

Regular Session, 2012

SENATE BILL NO. 733

BY SENATOR CHABERT

SEAFOOD. Provides for the membership and powers and duties of the Louisiana Seafood Promotion and Marketing Board. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 56:578.2(A), (B), (C), and (D) and to enact R.S. 56:578.2(F),
3 relative to the Louisiana Seafood Promotion and Marketing Board; to provide for its
4 membership; to provide for the election of its officers; to provide for certain term
5 limits for officers; to provide certain requirements, terms, and conditions; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:578.2(A), (B), (C), and (D) are hereby amended and reenacted
9 and R.S. 56:578.2(F) is hereby enacted to read as follows:

10 §578.2. Louisiana Seafood Promotion and Marketing Board; creation and
11 organization

12 A.(1) There is hereby created in the office of fisheries of the Department of
13 Wildlife and Fisheries the Louisiana Seafood Promotion and Marketing Board. The
14 agency shall have its domicile in Baton Rouge and shall be governed by a board of
15 trustees composed of ~~sixteen~~ **fourteen** members, ~~fifteen~~ **thirteen** members ~~to be~~
16 appointed by the governor from persons engaged in the commercial seafood,
17 **crawfish** and alligator industry in Louisiana ~~to serve terms concurrent with the~~

1 ~~governor~~, and the ~~sixteenth~~ **fourteenth** member to be the secretary of the
2 Department of Wildlife and Fisheries or his designated representative, who shall
3 serve as an ex officio **nonvoting** member.

4 (2) The appointed members shall be chosen as follows:

5 (a) One shall be appointed from a list of three names submitted by **members**
6 **from Louisiana of** the American Shrimp Processors Association ~~and the Louisiana~~
7 ~~Shrimp Association.~~

8 (b) One shall be appointed from a list of three names submitted by the
9 Louisiana Oyster Dealers and Growers Association.

10 (c) One shall be appointed from a list of three names submitted by the
11 Louisiana ~~crawfish industry~~ **Crawfish Processors Alliance, Inc.**

12 (d) One shall be appointed from a list of three names submitted by the
13 Louisiana ~~Restaurant Association~~ **Oyster Task Force.**

14 (e) ~~Two~~ **One** shall represent the harvesting sector of the shrimp industry, ~~one~~
15 ~~or more of which~~ shall be appointed from a list of **three** names submitted by ~~shrimp~~
16 ~~organizations or associations currently active throughout the state~~ **the Louisiana**
17 **Retailers Association and shall be a seafood buyer representing a grocery store**
18 **chain.**

19 (3) Of the remaining ~~nine~~ **eight** members to be appointed:

20 (a) One member shall be ~~a seafood retailer or wholesaler~~ **appointed from a**
21 **list of three names submitted by the Louisiana Shrimp Association.**

22 (b) One member shall represent the commercial saltwater finfish industry.

23 (c) One member shall ~~represent the commercial freshwater finfish industry.~~
24 **be appointed from a list of three names submitted by the Louisiana Restaurant**
25 **Association.**

26 D.**(1)** The board shall maintain a record of its proceedings, and all matters
27 requiring a vote of the board shall be recorded in the minutes in sufficient detail to
28 determine whether subsequent action thereon is in compliance with the board's
29 directives.

1 **(2) At the end of each calendar year, the board shall submit to the House**
 2 **Natural Resources and Environment Committee and the Senate Committee on**
 3 **Natural Resources a report that describes the accomplishments and**
 4 **contributions of the board toward achieving the mission of promoting Louisiana**
 5 **seafood, and shall include in such report the budget of the board for that**
 6 **calendar year and for the following calendar year.**

7 (d) One member shall be a seafood processor.

8 (e) One member shall ~~represent the crab industry~~ **be appointed from a list**
 9 **of three names submitted by the Crab Task Force.**

10 ~~(f) One member shall be a home economist.~~

11 ~~(g)~~**(f)** One member shall ~~represent the wild catfish industry~~ **be appointed**
 12 **from a list of three names submitted by the Louisiana Catfish Farmers**
 13 **Association.**

14 (h)~~(g)~~ One member shall be a marketing specialist.

15 ~~(i)~~**(h)** One member shall ~~represent the alligator industry~~ **be appointed from**
 16 **a list of three names submitted by the Louisiana Alligator Farmer and Ranchers**
 17 **Association.**

18 (4) The names of each of the ~~fifteen~~ **thirteen** members appointed by the
 19 governor shall be submitted to the Senate for confirmation.

20 B. ~~The members of the board shall meet and elect a chairman, vice chairman,~~
 21 ~~and a secretary-treasurer from the membership of the board~~ **At its first regular**
 22 **meeting in the third quarter of each calendar year, the board shall elect for a**
 23 **one year term a chairman and vice chairman, who shall also be the chairman-**
 24 **elect, and a secretary-treasurer,** whose duties shall be those customarily exercised
 25 by such officers or specifically designated by the board. **No member shall be**
 26 **elected as an officer until such member has served at least one year on the**
 27 **board. No member elected chairman shall serve consecutive terms and no**
 28 **member may serve as chairman more than two terms. No member who serves**
 29 **as chairman shall serve as vice-chairman the proceeding year.** The board may

1 establish rules and regulations for its own government and the administration of the
 2 affairs of the board. The board may disqualify any appointed member for cause,
 3 including excessive absences from board meetings. ~~If any board member is so~~
 4 ~~disqualified, the vacancy created thereby shall be filled by appointment by the~~
 5 ~~governor for the remainder of the unexpired term.~~ **A vacancy occurring on the**
 6 **board for any reason shall be filled in the same manner as the original**
 7 **appointment was made. However, members appointed to fill the vacancies shall**
 8 **only serve for the unexpired term of their predecessors.**

9 C. The presence of ~~nine~~ **eight** members of the board shall constitute a quorum
 10 for the transaction of all business and the carrying out of duties of the board. Each
 11 member shall take and subscribe to the oath of office prescribed for state officers. ~~No~~
 12 ~~member shall receive any salary, but each member shall receive the sum of twenty~~
 13 ~~dollars per day for each day spent in actual attendance at meetings of the board or at~~
 14 ~~meetings of duly appointed committees or subcommittees thereof and such~~
 15 ~~allowance for traveling expenses in attending the meetings as is allowed for other~~
 16 ~~state employees for traveling expenses.~~ **The members of the board shall serve**
 17 **without compensation.**

18 D.**(1)** The board shall maintain a record of its proceedings, and all matters
 19 requiring a vote of the board shall be recorded in the minutes in sufficient detail to
 20 determine whether subsequent action thereon is in compliance with the board's
 21 directives.

22 **(2) At the end of each calendar year, the board shall submit to the House**
 23 **Natural Resources and Environment Committee and the Senate Committee on**
 24 **Natural Resources a report that describes the accomplishments and**
 25 **contributions of the board toward achieving the mission of promoting Louisiana**
 26 **seafood, and shall include in such report the budget of the board for that**
 27 **calendar year and for the following calendar year.**

28 * * *

29 **F.(1) The terms of all members serving on the board shall expire at**

1 **midnight on December 31, 2012. Appointments for terms beginning on January**
2 **1, 2013, shall be made as follows:**

3 **(a) The terms of the members appointed pursuant to R.S.**
4 **56:578.2(A)(2)(a),(b), and (3)(b) and (h) shall be for three years.**

5 **(b) The terms of the members appointed pursuant to R.S.**
6 **56:578.2(A)(2)(c), (3)(e),(f), and(g) shall be for one year.**

7 **(c) The term of the members appointed pursuant to R.S.**
8 **56:578.2(A)(2)(d),(e), (3)(a),(c), and (d) shall be for two years.**

9 **(2) At the end of each term set forth in Paragraph (F)(1) of this Section,**
10 **the members appointed thereafter shall serve a term of three years.**

11 **(3) At the first regularly scheduled meeting of the board after January**
12 **1, 2013, the board shall adopt rules and bylaws which shall be submitted no**
13 **later than thirty days after their adoption to the House Natural Resources and**
14 **Environment Committee and the Senate Committee on Natural Resources for**
15 **approval by the committees. The rules and bylaws shall not go into effect until**
16 **the committees approve of such rules and bylaws.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by McHenry Lee.

DIGEST

Chabert (SB 733)

Present law establishes the Louisiana Seafood Marketing Board and provides for its membership, which consists of sixteen members, including the secretary of the Department of Wildlife and Fisheries and fifteen members appointed by the governor.

Proposed law changes the board membership from sixteen to fourteen members, including the secretary of the Department of Wildlife and Fisheries, who shall serve as an ex officio nonvoting member, and thirteen voting members appointed by the governor, as follows:

1. One member appointed by a list of three names submitted by the La. members of the American Shrimp Processors Assoc.
2. One member appointed from a list of three names submitted by the La. Oyster Retailers and Growers Assoc.
3. One member appointed by a list of three names submitted by the Crawfish Processors Alliance, Inc.
4. One member appointed by a list of three names submitted by the La Oyster Task Force.

5. One member appointed from a list of three names submitted by the La. Retailers Assoc. who shall be a seafood buyer representing a grocery store chain.
6. One member appointed from a list of three names submitted by the La. Shrimp Association.
7. One member representing the commercial saltwater finfish industry.
8. One member appointed from a list of three names submitted by the Louisiana Restaurant Association.
9. One member shall be a seafood processor.
10. One member appointed from a list of three names submitted by the Crab Task Force.
11. One member appointed from a list of three names submitted by the La. Catfish Farmers Assoc.
12. One member shall be a marketing specialist.
13. One member appointed from a list of three names submitted by the La. Alligator Farmer and Ranchers Assoc.

Present law provides for the election of officers of the board.

Proposed law provides that a vacancy on the board for any reason will be filled in the same manner as the original appointment, but only for the remainder of the unexpired term of their predecessors.

Proposed law retains present law but provides that the vice-chairman will serve as the chairman-elect, that officers can only be elected for a one year term, and that any member elected chairman cannot serve more than two terms and no consecutive terms. Further provides that any member serving as chairman cannot serve as vice-chairman the proceeding year.

Present law provides for per diem and traveling expenses for board members.

Proposed law removes present law.

Proposed law provides that the board must submit a report describing the accomplishments of the board describing the accomplishments and contributions toward achieving the mission of promoting Louisiana seafood to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources. Further provides that the report must also include the budget of the board for that calendar year as well as the following calendar year.

Present law provides that member serve four year terms concurrent with the governor.

Proposed law provides that the terms of the current members expire at midnight on December 31, 2012.

Proposed law provides that beginning January 1, 2013, the following members will serve a three-year term:

1. The appointee representing the American Shrimp Processors Association.
2. The appointee representing the Louisiana Oyster Dealers and Growers Association.

3. The appointee representing the commercial saltwater finfish industry.
4. The appointee representing the Louisiana Alligator Farmers and Ranchers Association.

Proposed law provides that beginning January 1, 2013, the following members will serve a one-year term:

1. The appointee representing the Crawfish Processors Alliance, Inc.
2. The appointee representing the Crab Task Force.
3. The appointee representing the Louisiana Catfish Farmers Association.
4. The marketing specialist.

Proposed law provides that beginning January 1, 2013, the following members will serve a two-year term:

1. The appointee representing the Louisiana Retailers Association.
2. The appointee representing the Louisiana Oyster Task Force.
3. The appointee representing the Louisiana Restaurant Association.
4. The appointee representing the Louisiana Shrimp Association.
5. The seafood processor.

Proposed law provides that thereafter each member of the board shall serve a three year term.

Proposed law provides that at the first regularly scheduled meeting of the board after Jan. 1, 2013, the board must adopt rules and bylaws and submit them within 30 days to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources for approval before such rules and bylaws go into effect.

Effective August 1, 2012.

(Amends R.S. 56:578.2(A), (B), (C), and (D); adds R.S. 56:578.2(F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Changes certain board member nominating organizations.
2. Requires an annual report to legislative committees.
3. Provides for certain requirements for adoption of rules and bylaws for the board.