

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), 3210(C)(1), and 3806(G)(2) and (4)(a),  
4 relative to certain funds within the Department of Agriculture and Forestry; to  
5 provide for the merger of the Feed Fund and the Fertilizer Fund; to provide for the  
6 merger of the Crop Pests and Diseases Fund, the Apiary Fund, and the Horticulture  
7 Fund; to provide for the Pesticide Fund; to provide for the disposition of monies; and  
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:1407, 1421(1)(b), (2)(a) and (b), and (3), 1430.13(A) and (D),  
11 1655(C)(3) and (5)(a), 2311(B) and (D)(1), 3210(C)(1), and 3806(G)(2) and (4)(a) are  
12 hereby amended and reenacted to read as follows:

13 §1407. Disposition of funds

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

19 (2) Out of the funds remaining in the Bond Security and Redemption Fund  
20 after a sufficient amount is allocated from that fund to pay all obligations secured by

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

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

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

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

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

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

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

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

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

9 \* \* \*

10 §1421. Disposition of funds

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

15 (1)

16 \* \* \*

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

25 \* \* \*

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

1 (a) To provide for the expenses of the programs established by ~~Subparts I~~  
2 ~~and H~~ of this Chapter and the expenses of the office of agricultural and  
3 environmental sciences, as determined by the commissioner.

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

8 \* \* \*

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

22 \* \* \*

23 §1430.13. Disposition of fees and penalties

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

26 \* \* \*

27 D. Out of the funds remaining in the Bond Security and Redemption Fund  
28 after a sufficient amount is allocated from that fund to pay all obligations secured by  
29 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 the funds paid into the state treasury  
3 under the provisions of this ~~Subpart Chapter~~ into the ~~Fertilizer Fund created by this~~  
4 ~~Chapter~~ Feed and Fertilizer Fund. The funds are to be used for the expenses of the  
5 programs established for the purposes of this ~~Subpart Chapter~~ and for the other  
6 purposes for which funds in the ~~Fertilizer Fund~~ Feed and Fertilizer Fund may be used  
7 as determined by the commissioner.

8 \* \* \*

9 §1655. Entomologist to prepare rules and regulations; fees; ~~Crop Pests and Diseases~~  
10 ~~Fund~~ Horticulture and Quarantine Fund; disposition of funds

11 \* \* \*

12 C.

13 \* \* \*

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

22 \* \* \*

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

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

28 \* \* \*

## §2311. Disposition of funds

\* \* \*

B. 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 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; and the expenses of the office of agricultural and environmental sciences, as determined by the commissioner.

\* \* \*

### §3210. Pesticide Fund

\* \* \*

C. The monies in the Pesticide Fund shall be used solely for the following purposes:

(1) To provide for the programs and activities provided for in Parts I through VI and VIII of this Chapter and the expenses of the office of agricultural and environmental sciences, 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.

9 \* \* \*

(4) 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 Chapter;  
and the expenses of the office of agricultural and environmental sciences, as  
determined by the ~~commission~~ commissioner.

15 \* \* \*

## 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 sciences 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 sciences as determined by the commissioner.

Present law creates the Pesticide Fund and provides for fees collected pursuant to the Louisiana Pesticide Law. Provides for the disposition of fees and the allowable expenses of Pesticide Fund monies.

Proposed law expands the allowable expenses of the fund to include the office of agricultural and environmental sciences 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), 3210(C)(1), and 3806(G)(2) and (4)(a))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Corrected references to the office of agricultural and environmental sciences.
2. Added provisions regarding allowable expenses of the Pesticide Fund.