

Regular Session, 2011

ACT No. 31

HOUSE BILL NO. 193

BY REPRESENTATIVE ANDERS

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

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
21 the full faith and credit of the state which become due and payable within any fiscal
22 year, the treasurer, prior to placing the remaining funds in the state general fund,
23 shall pay an amount equal to the total amount of funds paid into the state treasury by
24 the commission under the provisions of this ~~Part~~ Chapter into a special fund which

1 is hereby created in the state treasury and designated as the "~~Feed Fund~~" "Feed and
2 Fertilizer Fund".

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

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

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

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

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

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

21 C. The Department of Agriculture and Forestry or the Louisiana Agricultural
22 Finance Authority on behalf of the Department of Agriculture and Forestry may fund
23 the anticipated funds appropriated from the ~~Feed Fund~~ Feed and Fertilizer Fund into
24 revenue bonds for the purpose of renovating a building on the Baton Rouge campus
25 of the Louisiana State University and Agricultural and Mechanical College to
26 provide administrative offices and analytical laboratories to be used in connection
27 with the programs established by this ~~Part~~ Chapter and for the purpose of acquiring,
28 constructing, renovating, and equipping buildings and related facilities for use by the
29 Department of Agriculture and Forestry in connection with promoting and assisting
30 agriculture and forestry in this state. The Department of Agriculture and Forestry

1 may pledge those funds to secure the repayment of revenue bonds or to secure a
2 lease or purchase agreement entered into in connection with the issuance of revenue
3 bonds for those purposes.

4 * * *

5 §1421. Disposition of funds

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

10 (1)

11 * * *

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

20 * * *

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

23 (a) To provide for the expenses of the programs established by ~~Subparts I~~
24 ~~and II~~ of this Chapter and the expenses of the office of agricultural and
25 environmental sciences, as determined by the commissioner.

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

30 * * *

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

* * *

§1430.13. Disposition of fees and penalties

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

* * *

D. 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 the funds paid into the state treasury 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.

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§1655. Entomologist to prepare rules and regulations; fees; ~~Crop Pests and Diseases~~

~~Fund~~ Horticulture and Quarantine Fund; disposition of funds

* * *

C.

* * *

(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.

* * *

(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; and the expenses of the office of agricultural and environmental sciences, as determined by the commissioner of agriculture and forestry.

* * *

§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.

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(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:

4 * * *

GOVERNOR OF THE STATE OF LOUISIANA

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.