

2019 Regular Session

SENATE BILL NO. 40

BY SENATOR THOMPSON

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

FUNDS/FUNDING. Repeals the Boll Weevil Eradication Fund and assessments on cotton producers and provides for the disposition of funds. (gov sig)

AN ACT

To amend and reenact R.S. 3:1604(A)(4), 1604.1(B)(7), 1609(C) and (D), and 1612(A), to enact R.S. 3:1612.1, and to repeal R.S. 3:1603(2), 1604.1(A)(6) and (7) and (B)(3) and (4), and 1613 through 1617, relative to the Louisiana Boll Weevil Eradication Law; to provide relative to the Boll Weevil Eradication Commission; to abolish the Boll Weevil Eradication Fund; to provide for the transfer of any remaining monies in the Boll Weevil Eradication Fund; to repeal assessments on cotton producers and all related provisions; to repeal liens on cotton; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1604(A)(4), 1604.1(B)(7), 1609(C) and (D), and 1612(A) are hereby amended and reenacted and R.S. 3:1612.1 is hereby enacted to read as follows:

§1604. Boll Weevil Eradication Commission

A. In accordance with R.S. 36:901, the Boll Weevil Eradication Commission is hereby created within and is transferred to the Department of Agriculture and Forestry and shall consist of eight members as follows:

* * *

(4) The ~~chancellor of the LSU Agricultural Center~~ **Louisiana State**

1 **University Vice President for Agriculture**, or his designee, who shall serve as an
2 ex officio member in an advisory capacity.

3 * * *

4 §1604.1. Powers and duties of the commission and commissioner

5 * * *

6 B.

7 * * *

8 (7) To institute civil proceedings to enforce orders or rulings or other civil
9 relief to collect any ~~assessments~~, late fees, fines, penalties or costs due under this
10 Part or otherwise enforce the provisions of this Part or rules or regulations adopted
11 pursuant to this Part.

12 * * *

13 §1609. Eradication zones; participation in eradication program; penalty fees

14 * * *

15 C. The commission may adopt rules and regulations prohibiting the planting
16 of noncommercial cotton in such eradication zones, and requiring that all cotton
17 producers of commercial cotton in the eradication zones participate in a program of
18 boll weevil eradication, ~~including payment of assessments~~, as prescribed in the rules
19 and regulations. Notice of such prohibition and requirement shall be given by
20 publication for one day each week for three successive weeks in a newspaper having
21 general circulation in the affected area.

22 D. The commission may set, by rule or regulation, a reasonable schedule of
23 penalty fees to be assessed when cotton producers in designated eradication zones
24 do not meet the requirements of rules or regulations adopted by the commission with
25 respect to reporting of acreage ~~and participation in the payment of assessments~~ as
26 prescribed by regulation. Such penalty fees shall not exceed a charge of twenty-five
27 dollars per acre per year.

28 * * *

29 §1612. Penalties

1 A. Any person who violates any of the provisions of this Part or the rules or
2 regulations adopted under the provisions of this Part, or who alters, forges, or
3 counterfeits, or uses without authority, any certificate or permit or other document
4 provided for in this Part or in the rules or regulations adopted under the provisions
5 of this Part, or who, except in compliance with the rules or regulations adopted by
6 the commission, moves any regulated article which the commissioner found is
7 infested by the boll weevil into this state from any other state shall be subject, in
8 addition to any ~~unpaid assessments or other~~ unpaid fees associated with the
9 eradication program, to a civil penalty of not more than five thousand dollars for
10 each act of violation and for each day of violation. Each day on which a violation
11 occurs shall be a separate offense.

12 * * *

13 **§1612.1. Disposition of funds**

14 **A. All fees, penalties, and other funds received under the provisions of**
15 **this Part shall be disposed of in accordance with the following provisions:**

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

21 **(2) Out of the funds remaining in the Bond Security and Redemption**
22 **Fund after a sufficient amount is allocated from that fund to pay all obligations**
23 **secured by the full faith and credit of the state which become due and payable**
24 **within any fiscal year, the treasurer, prior to placing the remaining funds in the**
25 **state general fund, shall pay an amount equal to the total amount of funds paid**
26 **into the state treasury by the commission under the provisions of this Part into**
27 **the Horticulture and Quarantine Fund.**

28 **(3) All unexpended and unencumbered monies received from fees and**
29 **penalties in the fund at the end of each fiscal year shall remain in the**

1 **Horticulture and Quarantine Fund. The monies in the fund shall be invested**
 2 **by the treasurer in the same manner as monies in the state general fund. All**
 3 **interest earned on monies from the fund invested by the state treasurer shall be**
 4 **deposited in the fund.**

5 **B. Subject to appropriation, the monies in the fund shall be used for the**
 6 **following purposes:**

7 **(1) To provide for the expenses of the program established by this Part**
 8 **and the expenses of the office of agricultural and environmental sciences, as**
 9 **determined by the commissioner.**

10 **(2) To fund any and all costs related to the eradication of boll weevils,**
 11 **utilizing any or all powers granted to the commissioner or the department.**

12 Section 2. R.S. 3:1603(2), 1604.1(A)(6) and (7) and (B)(3) and (4), and 1613 through
 13 1617 are hereby repealed.

14 Section 3. The Boll Weevil Eradication Fund in the state treasury shall be abolished
 15 as of the effective date of this Act and the state treasurer is hereby authorized and directed
 16 to immediately transfer any monies remaining in the Boll Weevil Eradication Fund to the
 17 Horticulture and Quarantine Fund.

18 Section 4. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 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 Lann.

DIGEST

SB 40 Original 2019 Regular Session Thompson

Present law (R.S. 3:1613) provides for a voluntary assessment on cotton producers to offset the cost of boll weevil suppression or eradication programs, including but not limited to all costs of any regulatory and enforcement activities of the department.

Proposed law repeals present law.

Present law (R.S. 3:1615) creates the Boll Weevil Eradication Fund within the state treasury

and provides for the disposition of all assessments, fees, penalties, and other funds.

Proposed law repeals present law.

Proposed law provides that any monies remaining in the Boll Weevil Eradication Fund shall be transferred to the Horticulture and Quarantine Fund. Further provides that all fees, penalties, and other funds received pursuant to present law shall be deposited into the Horticulture and Quarantine Fund.

Present law (R.S. 3:1616) subjects cotton producers to a per acre penalty for failure to pay assessments levied under present law.

Proposed law repeals present law.

Present law (R.S. 3:1617) requires the commissioner to place a lien on cotton, or its proceeds, for the payment of assessments and further authorizes the commissioner to issue executions for the collections of such assessments.

Proposed law repeals present law.

Proposed law removes all references to assessments in present law and provides for technical corrections.

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

(Amends R.S. 3:1604(A)(4), 1604.1(B)(7), 1609(C) and (D), and 1612(A); adds R.S. 3:1612.1; repeals R.S. 3:1603(2), 1604.1(A)(6) and (7) and (B)(3) and (4), 1613-1617)