

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), the introductory paragraph of 3421, 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), the introductory paragraph of 3421, 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 of any warehouse, cotton merchant or cotton agent, or grain dealer required to be licensed under this Chapter, including all warehouses or grain dealers, or both, licensed under the United States Warehouse Act, as amended, and any applicant for licensure under this Chapter, or as otherwise permitted under this Chapter.

* * *

§3419. Records required

* * *

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

* * *

§3421. Confidentiality of records

Notwithstanding the provisions of ~~Part H~~ of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, all financial statements, position reports, and any other documents required for licensure and filed by applicants for licensure under this Chapter shall be kept confidential by the commission and its agents and employees and are not subject to disclosure except as follows:

* * *

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

* * *

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

1 following purposes:

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

4 * * *

5 Section 2. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

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

DIGEST

Thompson (SB 89)

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), 3421(intro para), and 3423(D)(1))

Summary of Amendments Adopted by Senate

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

1. Makes technical correction relative to confidentiality of records.

Senate Floor Amendments to engrossed bill.

1. Allows copying of records and books to be performed on any business day during normal working hours.
2. Requires the warehouse, cotton merchant, or grain dealer to provide the necessary assistance required for any copying.