

Regular Session, 2011

HOUSE BILL NO. 193

BY REPRESENTATIVE ANDERS

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

AGRICULTURE: Merges certain funds within the Department of Agriculture and Forestry

1 AN ACT

2 To amend and reenact R.S. 3:1407, 1421(1)(b), (2)(a) and (b), and (3), 1430.13(A) and (D),
3 1655(C)(3) and (5)(a), 2311(B) and (D)(1), and 3806(G)(2) and (4)(a), relative to
4 certain funds within the Department of Agriculture and Forestry; to provide for the
5 merger of the Feed Fund and the Fertilizer Fund; to provide for the merger of the
6 Crop Pests and Diseases Fund, the Apiary Fund, and the Horticulture Fund; to
7 provide for the disposition of monies; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 3:1407, 1421(1)(b), (2)(a) and (b), and (3), 1430.13(A) and (D),
10 1655(C)(3) and (5)(a), 2311(B) and (D)(1), and 3806(G)(2) and (4)(a) are hereby amended
11 and reenacted to read as follows:

12 §1407. Disposition of funds

13 A.(1) All fees, assessments, penalties, and all other funds received by the
14 commission under the provisions of this ~~Part~~ Chapter, subject to the exceptions
15 contained in Article VII, Section 9 of the Constitution of Louisiana, shall be
16 deposited immediately upon receipt into the state treasury and shall be credited to the
17 Bond Security and Redemption Fund.

18 (2) Out of the funds remaining in the Bond Security and Redemption Fund
19 after a sufficient amount is allocated from that fund to pay all obligations secured by
20 the full faith and credit of the state which become due and payable within any fiscal

1 year, the treasurer, prior to placing the remaining funds in the state general fund,
2 shall pay an amount equal to the total amount of funds paid into the state treasury by
3 the commission under the provisions of this ~~Part Chapter~~ into a special fund which
4 is hereby created in the state treasury and designated as the "~~Feed Fund~~" "Feed and
5 Fertilizer Fund".

6 (3) All unexpended and unencumbered monies in the fund at the end of each
7 fiscal year shall remain in the fund. The monies in the fund shall be invested by the
8 treasurer in the same manner as monies in the state general fund. All interest earned
9 on monies from the fund invested by the state treasurer shall be deposited in the
10 fund.

11 B. Subject to appropriation, the monies in the ~~Feed Fund~~ Feed and Fertilizer
12 Fund shall be used for the following purposes:

13 (1) To provide for the expenses of the programs established by this ~~Part~~
14 Chapter, the expenses of the office of agricultural and environmental services, and
15 as determined by the commissioner.

16 (2) To renovate, maintain, and equip a building on the Baton Rouge campus
17 of the Louisiana State University and Agricultural and Mechanical College to
18 provide administrative offices and analytical laboratories to be used in connection
19 with the programs established by this ~~Part Chapter~~.

20 (3) To build, equip, and maintain a building to house the offices of the
21 Department of Agriculture and Forestry.

22 (4) To fund any and all costs related to the fulfillment of the powers,
23 responsibilities, and purposes of this ~~Part Chapter~~.

24 C. The Department of Agriculture and Forestry or the Louisiana Agricultural
25 Finance Authority on behalf of the Department of Agriculture and Forestry may fund
26 the anticipated funds appropriated from the ~~Feed Fund~~ Feed and Fertilizer Fund into
27 revenue bonds for the purpose of renovating a building on the Baton Rouge campus
28 of the Louisiana State University and Agricultural and Mechanical College to
29 provide administrative offices and analytical laboratories to be used in connection

1 with the programs established by this ~~Part~~ Chapter and for the purpose of acquiring,
2 constructing, renovating, and equipping buildings and related facilities for use by the
3 Department of Agriculture and Forestry in connection with promoting and assisting
4 agriculture and forestry in this state. The Department of Agriculture and Forestry
5 may pledge those funds to secure the repayment of revenue bonds or to secure a
6 lease or purchase agreement entered into in connection with the issuance of revenue
7 bonds for those purposes.

8 * * *

9 §1421. Disposition of funds

10 All fees, penalties, except for the deficiency assessments paid to a purchaser-
11 user of fertilizer, as provided for in R.S. 3:1415, and other funds received under the
12 provisions of this Subpart shall be received by the commission and disposed of in
13 accordance with the following provisions:

14 (1)

15 * * *

16 (b) Out of the funds remaining in the Bond Security and Redemption Fund
17 after a sufficient amount is allocated from that fund to pay all obligations secured by
18 the full faith and credit of the state which become due and payable within any fiscal
19 year, the treasurer, prior to placing the remaining funds in the state general fund,
20 shall pay an amount equal to the total amount of funds paid into the state treasury by
21 the commission under the provisions of this Chapter into a special fund which is
22 hereby created in the state treasury and designated as the "~~Fertilizer Fund~~" "Feed and
23 Fertilizer Fund".

24 * * *

25 (2) Subject to appropriation, the monies in the fund shall be used for the
26 following purposes:

27 (a) To provide for the expenses of the programs established by ~~Subparts I~~
28 ~~and II of this Chapter, the expenses of the office of agricultural and environmental~~
29 services, and as determined by the commissioner.

1 (b) To renovate, maintain, and equip a building on the Baton Rouge campus
2 of the Louisiana State University and Agricultural and Mechanical College to
3 provide administrative offices and analytical laboratories to be used in connection
4 with the programs established by this ~~Subpart Chapter~~.

5 * * *

6 (3) The Department of Agriculture and Forestry, or the Louisiana
7 Agricultural Finance Authority on behalf of the Department of Agriculture and
8 Forestry, may fund the anticipated funds appropriated from the ~~Fertilizer Fund~~ Feed
9 and Fertilizer Fund into revenue bonds for the purpose of renovating a building on
10 the Baton Rouge campus of the Louisiana State University and Agricultural and
11 Mechanical College to provide administrative offices and analytical laboratories to
12 be used in connection with the programs established by this ~~Subpart Chapter~~ and for
13 the purpose of acquiring, constructing, renovating, and equipping buildings and
14 related facilities for use by the Department of Agriculture and Forestry in connection
15 with promoting and assisting agriculture and forestry in this state. The Department
16 of Agriculture and Forestry may pledge those funds to secure the repayment of
17 revenue bonds or to secure a lease or purchase agreement entered into in connection
18 with the issuance of revenue bonds for those purposes.

19 * * *

20 §1430.13. Disposition of fees and penalties

21 A. All fees and penalties provided for in this ~~Subpart Chapter~~ shall be paid
22 to the commission and disposed of as provided in this Section.

23 * * *

24 D. Out of the funds remaining in the Bond Security and Redemption Fund
25 after a sufficient amount is allocated from that fund to pay all obligations secured by
26 the full faith and credit of the state which become due and payable within any fiscal
27 year, the treasurer, prior to placing the remaining funds in the state general fund,
28 shall pay an amount equal to the total amount of the funds paid into the state treasury
29 under the provisions of this ~~Subpart Chapter~~ into the ~~Fertilizer Fund~~ created by this

Chapter Feed and Fertilizer Fund. The funds are to be used for the expenses of the programs established for the purposes of this ~~Subpart~~ Chapter and for the other purposes for which funds in the ~~Fertilizer Fund~~ Feed and Fertilizer Fund may be used as determined by the commissioner.

5 * *

6 §1655. Entomologist to prepare rules and regulations; fees; ~~Crop Pests and Diseases~~
7 ~~Fund Horticulture and Quarantine Fund~~; disposition of funds

8 * * *

9 C.

10 * * *

(3) Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from the fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing the remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury under the provisions of this Part into a special fund which is hereby created in the state treasury and designated as the ~~Crop Pests and Diseases Fund~~ Horticulture and Quarantine Fund.

19 * * *

(5) Subject to appropriation, the monies in the fund shall be used for the following purposes:

(a) To provide for the expenses of the program established by this Part, the
expenses of the office of agricultural and environmental services, and as determined
by the commissioner of agriculture and forestry.

25 * * *

26 §2311. Disposition of funds

27 * * *

28 B. Out of the funds remaining in the Bond Security and Redemption Fund
29 after a sufficient amount is allocated from that fund to pay all obligations secured by

the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing the remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury under the provisions of this Part into a special fund which is hereby created in the state treasury and designated as the ~~Apiary Fund~~ Horticulture and Quarantine Fund.

* * *

D. Subject to appropriation, the monies in the fund shall be used for the following purposes:

(1) To provide for the expenses of the program established by this Part, the expenses of the office of agricultural and environmental services, and as determined by the commissioner.

* * *

§3806. Fees

* * *

G.

* * *

(2) Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing the remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury under the provisions of this Chapter into a special fund which is hereby created in the state treasury and designated as the ~~Horticulture Commission Fund~~ Horticulture and Quarantine Fund.

* * *

(4) Subject to appropriation, the monies in the fund shall be used for the following purposes:

1

(a) To provide for the expenses of the program established by this Chapter,

2

the expenses of the office of agricultural and environmental services, and as

3

determined by the ~~commission~~ commissioner.

4

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Anders

HB No. 193

Abstract: Provides for the merger of certain funds within the La. Dept of Agriculture and Forestry.

Present law creates the Feed Fund and provides for commercial feed registration fees, labeling fees, inspection fees, deficiency assessments, penalties, and fines. Provides for the disposition of all collected fees, payment of obligations, and allowable expenses of feed fund monies.

Present law creates the Fertilizer Fund and provides for registration fees for the sale of fertilizer and agricultural liming materials, inspection fees, tonnage fees, deficiency assessments, penalties, and fines. Provides for the disposition of all collected fees, payment of obligations, and allowable expenses of fertilizer fund monies.

Proposed law merges the Feed Fund and the Fertilizer Fund and creates the Feed and Fertilizer Fund. Expands the allowable expenses of the fund to include the office of agricultural and environmental services as determined by the commissioner. Otherwise retains present law.

Present law creates the Crop Pests and Diseases Fund and provides for nursery stock inspection fees. Provides for the disposition of all collected fees, payment of obligations, and allowable expenses of the crop pests and diseases fund monies.

Present law creates the Apiary Fund and provides for registration fees for colonies or apiaries, inspection fees, assessments on bees, and penalties. Provides for the disposition of all collected fees, payment of obligations, and allowable expenses of apiary fund monies.

Present law creates the Horticulture Commission Fund and provides for examination and license fees for certain professional licenses, permit fees for nursery stock dealers and cut flower dealers, renewal fees, and penalties. Provides for the disposition of all collected fees, payment of obligations, and allowable expenses of horticulture fund monies.

Proposed law merges the Crop Pests and Diseases Fund, the Apiary Fund, and the Horticulture Commission Fund and creates the Horticulture and Quarantine Fund. Expands the allowable expenses of the fund to include the office of agricultural and environmental services as determined by the commissioner.

(Amends R.S. 3:1407, 1421(1)(b), (2)(a) and (b), and (3), 1430.13(A) and (D), 1655(C)(3) and (5)(a), 2311(B) and (D)(1), and 3806(G)(2) and (4)(a))