

Regular Session, 2011

SENATE BILL NO. 89

BY SENATOR THOMPSON

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

AGRICULTURAL COMMODITIES. Provides relative to changes in the Agricultural Commodities Dealer and Warehouse Law. (gov sig)

AN ACT

To amend and reenact R.S. 3:3406(A)(2), 3419(D) and 3423(D)(1), relative to the Agricultural Commodity Dealer and Warehouse Law; to provide relative to powers of the commissioner; to provide relative to records; to transfer the authority of determining the expenses of the Agricultural Commodity Dealers and Warehouse Fund from the commission to the commissioner; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3406(A)(2), 3419(D) and 3423(D)(1) are hereby amended and reenacted to read as follows:

§3406. Powers and duties of the commissioner

A. The commissioner shall administer and enforce this Chapter in accordance with the rules and regulations promulgated by the commission. In the administration and enforcement of this Chapter, the commissioner and his duly constituted representatives are specifically authorized to do the following:

* * *

(2) Examine, **copy**, and audit the accounts, books, and records, including stock records, position records, balance sheets, scale tickets, and warehouse receipts

1 of any warehouse, cotton merchant or cotton agent, or grain dealer required to be
 2 licensed under this Chapter, including all warehouses or grain dealers, or both,
 3 licensed under the United States Warehouse Act, as amended, and any applicant for
 4 licensure under this Chapter, or as otherwise permitted under this Chapter.

5 * * *

6 §3419. Records required

7 * * *

8 D. Each warehouse, cotton merchant, and grain dealer shall permit any
 9 officer or authorized representative of the commission to enter all locations listed on
 10 the application of such warehouse, cotton merchant, or grain dealer and inspect,
 11 copy, examine, or audit all contents, facilities, equipment, records, books, and
 12 accounts relating thereto. Such inspection, examination, or audit may be made on
 13 any business day, during normal working hours. The warehouse, cotton merchant,
 14 or grain dealer shall provide the necessary assistance required for any inspection,
 15 examination, or audit made in accordance with this Chapter or the rules and
 16 regulations adopted pursuant hereto.

17 * * *

18 §3423. Deposit of the revenues of the commission; Agricultural Commodity
 19 Dealers and Warehouse Fund

20 * * *

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

23 (1) To provide for the expenses of the program established by this Chapter,
 24 as determined by the ~~commission~~ commissioner.

25 * * *

26 Section 2. 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.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Johnson.

DIGEST

Present law specifically authorizes the commissioner or his authorized representatives to examine and audit the accounts, books, and records, including stock records, position records, balance sheets, scale tickets, and warehouse receipts of any warehouse, cotton merchant or cotton agent, or grain dealer licensed under present law.

Proposed law retains present law and further authorizes the representatives to copy necessary records of grain dealers, cotton merchants and warehouses.

Present law requires each warehouse, cotton merchant, and grain dealer to permit any authorized representative of the commission to enter all locations on any business day during normal working hours to inspect, examine, or audit all contents, facilities, equipment, records, books, and accounts.

Proposed law retains present law and further authorizes the representative to copy necessary records of grain dealers, cotton merchants and warehouses.

Present law creates the Agricultural Commodity Dealers and Warehouse Fund for deposit of the revenues of the commission. One of the specific purposes of the fund is to provide for the expenses of the program established by present law, as determined by the commission.

Proposed law transfers the authority of determining the expenses of the fund from the commission to the commissioner.

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

(Amends R.S. 3:3406(A)(2), 3419(D) and 3423(D)(1))