

SENATE BILL NO. 168

BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG AND RISER

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

AN ACT

To amend and reenact the heading of Chapter 10-A and the heading of Part I of Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950, and R.S. 3:1381(1), 1382(A) and (B), 1407, 1430.13(A) and (D), the introductory paragraph of 1431, (1), (3), (4), and (17) through (30), 1433(A)(1)(b) and (f), the introductory paragraph of (3), (4), (5), and (7), 1434(1), (2), (4) and (5), 1435(1) through (4), and (6) through (8), the introductory paragraph of 1436 (1), (2)(a) and (5)(c), 1437(A), 1438, 1440, 1441, 1443, 1444(1), (2), (4), (5) and (8), 1445(A)(1) and (3), and (B)(2) and (3), 1446(A), the introductory paragraph of (B), and (B)(1), the introductory paragraph of 1449(A), (A)(1) and (2), and (B), and R.S. 36:629(H), to enact R.S. 3:1431(31) and 1446(B)(5), and to repeal R.S. 3:1421, 1432, 1444(11) and Part II of Chapter 11 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:1551 and 1552, and R.S. 36:629(C)(6), relative to the merger of the Feed, Fertilizer, and Agricultural Liming Commission and the Seed Commission; to create and provide for the membership of the Agricultural Chemistry and Seed Commission; to repeal the Seed Commission; to provide for definitions; to correct internal references; to provide relative to civil penalties and procedures for imposition of penalties; to repeal a duplicate provision related to the disposition of funds; to repeal the prohibition against relabeling seeds more than one time; to repeal bond requirements for agents of nurserymen; to provide for technical corrections; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. The heading of Chapter 10-A and the heading of Part I of Chapter 10-A
3 of Title 3 of the Louisiana Revised Statutes of 1950, and R.S. 3:1381(1), 1382(A) and (B),
4 1407, 1430.13(A) and (D), the introductory paragraph of 1431, (1), (3), (4), and (17) through
5 (30), 1433(A)(1)(b) and (f), the introductory paragraph of (3), (4), (5), and (7), 1434(1), (2),
6 (4) and (5), 1435(1) through (4), and (6) through (8), the introductory paragraph of 1436 (1),
7 (2)(a) and (5)(c), 1437(A), 1438, 1440, 1441, 1443, 1444(1), (2), (4), (5) and (8), 1445(A)(1)
8 and (3), and (B)(2) and (3), 1446(A), the introductory paragraph of (B), and (B)(1), the
9 introductory paragraph of 1449(A), (A)(1) and (2), and (B) are hereby amended and
10 reenacted, and R.S. 3:1431(31) and 1446(B)(5) are hereby enacted to read as follows:

11 CHAPTER 10-A. FEED ~~AND~~, FERTILIZERS, AGRICULTURAL LIMING
12 AND SEEDS

13 PART I. FEED, FERTILIZER, ~~AND~~ AGRICULTURAL LIMING

14 CHEMISTRY AND SEED COMMISSION

15 §1381. Definitions

16 In this Chapter, the following definitions shall apply:

17 (1) "Commission" means the ~~Feed, Fertilizer, and Agricultural Liming~~
18 Chemistry and Seed Commission.

19 * * *

20 §1382. Commission; creation

21 A.~~(1)~~ There is hereby created, within the Department of Agriculture and
22 Forestry, the Louisiana ~~Feed, Fertilizer, and Agricultural Liming~~ Chemistry and
23 Seed Commission, ~~to be composed of the commissioner of agriculture and forestry,~~
24 ~~the director of the Louisiana Agricultural Experiment Station, the director of the~~
25 ~~Louisiana Cooperative Extension Service, the president of Louisiana Farm Bureau~~
26 ~~Federation, Inc., the chairmen of the Livestock Advisory Committee and the Dairy~~
27 ~~Advisory Committee of the Louisiana Farm Bureau Federation, Inc., the president~~
28 ~~of the Louisiana Thoroughbred Breeder's Association, the president of the Louisiana~~
29 ~~Cattlemen's Association, the president of the Louisiana Ag Industries Association,~~
30 ~~or their duly authorized representatives, a person who owns or operates a feed~~

1 ~~business which is not a member of the of the Louisiana Ag Industries Association,~~
 2 ~~and an independent feed manufacturer domiciled in Louisiana.~~ **The commission**
 3 **shall consist of seven members as follows:**

4 **(1) The commissioner of agriculture and forestry or his designee.**

5 **(2) One member and an alternate, representing the Louisiana**
 6 **Agricultural Experiment Station, appointed by the commissioner and who shall**
 7 **serve at the pleasure of the commissioner.**

8 **(3) One member and an alternate, representing the Louisiana**
 9 **Cooperative Extension Service, appointed by the commissioner and who shall**
 10 **serve at the pleasure of the commissioner.**

11 **(4) The president of Louisiana Farm Bureau Federation, Inc. or his**
 12 **designee, subject to the approval of the commissioner.**

13 **(5) One member representing the seed industry appointed by the**
 14 **commissioner from a list of three nominees submitted by the Louisiana Ag**
 15 **Industries Association who shall serve at the pleasure of the commissioner.**

16 **(6) One member representing the fertilizer industry appointed by the**
 17 **commissioner from a list of three nominees submitted by the Louisiana Ag**
 18 **Industries Association who shall serve at the pleasure of the commissioner.**

19 **(7) One member representing the feed industry appointed by the**
 20 **commissioner from a list of three nominees submitted by the Louisiana Ag**
 21 **Industries Association and a list of three nominees submitted by the Louisiana**
 22 **Cattlemen's Association who shall serve at the pleasure of the commissioner.**

23 ~~(2) The prospective appointee who owns or operates a feed business which~~
 24 ~~is not a member of the Louisiana Ag Industries Association and the prospective~~
 25 ~~appointee who shall be an independent feed manufacturer domiciled in Louisiana~~
 26 ~~shall be appointed by and shall serve at the pleasure of the governor. Each~~
 27 ~~appointment by the governor shall be submitted to the Senate for confirmation.~~

28 B. The commissioner shall be ex officio chairman of the commission and
 29 shall be its chief executive officer responsible for enforcement of this Chapter. He
 30 is empowered to employ personnel, to purchase supplies, and to make such other

1 expenditures as may be necessary for enforcing this Chapter. The commission may
 2 appoint a director and assistant director of the feed program, ~~and~~ a director and an
 3 assistant director of the fertilizer program, **and a director and assistant director of**
 4 **the seed program** who shall be appointed by the commission, subject to the
 5 approval of the commissioner. The directors and assistant directors shall be in the
 6 unclassified service. All employees of the commission shall be under the
 7 supervision and direction of the commissioner.

8 * * *

9 §1407. Disposition of funds; **Feed and Fertilizer Fund**

10 A.(1) All fees, assessments, penalties, and all other funds received by the
 11 commission under the provisions **of Parts II and III** of this Chapter, **except for the**
 12 **deficiency assessments paid to the purchaser-user as provided for in R.S. 3:1415**
 13 **and the consumer as provided for in R.S. 3:1430.13 and** subject to the exceptions
 14 contained in Article VII, Section 9 of the Constitution of Louisiana, shall be
 15 deposited immediately upon receipt into the state treasury and shall be credited to the
 16 Bond Security and Redemption Fund.

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

25 (3) All unexpended and unencumbered monies in the fund at the end of each
 26 fiscal year shall remain in the fund. The monies in the fund shall be invested by the
 27 treasurer in the same manner as monies in the state general fund. All interest earned
 28 on monies from the fund invested by the state treasurer shall be deposited in the
 29 fund.

30 B. Subject to appropriation, the monies in the Feed and Fertilizer Fund shall

1 be used for the following purposes:

2 (1) To provide for the expenses of the programs established by ~~this~~ **Parts II**
3 **and III of this** Chapter and the expenses of the office of agricultural and
4 environmental sciences, as determined by the commissioner.

5 (2) To renovate, maintain, and equip a building on the Baton Rouge campus
6 of the Louisiana State University and Agricultural and Mechanical College to
7 provide administrative offices and analytical laboratories to be used in connection
8 with the programs established by **Parts II and III of** this Chapter.

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

11 (4) To fund any and all costs related to the fulfillment of the powers,
12 responsibilities, and purposes of **Parts I, II and III of** this Chapter.

13 C. The Department of Agriculture and Forestry or the Louisiana Agricultural
14 Finance Authority on behalf of the Department of Agriculture and Forestry may fund
15 the anticipated funds appropriated from the Feed and Fertilizer Fund into revenue
16 bonds for the purpose of renovating a building on the Baton Rouge campus of the
17 Louisiana State University and Agricultural and Mechanical College to provide
18 administrative offices and analytical laboratories to be used in connection with the
19 programs established by **Parts II and III of** this Chapter and for the purpose of
20 acquiring, constructing, renovating, and equipping buildings and related facilities for
21 use by the Department of Agriculture and Forestry in connection with promoting and
22 assisting agriculture and forestry in this state. The Department of Agriculture and
23 Forestry may pledge those funds to secure the repayment of revenue bonds or to
24 secure a lease or purchase agreement entered into in connection with the issuance of
25 revenue bonds for those purposes.

26 * * *

27 §1430.13. Disposition of fees and penalties

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

30 * * *

1 D. Out of the funds remaining in the Bond Security and Redemption Fund
 2 after a sufficient amount is allocated from that fund to pay all obligations secured by
 3 the full faith and credit of the state which become due and payable within any fiscal
 4 year, the treasurer, prior to placing the remaining funds in the state general fund,
 5 shall pay an amount equal to the total amount of the funds paid into the state treasury
 6 under the provisions of **Parts II and III of** this Chapter into the Feed and Fertilizer
 7 Fund. The funds are to be used for the expenses of the programs established for the
 8 purposes of **Parts II and III of** this Chapter and for the other purposes for which
 9 funds in the Feed and Fertilizer Fund may be used as determined by the
 10 commissioner.

11 §1431. Terms defined

12 As used in this ~~Chapter~~ **Part**, the following terms have the meanings given:

13 (1) "Advertisement" means all representations, other than those on the label,
 14 disseminated in any manner or by any means, relating to seed within the scope of this
 15 ~~Chapter~~ **Part**.

16 * * *

17 (3) "Certified seeds", "registered seeds", and "foundation seeds" are seeds
 18 which have been inspected and sampled during their period of growth and
 19 preparation for market by the commissioner, or by the inspection official of the state
 20 in which the seeds were grown, and which have been found to conform to the
 21 regulations issued by the commission under this ~~Chapter~~ **Part**.

22 (4) "Commission" means the Agricultural Chemistry and Seed
 23 Commission.

24 * * *

25 (17) "Minor violation" means a violation of noncompliance that does not
 26 create a competitive disadvantage for licensees in full compliance, is not a
 27 violation that adversely affects human health, safety or the environment, is not
 28 a violation performed with malicious, deliberate or fraudulent intent, and is not
 29 a repetitive violation.

30 (18) "Mixed seeds" are seeds of more than one kind or variety when each

1 kind or variety is present in excess of five percent of the whole.

2 (~~18~~)(**19**) "Noxious weeds" are weeds ~~which~~ **that** are highly destructive and
3 difficult to control by good cultural practices and the use of herbicides.

4 (~~19~~)(**20**) "Origin" means place, state, or foreign country where grown.

5 (~~20~~)(**21**) "Other crop seeds" are the seeds of all kinds or varieties not of the
6 kind or variety declared on the label.

7 (~~21~~)(**22**) "Person" means any individual, firm, corporation, association, or
8 partnership.

9 (~~22~~)(**23**) "Prohibited noxious weed seeds" means any weed seeds ~~which~~ **that**
10 are prohibited from being present in agricultural, vegetable, flower, tree, or shrub
11 seed.

12 (~~23~~)(**24**) "Pure seeds" are all seeds of the kind and variety under
13 consideration, whether shriveled, cracked, or otherwise injured, and pieces of seeds
14 larger than one-half the original size.

15 (~~24~~)(**25**) "Retail seedsman" means any person who sells seed at retail directly
16 to the consumer either in quantities of not less than one pound or any quantity
17 including closed containers of less than one pound.

18 (~~25~~)(**26**) "Seed" is a propagative part of a plant capable of producing a new
19 plant, including but not limited to those parts commonly referred to as seeds, bulbs,
20 roots, tubers, and other propagating stock.

21 (~~26~~)(**27**) "Stop order" is any written or printed notice given by the
22 commissioner of the Department of Agriculture and Forestry or his authorized
23 agents, to the person with a lot of seed, directing the person not to sell or offer for
24 sale the seed until the requirements of this ~~Chapter~~ **Part** and regulations promulgated
25 hereunder have been complied with and a written release is issued. Such seeds may
26 be released for sale as feed.

27 (~~27~~)(**28**) "Treated" means that the seed has received an application of a
28 substance or that it has been subjected to a process for which a claim is made.

29 (~~28~~)(**29**) "Variety" is a subdivision of a kind characterized by growth, plant,
30 fruit, seed, or other characteristic by which it can be differentiated from other seeds

1 of the same kind.

2 (~~29~~)(30) "Vegetable seeds" are seeds of vegetable crops grown in gardens or
3 on truck farms.

4 (~~30~~)(31) "Weed seeds" are seeds of all plants that are considered to be
5 undesirable or troublesome in an area where the plant is not wanted.

6 * * *

7 §1433. Powers and ~~duties of seed~~ **responsibilities of** commission

8 A. The commission shall:

9 (1)(a) * * *

10 (b) Establish the standards and tolerances to be allowed in the administration
11 of this ~~Chapter~~ **Part**;

12 * * *

13 (f) Make all rules and regulations pertaining to the enforcement of this
14 ~~Chapter~~ **Part**.

15 * * *

16 (3) In making rules and regulations, give consideration to the following with
17 respect to each kind of seed or other propagating stock regulated by this ~~Chapter~~
18 **Part**:

19 * * *

20 (4) Hold hearings on alleged violations of the provisions of this ~~Chapter~~ **Part**
21 or of the rules and regulations adopted pursuant to this ~~Chapter~~ **Part**.

22 (5) Advise the commissioner on the civil penalties to be imposed or the
23 injunctive or other civil relief to be sought to punish and restrain violations of the
24 provisions of this ~~Chapter~~ **Part** or of the rules and regulations adopted pursuant to
25 this ~~Chapter~~ **Part**.

26 * * *

27 (7) Declare plants to be weeds or noxious weeds in all or part of the state and
28 to prohibit, restrict, or regulate the sale, distribution, movement, and use of weed
29 seeds or noxious weed seeds by regulations adopted pursuant to this ~~Chapter~~ **Part**.

30 * * *

1 §1434. Powers and duties of the commissioner of agriculture

2 The commissioner shall:

3 (1) Enforce this ~~Chapter~~ **Part** and all rules and regulations made and adopted
4 by the commission.

5 (2) Sample, inspect, test, and make analyses of agricultural, vegetable, and
6 flower seeds transported, offered for sale, sold, or distributed in Louisiana for
7 planting purposes; determine whether the seeds are in compliance with this ~~Chapter~~
8 **Part** and with rules and regulations made under this ~~Chapter~~ **Part**; and notify
9 promptly the person who transported, distributed, sold, or offered for sale the seeds
10 of any violation.

11 * * *

12 (4) Require reports necessary to administer this ~~Chapter~~ **Part** and rules and
13 regulations made under this ~~Chapter~~ **Part**.

14 (5) Collect, administer, and disburse the proceeds of the assessment, fees,
15 interest, penalties, and other monies collected pursuant to this ~~Chapter~~ **Part**.

16 §1435. Authority of the commissioner

17 The commissioner may:

18 (1) Employ agents necessary to enforce this ~~Chapter~~ **Part** and the rules and
19 regulations made under this ~~Chapter~~ **Part**.

20 (2) In order to have access to seeds subject to this ~~Chapter~~ **Part**, enter, during
21 regular business hours, any public or private premises where agricultural, vegetable,
22 or flower seeds or other propagating stock is sold, offered for sale, or distributed.

23 (3) Issue and enforce a stop order to the person with a lot of seed or other
24 propagating stock ~~which~~ **that** the commissioner finds, or has good reason to believe,
25 is in violation of this ~~Chapter~~ **Part** or the rules and regulations made under this
26 ~~Chapter~~ **Part**.

27 (4) Establish and maintain a seed laboratory; employ a State seed analyst,
28 other analysts, and other personnel whose work he shall direct and supervise; and
29 incur such other expenses necessary to comply with this ~~Chapter~~ **Part**.

30 * * *

1 (6) Enter, either directly or through a duly authorized agent, the premises of
2 any person producing, processing, distributing, or selling seeds and examine that
3 person's books, accounts, and records, and obtain any other information necessary,
4 for purposes of enforcing the provisions of this ~~Chapter~~ **Part** and the regulations
5 adopted pursuant to this ~~Chapter~~ **Part**.

6 (7) Seek and obtain injunctive or other civil relief to restrain and prevent
7 violations of this ~~Chapter~~ **Part**, or rules and regulations adopted pursuant to this
8 ~~Chapter~~ **Part**, or orders and rulings issued by the commissioner pursuant to this
9 ~~Chapter~~ **Part**.

10 (8) Institute civil proceedings to enforce his orders or rulings, collect any
11 assessments, late fees, fines, penalties, or costs due under this ~~Chapter~~ **Part** or to
12 otherwise enforce the provisions of this ~~Chapter~~ **Part** or rules and regulations
13 adopted pursuant to this ~~Chapter~~ **Part**.

14 §1436. Labeling of seeds

15 Each container of agricultural, vegetable, or flower seeds, or other
16 propagating stock,~~which **that**~~ is sold or offered for sale in Louisiana for planting
17 purposes shall bear thereon or have attached thereto in a conspicuous place a label
18 plainly written or printed in the English language. The label shall give the following
19 information:

20 (1) For all agricultural, vegetable, and flower seeds treated as defined in this
21 ~~Chapter~~ **Part** for which a separate label may be used:

22 * * *

23 (2) On agricultural seeds:

24 (a) Except as otherwise provided herein, the commonly accepted name of the
25 kind and variety of each agricultural seed component in excess of five percent of the
26 whole, and the percentage of weight of each in the order of its predominance. The
27 provisions of this Subparagraph shall not prohibit the sale of wheat and oat seeds
28 ~~which **that**~~ are labeled "variety not stated" and ~~which **that**~~ meet the other
29 requirements of this ~~Chapter~~ **Part**. The commission may adopt rules and regulations
30 governing the sale and labeling of variety not stated wheat and oat seeds. Hybrids

1 shall be labeled as hybrids.

2 * * *

3 (5) On vegetable seeds in containers of one pound or less ~~which~~ **that**
4 germinate less than the standards established by the commission under the provisions
5 of R.S. 3:1433(3)(a):

6 * * *

7 (c) The word "~~Substandard~~ **Below Standard**" in not less than eight-point
8 type.

9 * * *

10 §1437. Registration of seed dealers

11 A. Every person, except persons exempt by R.S. 3:1446 **3:1445**, who sells,
12 distributes, or offers or handles for sale agricultural, vegetable, or flower seeds or
13 other propagating stock of one pound or more in weight shall register with the
14 commissioner as a seed dealer. Every seed dealer shall register the number and
15 location of each place of business at which the seeds are sold, distributed, or offered
16 or handled for sale. The commissioner shall issue to the registered seed dealer a
17 license to engage in the business.

18 * * *

19 §1438. Suspension or revocation of seed dealer license

20 Any licensee who violates any of the provisions of this ~~Chapter~~ **Part** or the
21 regulations adopted under the provisions of this ~~Chapter~~ **Part** shall be subject to
22 having his license suspended, revoked, or placed on probation, in addition to any
23 other penalties authorized by this ~~Chapter~~ **Part**.

24 * * *

25 §1440. Stop order

26 A stop order shall prohibit further sale, exchange, movement, or distribution
27 of seeds included in the order until the commissioner is satisfied that this ~~Chapter~~
28 **Part** and rules and regulations of the commission have been complied with and the
29 commissioner has issued a written release to the person with such seed. After a stop
30 order is given, the person receiving the stop order shall have thirty days within which

1 to comply and to obtain a written release of the order. This Section shall not prevent
2 the commissioner from proceeding in accordance with other Sections in this ~~Chapter~~
3 **Part**.

4 §1441. Seizure

5 When the commissioner issues a stop order to a person with a lot of seed and
6 such person fails to comply with this ~~Chapter~~ **Part** or the regulations of the
7 commission, the commissioner shall seize the lot of seed and shall destroy the lot
8 within thirty days, or shall dispose of it in the manner prescribed by the rules and
9 regulations made by the commission.

10 §1443. Disclaimer or nonwarranty clause of no effect

11 The use of a disclaimer or nonwarranty clause in any invoice, advertisement,
12 or label pertaining to seeds shall not exempt a person from the provisions of this
13 ~~Chapter~~ **Part**.

14 §1444. Prohibitions

15 No person shall:

16 (1) Sell, offer for sale, transport, or distribute any agricultural, vegetable, or
17 flower seeds unless the seeds have been tested in accordance with the rules and
18 regulations adopted by the **Agricultural Chemistry and Seed Commission**. The
19 commission by rule may require information relative to the test to be affixed to the
20 packaging of the seeds.

21 (2) Sell, offer for sale, transport, or distribute any agricultural, vegetable or
22 flower seeds ~~which~~ **that** are not labeled in accordance with this ~~Chapter~~ **Part** or
23 ~~which~~ **that** have false or misleading labeling.

24 * * *

25 (4) Sell, offer for sale, transport, or distribute any agricultural seeds
26 containing noxious weed seeds, subject to tolerances and methods of determinations,
27 in excess of those prescribed under this ~~Chapter~~ **Part**.

28 (5) Detach, deface, destroy, or use a second time any label provided for in
29 this ~~Chapter~~ **Part** or the rules and regulations made by the commission.

30 * * *

1 (8) Obstruct in any way any authorized person in the performance of his
2 duties under this ~~Chapter~~ **Part**.

3 * * *

4 §1445. Exemptions

5 A. The provisions of R.S. 3:1436 shall not apply:

6 (1) To common carriers with respect to seeds transported in the ordinary
7 course of business as a carrier. R.S. 3:1436 shall apply to carriers engaged in
8 processing or merchandising seeds subject to the provisions of this ~~Chapter~~ **Part**.

9 * * *

10 (3) To agricultural seeds when grown, sold, and delivered by the producer
11 on his own premises when the growing of crops for reproductive purposes is not the
12 primary farming occupation of the producer. If the seeds are advertised for sale
13 through any medium or if the seeds are delivered by a common carrier, except for the
14 purpose of recleaning, they shall be labeled in accordance with this ~~Chapter~~ **Part**.

15 B. The provisions of R.S. 3:1444 shall not apply:

16 * * *

17 (2) To seeds in storage in, consigned to, or being transported to seed cleaning
18 or processing establishments for cleaning and processing only. Any labeling or
19 representation ~~which~~ **that** is made with respect to the unclean seeds shall be subject
20 to this ~~Chapter~~ **Part**.

21 (3) To agricultural seeds when grown, sold, and delivered by the producer
22 on his own premises when the growing of crops for reproductive purposes is not the
23 primary farming occupation of the producer. If the seeds are advertised for sale
24 through any medium or if the seeds are delivered by a common carrier, except for the
25 purpose of recleaning, they shall be labeled in accordance with this ~~Chapter~~ **Part**.

26 * * *

27 §1446. Penalty for violation; procedures for imposition of penalties

28 A. Whoever violates this ~~Chapter~~ **Part** or the rules and regulations made
29 under this ~~Chapter~~ **Part** shall **may** be subject to a civil penalty of not more than five
30 hundred dollars for each act of violation and for each day of violation. Each day on

1 which a violation occurs shall be a separate offense.

2 B. Penalties may be assessed only by a ruling of the commission based upon
3 an adjudicatory hearing held in accordance with the provisions of the Administrative
4 Procedure Act and this ~~Chapter~~ **Part** as follows:

5 (1) The commission shall be convened by the commissioner for the purpose
6 of hearing any alleged violation of this ~~Chapter~~ **Part** or any rule and regulation
7 adopted pursuant to this ~~Chapter~~ **Part**.

8 * * *

9 (5) Nothing in this Section shall be construed as requiring the
10 commission to institute adjudicatory proceedings for minor violations of this
11 Part when the department believes that the public interest will best be served
12 by a suitable notice of noncompliance in writing.

13 * * *

14 §1449. Disposition of funds; Seed ~~Commission~~ Fund

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

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

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

30 * * *

1 B. Subject to appropriation, the monies in the fund shall be used for the
2 following purposes:

3 (1) To provide for the expenses of the program established by this ~~Chapter~~
4 **Part**, as determined by the ~~commission~~ **commissioner**.

5 (2) To fund any and all costs related to the carrying out of the powers and
6 duties granted to the commission and the commissioner of agriculture and forestry
7 under this ~~Chapter~~ **Part**.

8 Section 2. R.S. 36:629(H) is hereby amended and reenacted to read as follows:

9 §629. Transfer of boards, commissions, departments, and agencies to the
10 Department of Agriculture and Forestry

11 * * *

12 H. The ~~Louisiana Feed, Fertilizer, and Agricultural Liming~~ **Chemistry and**
13 **Seed** Commission (R.S. 3:1381 et seq.) is placed within the Department of
14 Agriculture and Forestry and shall perform and exercise its powers, duties, functions,
15 and responsibilities as provided by law.

16 * * *

17 Section 3. R.S. 3:1421, 1432, 1444(11) and Part II of Chapter 11 of Title 3 of the
18 Louisiana Revised Statutes of 1950, comprised of R.S. 3:1551 and 1552, are hereby repealed
19 in their entirety.

20 Section 4. R.S. 36:629(C)(6) is hereby repealed in its entirety.

21 Section 5. The Louisiana State Law Institute is hereby directed to redesignate
22 Subparts I and II of Part III of Chapter 10-A of Title 3 of the Louisiana Revised Statutes of
23 1950, as Subparts A and B of Part III of Chapter 10-A of Title 3 of the Louisiana Revised
24 Statutes of 1950.

25 Section 6. The Louisiana State Law Institute is hereby directed to redesignate Part
26 I of Chapter 11 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S.
27 3:1431 through 1449, as amended and reenacted by this Act, as "Part IV. Seeds" of Chapter
28 10-A of said Title.

29 Section 7. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____