

ACT No. 216

Regular Session, 2014

HOUSE BILL NO. 1045

BY REPRESENTATIVE LEBAS

1 AN ACT

2 To amend and reenact R.S. 3:3533(B), (C), and (E), 3534(A)(1) and (2), (G), and (H)(1), and
3 3537(A) and to repeal R.S. 3:3533(F) and 3534(B) and (I), relative to the Louisiana
4 Rice Promotion Board; to provide for the membership of the board; to provide for
5 the duties and responsibilities of the board; to provide for the levy of certain
6 assessments; to provide for rice producer refunds; to provide for use and transfer of
7 funds; to repeal the levy of additional assessments; to repeal authority for referenda
8 for assessment purposes; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:3533(B), (C), and (E), 3534(A)(1) and (2), (G), and (H)(1), and
11 3537(A) are hereby amended and reenacted to read as follows:

12 §3533. Creation and organization

13 * * *

14 B. The board shall be composed of ~~nine~~ eleven members appointed by the
15 governor, ~~subject to Senate confirmation.~~ Each member shall be subject to Senate
16 confirmation, except the commissioner or his designee. Members shall serve for
17 four-year terms which shall begin on the ~~first~~ fifteenth day of ~~July~~ August of ~~1988~~
18 2014 and each four years thereafter. ~~Members shall be appointed in accordance with~~
19 ~~the following provisions:~~ The board shall be composed of the following members:

20 (1) Six members ~~shall be~~ appointed from a list of twelve persons nominated
21 by the Louisiana Rice Council.

22 (2) One member ~~shall be~~ appointed from a list of three persons nominated
23 by the Louisiana Rice Growers Association.

1 (3) One member ~~shall be~~ appointed from a list of three persons nominated
 2 by the American Rice Growers Cooperative Association.

3 (4) One member ~~shall be~~ appointed from a list of three persons nominated
 4 by the Louisiana Farm Bureau Federation, Inc.

5 (5) One member appointed from a list of three persons nominated by the
 6 Louisiana Independent Rice Producers Association.

7 (6) The commissioner of agriculture or his designee.

8 C. Not less than thirty days prior to the first fifteenth day of ~~July~~ August in
 9 ~~1988~~ 2014 and every four years thereafter, the Louisiana Rice Council, the Louisiana
 10 Rice Growers Association, the American Rice Growers Cooperative Association, ~~and~~
 11 the Louisiana Farm Bureau Federation, and the Louisiana Independent Rice
 12 Producers Association shall each submit the names of their nominees, all of whom
 13 shall be rice producers, to the governor, who shall appoint the required number of
 14 board members from each set of nominees. In the event that the governor fails to
 15 appoint the members of the board in accordance with this Section, the current
 16 members shall continue to serve until their successors are appointed.

17 * * *

18 E. The members of the board shall meet and organize immediately after their
 19 appointment and shall elect a chairman, vice chairman, and secretary-treasurer from
 20 the membership of the board. The duties of the officers shall be those customarily
 21 exercised by such officers or specifically designated by the board. The board may
 22 establish rules and regulations for its own government and the administration of the
 23 affairs of the board and shall have the following duties, functions, and authorizations
 24 in addition to and in conjunction with the aforementioned:

25 ~~(1) To plan and conduct, in such manner as the board may determine,~~
 26 ~~referenda among producers for the approval or disapproval of the program in~~
 27 ~~accordance with the provisions of this Chapter.~~

28 ~~(2)~~(1) To make recommendations and to advise the commissioner
 29 concerning rules and regulations relating to the administration of the collection of
 30 the assessments.

1 ~~(3)~~(2) To enter into contracts for rice promotion with rice promotion and
 2 other organizations relating to the production, handling, marketing, and utilization
 3 of rice, which rice promotion organizations may include nonprofit organizations of
 4 which members of the board are members.

5 ~~(4)~~(3) To keep minutes, books, and records which will clearly reflect all of
 6 its meetings, acts and transactions. The minutes, books, and records at all times shall
 7 be subject to examination by any rice producer on whom an assessment has been
 8 collected.

9 ~~(5)~~(4) To publicize the actions of the board in the news media serving the
 10 rice areas of Louisiana.

11 ~~(6)~~(5) To investigate and cause prosecution to be instituted for violation of
 12 the provisions of this Chapter.

§3534. Levy of assessment; ~~referendum~~, collection, and enforcement; records;
 14 refunds; transfer of funds

15 A. Levy of assessment.

16 (1) There is hereby levied an assessment at the rate ~~not to exceed~~ of three
 17 cents per hundredweight, or the equivalent thereof, of dry rough "paddy" rice
 18 produced in this state and a rate ~~not to exceed~~ of two and seventy one-hundredths
 19 cents per hundredweight, or the equivalent thereof, on rice produced in this state and
 20 sold on a "green weight" basis.

21 (2) The obligation to pay the assessment shall apply to the producer for all
 22 rice marketed by him. To facilitate collection, this assessment shall be deducted by
 23 each miller or handler from the amount paid the producer at the first point of sale
 24 only, whether within or without ~~outside~~ the state; ~~however, the assessment shall not~~
 25 ~~be imposed unless and until the question of its imposition has been submitted to and~~
 26 ~~been approved by a majority of the rice producers who vote in referendum as~~
 27 ~~provided in Subsection B of this Section.~~

28 * * *

1 G. Refunds.

2 (1) Any rice producer may request and receive a refund of the amount
3 deducted from his share of the proceeds from the sale of his rice provided he makes
4 a written application with the commissioner within thirty days from the date of sale
5 supported by copies of sales slips signed by the producer and provided further that
6 the application is filed before the annual accounting is made and the funds paid to
7 the board.

8 (2) The refund shall be paid to the producer no later than sixty days after the
9 commissioner receives the producer's application for a refund.

10 (3) Any repeal of the refund provided in this Subsection shall require two-
11 thirds vote of the legislature.

12 ~~(2) Provided however, the refund as provided in this Subsection shall not be~~
13 ~~available if a majority of the rice producers who vote in a referendum to be called~~
14 ~~and held by the board after January 1, 1992, vote to abolish the refund provisions of~~
15 ~~this Subsection.~~

16 ~~(3) If a majority of the rice producers who vote in such a referendum vote~~
17 ~~to abolish the refund provisions, such refund provisions shall be null and void and~~
18 ~~shall thereafter have no effect.~~

19 H. Transfer of funds.

20 (1) The commissioner of agriculture shall ~~annually~~ monthly pay over to the
21 Louisiana Rice Promotion Board the funds collected less the actual cost of
22 administering and collecting the assessment levied herein up to but not to exceed two
23 percent of the gross amount collected.

24 * * *

25 §3537. Use of funds

26 A. After deduction from the proceeds of the assessment, the expenses of
27 collection and administration, ~~including costs of referenda,~~ the board shall dedicate
28 the balance to rice promotion. The board shall have the discretion as to what
29 organizations and agencies to expend monies for such purposes. Use of these funds

1 may be applied within or ~~without~~ outside of the state of Louisiana, including
2 regional, national, and international applications.

3 * * *

4 Section 2. R.S. 3:3533(F) and 3534(B) and (I) are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____