 1772, 1891(28), 1892(A)(1) and (F), 1900(A) and (B), 2351, 2352, 2353, 2354, 2358.2(A), 2358.4(C), 3113(A), 3202(11) and (13), 3211(B)(3), 3225(A), 3402(1), (2), (7), (9) and (16), 3403(A)(7) and (H), 3404(B), 3405(B)(5) and (6), 3407(A)(2) and (3) and (E), 3408(A)(9)(c) and (10), 3409 (B), (C), (D) and (F), 3410 (E) and (F), 3410.1(A) and (B), 3410.2(J), 3411(B), (C) and (D), 3411.1(B)(2) and (D), 3412, 3413(A), (B), (C), (E) and (F), 3414(B), 3415(A) and (C), 3416(A), (B) and (C), 3417(D) and (F), 3418(A), 3419(A), (C) and (D), 3424(B), 3802(A), 4224, 4603(B)(7), R.S. 29:726(E)(20)(a)(v) and 729(E)(13)(a)(vi), R.S. 36:4(A)(13), 621(C), 622, 623, 624(B) (intro para), 625, 626(A) and (B), 628(C), (D) and (E), 629(B), (C)(intro para), (D)(intro para), (E)(intro para), (F), (G), (I), (J), (K) and (L), R.S. 37:2202, R.S. 51:2, 6(intro para), 472 and R.S. 54:112; adds R.S. 3:2(F), 283.1 and 751(E); repeals R.S. 3:14, 401-409, 414, 421-426, 446.1- 446.7, 521-538, 541-550, 824, 1312(H), and 1906(A) and R.S. 36:627(E), 628(B) and 629(C)(2), and R.S. 39:455)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill.

1. Provides for technical changes.
2. Removes the requirement that the charter fee per license be issued annually.

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill.

1. Adds provision that the assessment levied on grain sorghum grown in the state not be effective from July 1, 2009 until June 30, 2010.