2015 Regular Session

HOUSE BILL NO. 291

## BY REPRESENTATIVE ANDERS

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

HORTICULTURE: Increases fees and civil penalties relative to the regulation of Horticulture

1	AN ACT
2	To amend and reenact R.S. 3:3803(16) and (17), 3806(B), (C), and (D), and 3810.2(A) and
3	to enact R.S. 3:3803(18) and 3806(H), relative to the regulation of horticulture; to
4	authorize the increase of license and permit fees; to increase civil penalties for
5	certain violations; to provide for definitions; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 3:3803(16) and (17), 3806(B), (C), and (D), and 3810.2(A) are
8	hereby amended and reenacted and R.S. 3:3803(18) and 3806(H) are hereby enacted to read
9	as follows:
10	§3803. Definitions
11	As used in this Chapter, the following terms shall have the following
12	meanings ascribed to them:
13	* * *
14	(16) "Regular Employee" means a person who holds a valid, appropriate
15	license or permit issued by the commissioner and who works at a place of business
16	for thirty-two or more hours a week.
17	(16) (17) "Secretary" means the secretary of the commission.

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1	(17) $(18)$ "Vending machine" means any climate controlled mechanical,
2	electric, or electronic self-service device which, upon insertion of money, credit card,
3	token, or any other form of payment, automatically dispenses merchandise.
4	* * *
5	§3806. Fees
6	* * *
7	B. The license fee for each professional license which is issued or renewed
8	by the commissioner shall not be less than seventy-five dollars nor more than one
9	hundred fifty dollars per license.
10	C. The permit fee for each nursery stock dealer's permit which is issued or
11	renewed by the commissioner shall <u>not</u> be <u>less than</u> one hundred thirty dollars <u>nor</u>
12	more than one hundred seventy-five dollars per permit.
13	D. The permit fee for each cut flower dealer's permit which is issued or
14	renewed by the commissioner shall <u>not</u> be <u>less than</u> seventy dollars <u>nor more than</u>
15	one hundred forty dollars per permit.
16	* * *
17	H. The commission is authorized to promulgate rules and regulations, in
18	accordance with the Administrative Procedure Act, necessary to implement the
19	provisions of this Section.
20	* * *
21	§3810.2. Civil penalties and costs
22	A. Whoever is found by the commission to have violated a provision of this
23	Chapter or any rule or regulation adopted pursuant to this Chapter shall be fined as
24	follows:
25	(1) The commission may assess a civil penalty of not more than two five
26	hundred fifty dollars for each violation of any provision of this Chapter or any rule
27	or regulation adopted pursuant to this Chapter if the person subject to the civil
28	penalty has not been found guilty of a violation of any provision of this Chapter or

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any rule or regulation adopted pursuant to this Chapter in a prior adjudicatory proceeding held by the commission.

(2) The commission may assess a civil penalty of not more than five hundred
<u>one thousand</u> dollars for each violation of any provision of this Chapter or any rule
or regulation adopted pursuant to this Chapter if the person subject to the civil
penalty has been found guilty of a violation of any provision of this Chapter or any
rule or regulation adopted pursuant to this Chapter in a prior adjudicatory proceeding
held by the commission.

9 (3) The commission may assess a civil penalty of not more than one 10 thousand <u>five hundred</u> dollars for each violation of any provision of this Chapter or 11 any rule or regulation adopted pursuant to this Chapter if the person subject to the 12 civil penalty has been found guilty of a violation of any provision of this Chapter or 13 any rule or regulation adopted pursuant to this Chapter in two or more prior 14 adjudicatory proceedings held by the commission. 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)]

HB 291 Engrossed	2015 Regular Session	Anders
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Abstract: Increases license and permit fees issued or renewed by the Commissioner of Agriculture and Forestry (commissioner). Increases civil penalties that the Horticulture Commission of Louisiana (commission) may assess regarding provisions governing horticulture. Provides a definition for "regular employee".

<u>Proposed law</u> defines "regular employee" as meaning a person who holds a valid license/permit and who works for 32 or more hours per week.

<u>Present law</u> sets a \$75 license fee for each professional license which is issued or renewed by the commissioner. <u>Proposed law</u> authorizes a license fee range of \$75 to \$150 per license.

<u>Present law</u> sets a \$130 permit fee for each nursery stock dealer's permit which is issued or renewed by the commissioner. <u>Proposed law</u> authorizes a permit fee range of \$130 to \$175 per permit.

<u>Present law</u> sets a \$70 permit fee for each cut flower dealer's permit which is issued or renewed by the commissioner. <u>Proposed law</u> authorizes a permit fee range of \$70 to \$140 per permit.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

<u>Proposed law</u> authorizes the commission to promulgate rules and regulations, in accordance with the Administrative Procedure Act, necessary to implement the provisions of <u>proposed</u> <u>law</u>.

<u>Present law</u> authorizes the commission to assess a civil penalty of \$250 if the person, subject to the civil penalty, has not been found guilty of violating <u>present law</u> or any rule or regulation adopted pursuant to <u>present law</u> in a prior adjudicatory proceeding held by the commission. <u>Proposed law</u> increases the penalty <u>from</u> \$250 to \$500.

<u>Present law</u> authorizes the commission to assess a civil penalty of \$500 if the person, subject to the civil penalty, has been found guilty of violating <u>present law</u> or any rule or regulation adopted pursuant to <u>present law</u> in a prior adjudicatory proceeding held by the commission. <u>Proposed law</u> increases the penalty from \$500 to \$1,000.

<u>Present law</u> authorizes the commission to assess a civil penalty of \$1,000 if the person, subject to the civil penalty, has been found guilty of violating <u>present law</u> or any rule or regulation adopted pursuant to <u>present law</u> in two or more prior adjudicatory proceedings held by the commission. <u>Proposed law</u> increases the penalty from \$1,000 to \$1,500.

(Amends R.S. 3:3803(16) and (17), 3806(B), (C), and (D), and 3810.2(A); Adds R.S. 3:3803(18) and 3806(H))