

Regular Session, 2011

HOUSE BILL NO. 301

BY REPRESENTATIVE BILLIOT

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

FISHING/OYSTERS: Provides relative to standard measurements of shellstock oysters

1 AN ACT

2 To amend and reenact R.S. 56:440, relative to measurements of shellstock oysters; to define
3 standard measurements for such oysters; to provide relative to inspections; to
4 provides relative to penalties and seizure; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:440 is hereby amended and reenacted to read as follows:

7 §440. Standard measurements; barrel

8 A. In all of the operations of the department, the standard measurement of
9 the barrel referred to herein shall be 6451.26 cubic inches, which approximately
10 represents the cubic contents of three bushels, or one barrel; one sack represents
11 3225.63 cubic inches or one and one-half bushels or one-half barrel.

12 B. To ensure the accuracy of an oyster measuring container, the Department
13 of Agriculture and Forestry shall have available, for purchase, baskets which are
14 certified accurate. Each basket shall be sold at a price of not more than twenty
15 percent over the cost of a comparable basket from a basket maker. Except those
16 vessels engaged in harvesting from the public seed grounds for the purposes of
17 planting cultch and those vessels engaged in transplanting oysters because of health
18 issues, an oyster basket certified accurate by the weights and measures section of the
19 office of agro-consumer services, Department of Agriculture and Forestry, and

1 bearing an official seal to that effect shall be on board each oyster harvester vessel
2 during the commercial harvest of oysters for sale.

3 C. Each sack of oysters shall contain the equivalent of one basket, and each
4 barrel shall contain the equivalent of two baskets or two sacks. Shellstock oysters
5 may be sold by count, if labeled by count; by weight, if labeled by weight; and by
6 volume, if labeled by volume.

7 D. Sacks and barrels shall contain correct measurements prior to removal
8 from the harvesting vessel and shall contain correct measurements at the time of
9 delivery to the consignee, buyer, or importer and at the time of delivery to any
10 subsequent purchaser after the initial sale. Anyone harvesting for commercial
11 purposes or selling shellstock oysters shall ensure that the oysters being sold are
12 labeled correctly.

13 E. The violation of any provision of this Section or of any rule or regulation
14 adopted under the provisions of this Section shall be subject to penalties of a class
15 4 violation as defined by R.S. 56:34, except that only oysters may be seized. Oysters
16 that have been seized in connection with any violation of this Section shall, at the
17 expense of the person from whom the oysters were seized, be returned to the area
18 from which the oysters were harvested.

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)]

Billiot

HB No. 301

Abstract: Provides relative to standard measurements of shellstock oysters.

Present law provides that for the purposes of oyster measurements, a barrel is 6451.26 cubic inches, which equals three bushels and one sack is 3225.63 cubic inches or one and one-half bushels or one-half barrel.

Proposed law retains present law and further provides that to ensure the accuracy of an oyster measuring container, the Dept. of Agriculture and Forestry shall have available for purchase baskets which are certified accurate. Unless harvesting from the public seed grounds for planting cultch or for transplanting oysters because of health issues, proposed law requires a certified oyster basket from the Dept. of Agriculture and Forestry to be on board each oyster harvester vessel.

Further provides that shellstock oysters may be sold by count, if labeled by count; by weight, if labeled by weight; and by volume, if labeled by volume. Requires accurate measurement of oysters at each point of sale.

Provides that violations are class four violations punishable as follows:

1st offense	between \$400 & \$950	or	imprisonment for more than 120 days, or both
2nd offense	between \$750 & \$999	&	imprisonment between 90 and 180 days
3rd or more	between \$1,000 & \$5,000 &		imprisonment between 180 days and two years

except that only oysters must be forfeited. Provides that oysters seized in connection with any violation shall, at the expense of the person from whom the oysters were seized, be returned to the area from which the oysters were harvested.

(Amends R.S. 56:440)