

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.

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

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

9 (3) The commission may assess a civil penalty of not more than one
10 thousand five hundred 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

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".

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

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

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

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

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

Present law 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 present law or any rule or regulation adopted pursuant to present law in a prior adjudicatory proceeding held by the commission. Proposed law increases the penalty from \$250 to \$500.

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

Present law 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 present law or any rule or regulation adopted pursuant to present law in two or more prior adjudicatory proceedings held by the commission. Proposed law 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))