

2018 Regular Session

HOUSE BILL NO. 624

BY REPRESENTATIVE SCHEXNAYDER

AGRICULTURE: Provides relative to the Commission of Weights and Measures

1 AN ACT

2 To amend and reenact R.S. 3:4603(E) through (J) and 4633(B) and to enact R.S. 3:4602(22)
3 and 4603(K) and (L), relative to the Commission of Weights and Measures; to
4 provide relative to alternate membership on the commission; to define certain oyster
5 measurements to be enforced by the commission; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 3:4603(E) through (J) and 4633(B) are hereby amended and
8 reenacted and R.S. 3:4602(22) and 4603(K) and (L) are hereby enacted to read as follows:

9 §4602. Definitions

10 As used in this Chapter, the following terms shall have the following
11 meanings:

12 * * *

13 (22) "Basket" means a one and one-half bushel circular container that may
14 be used for the measurement of oysters to be sold or purchased.

15 §4603. Commission of Weights and Measures

16 * * *

17 E. ~~Any vacancy shall be filled in the same manner as the original~~
18 ~~appointment for the unexpired portion of the term of the office vacated. The~~
19 commissioner may appoint an alternate member for each member he appoints. The
20 alternate member shall be appointed from the same list of nominees and in the same

1 manner as the appointed member. Any alternate who attends a meeting as a
2 representative of a member shall have the same rights, powers, and privileges,
3 including voting rights, as the member for whom he is an alternate.

4 F. ~~A majority of the members of the commission present at a meeting shall~~
5 ~~constitute a quorum for the transaction of business. All official actions of the~~
6 ~~commission shall require the affirmative vote of a majority of the members of the~~
7 ~~commission present. A member shall be removed from the commission and his seat~~
8 declared vacant if any of the following apply:

9 (1) The member is no longer a legal resident of the state.

10 (2) The member fails to remain active in the organization he was appointed
11 to represent or is no longer employed by the agency he was appointed to represent.

12 (3) The member is absent from three consecutive meetings within a twelve-
13 month period of time for which the commissioner finds that there are no valid
14 excuses for the absences and the commission chairman verifies the number of
15 unexcused absences.

16 G. ~~Members of the commission shall not receive any salary for their duties~~
17 ~~as members. Members may receive a per diem for each day spent in actual~~
18 ~~attendance of meetings of the commission or of duly appointed committees or~~
19 ~~subcommittees of the commission. The amount of the per diem shall be fixed by the~~
20 ~~commission in an amount not to exceed forty dollars. Members may receive a~~
21 ~~mileage allowance for mileage traveled in attending meetings. The mileage~~
22 ~~allowance shall be fixed by the commission in an amount not to exceed the mileage~~
23 ~~rate for state employees. E. Any vacancy shall be filled in the same manner as the~~
24 original appointment for the unexpired portion of the term of the office vacated.

25 H. ~~The commission shall meet two times per year and may meet on the call~~
26 ~~of the chairman or upon the request of three members or the director. F. A majority~~
27 ~~of the members of the commission present at a meeting shall constitute a quorum for~~
28 ~~the transaction of business. All official actions of the commission shall require the~~
29 affirmative vote of a majority of the members of the commission present.

1 I. ~~The commission shall employ a director and an assistant director, who~~
2 ~~shall be appointed by the commissioner, subject to Senate confirmation. The director~~
3 ~~and assistant director shall be in the unclassified service. The commissioner may~~
4 ~~employ such other personnel of the commission as he deems appropriate. All~~
5 ~~employees of the commission shall comprise the division of weights and measures~~
6 ~~in the department and shall be under the direction and supervision of the~~
7 ~~commissioner.~~ G. Members of the commission shall not receive any salary for their
8 duties as members. Members may receive a per diem for each day spent in actual
9 attendance of meetings of the commission or of duly appointed committees or
10 subcommittees of the commission. The amount of the per diem shall be fixed by the
11 commission in an amount not to exceed forty dollars. Members may receive a
12 mileage allowance for mileage traveled in attending meetings. The mileage
13 allowance shall be fixed by the commission in an amount not to exceed the mileage
14 rate for state employees.

15 ~~J. Employees of the commission shall possess the authority and powers of~~
16 ~~the commission and the commissioner when implementing the provisions of this~~
17 ~~Chapter.~~ H. The commission shall meet two times per year and may meet on the
18 call of the chairman or upon the request of three members or the director.

19 K. ~~F.~~ The commission shall employ a director and an assistant director, who
20 shall be appointed by the commissioner, subject to Senate confirmation. The director
21 and assistant director shall be in the unclassified service. The commissioner may
22 employ such other personnel of the commission as he deems appropriate. All
23 employees of the commission shall comprise the division of weights and measures
24 in the department and shall be under the direction and supervision of the
25 commissioner.

26 L. ~~F.~~ Employees of the commission shall possess the authority and powers
27 of the commission and the commissioner when implementing the provisions of this
28 Chapter.

* * *

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1 §4633. Inspection of sacks and barrels; standards contents

2 * * *

3 B. Each mini-sack of oysters shall contain one-half bushel; each sack of
4 oysters shall contain ~~one basket~~ one and one-half bushels; and each barrel shall
5 contain ~~two baskets~~ three bushels. Sacks and barrels shall contain correct
6 measurements at the time of delivery to the consignee, buyer, or importer and at the
7 time of delivery to any subsequent buyer after arrival.

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 624 Engrossed

2018 Regular Session

Schexnayder

Abstract: Provides relative to alternate members of the Commission of Weights and Measures and measurements for oysters.

Present law provides for 10 members appointed by the commissioner of Agriculture and Forestry to the Commission of Weights and Measures. Proposed law authorizes the commissioner to appoint alternates from the same list of nominees in the same manner as each appointed member. Provides that each alternate attending a meeting has the same rights, powers, and privileges as the member, including voting.

Proposed law provides for the removal from the commission for any member who is no longer a resident of Louisiana, is no longer active in the organization or agency for which he was appointed to represent, or has three or more unexcused absences within a 12-month period of time as verified by the commissioner and the chairman of the commission.

Proposed law defines "basket" as a one and one-half bushel container used for measuring oysters for sale or purchase.

Present law requires that each sack of oysters contains one basket and each barrel contains two baskets. Proposed law requires that each mini-sack of oysters contains one-half bushel, each sack contains one and one-half bushels, and each barrel contains three bushels.

(Amends R.S. 3:4603(E) through (J) and 4633(B); Adds R.S. 3:4602(22) and 4603(K) and (L))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill:

1. Make a technical change.