SLS 19RS-252 **ENGROSSED**

2019 Regular Session

SENATE BILL NO. 40

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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

2	To amend and reenact R.S. 3:1604(A)(4), 1604.1(B)(7), 1609(C) and (D), and 1612(A), to
3	enact R.S. 3:1612.1, and to repeal R.S. 3:1603(2), 1604.1(A)(6) and (7) and (B)(3)
4	and (4), and 1613 through 1617, relative to the Louisiana Boll Weevil Eradication
5	Law; to provide relative to the Boll Weevil Eradication Commission; to abolish the
6	Boll Weevil Eradication Fund; to provide for the transfer of any remaining monies
7	in the Boll Weevil Eradication Fund; to repeal assessments on cotton producers and
8	all related provisions; to repeal liens on cotton; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 3:1604(A)(4), 1604.1(B)(7), 1609(C) and (D), and 1612(A) are
11	hereby amended and reenacted and R.S. 3:1612.1 is hereby enacted to read as follows:
12	§1604. Boll Weevil Eradication Commission
13	A. In accordance with R.S. 36:901, the Boll Weevil Eradication Commission
14	is hereby created within and is transferred to the Department of Agriculture and
15	Forestry and shall consist of eight members as follows:
16	* * *
17	(4) The chancellor of the LSU Agricultural Center Louisiana State

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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 В. 6 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 C. The commission may adopt rules and regulations prohibiting the planting 15 16 of noncommercial cotton in such eradication zones, and requiring that all cotton producers of commercial cotton in the eradication zones participate in a program of 17 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 publication for one day each week for three successive weeks in a newspaper having 20 21 general circulation in the affected area. 22 D. The commission may set, by rule or regulation, a reasonable schedule of penalty fees to be assessed when cotton producers in designated eradication zones 23 24 do not meet the requirements of rules or regulations adopted by the commission with respect to reporting of acreage and participation in the payment of assessments as 25 prescribed by regulation. Such penalty fees shall not exceed a charge of twenty-five 26 27 dollars per acre per year. 28 29 §1612. Penalties

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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 counterfeits, or uses without authority, any certificate or permit or other document 3 provided for in this Part or in the rules or regulations adopted under the provisions 4 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 A. All fees, penalties, and other funds received under the provisions of 14 this Part shall be disposed of in accordance with the following provisions: 15 16 (1) All fees, penalties, and all other funds received by the commission under the provisions of this Part, subject to the exceptions contained in Article 17 VII, Section 9 of the Constitution of Louisiana, shall be deposited immediately 18 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 secured by the full faith and credit of the state which become due and payable 23 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 into the state treasury by the commission under the provisions of this Part into 26 27 the Horticulture and Quarantine Fund. 28 (3) All unexpended and unencumbered monies received from fees and

penalties in the fund at the end of each fiscal year shall remain in the

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	Horticulture and Quarantine Fund. The monies in the fund shall be invested
	by the treasurer in the same manner as monies in the state general fund. All
	interest earned on monies from the fund invested by the state treasurer shall be
	deposited in the fund.
	B. 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.
	(2) To fund any and all costs related to the eradication of boll weevils,
	utilizing any or all powers granted to the commissioner or the department.
	Section 2. R.S. 3:1603(2), 1604.1(A)(6) and (7) and (B)(3) and (4), and 1613 through
16	517 are hereby repealed.
	Section 3. The Boll Weevil Eradication Fund in the state treasury shall be abolished
as	of the effective date of this Act and the state treasurer is hereby authorized and directed
to	immediately transfer any monies remaining in the Boll Weevil Eradication Fund to the
Н	orticulture and Quarantine Fund.
	Section 4. This Act shall become effective upon signature by the governor or, if not
si	gned by the governor, upon expiration of the time for bills to become law without signature
by	the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
ve	etoed by the governor and subsequently approved by the legislature, this Act shall become
ef	fective 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 2019 Regular Session

Thompson

SB 40 Engrossed

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

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Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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

Proposed law repeals present law.

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

<u>Present law</u> (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.

<u>Present law</u> (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.

<u>Proposed law</u> removes all references to assessments in <u>present law</u> 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)