

SENATE BILL NO. 40

BY SENATOR THOMPSON

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

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

* * *

§1604.1. Powers and duties of the commission and commissioner

* * *

B.

* * *

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

5 * * *

6 §1609. Eradication zones; participation in eradication program; penalty fees

7 * * *

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

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

21 * * *

22 §1612. Penalties

23 A. Any person who violates any of the provisions of this Part or the rules or
24 regulations adopted under the provisions of this Part, or who alters, forges, or
25 counterfeits, or uses without authority, any certificate or permit or other document
26 provided for in this Part or in the rules or regulations adopted under the provisions
27 of this Part, or who, except in compliance with the rules or regulations adopted by
28 the commission, moves any regulated article which the commissioner found is
29 infested by the boll weevil into this state from any other state shall be subject, in
30 addition to any ~~unpaid assessments or other~~ unpaid fees associated with the

1 eradication program, to a civil penalty of not more than five thousand dollars for
 2 each act of violation and for each day of violation. Each day on which a violation
 3 occurs shall be a separate offense.

4 * * *

5 **§1612.1. Disposition of funds**

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

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

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

20 **(3) All unexpended and unencumbered monies received from fees and**
 21 **penalties in the fund at the end of each fiscal year shall remain in the**
 22 **Horticulture and Quarantine Fund. The monies in the fund shall be invested by**
 23 **the treasurer in the same manner as monies in the state general fund. All**
 24 **interest earned on monies from the fund invested by the state treasurer shall be**
 25 **deposited in the fund.**

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

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

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

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

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

9 Section 4. This Act shall become effective upon signature by the governor or, if not
10 signed by the governor, upon expiration of the time for bills to become law without signature
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
13 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____