

Regular Session, 2014

HOUSE BILL NO. 886

BY REPRESENTATIVE MONTOUCET AND SENATORS ALLAIN, LONG, RISER,
JOHN SMITH, AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 3:3543(B), (C), and (D), 3544(A)(1) and (3), (E), (F)(3) and (4),
3 and (H)(1), and 3547(A) and to repeal R.S. 3:3543(E) and 3544(A)(10), (B), and
4 (H)(5), relative to the Louisiana Rice Research Board; to provide for the membership
5 and duties of the board; to provide for the levy of certain assessments on dry rough
6 "paddy" rice; to provide for rice producer refunds; to provide relative to the time
7 period for the transfer of funds; to repeal authority for referenda for assessment
8 purposes; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:3543(B), (C), and (D), 3544(A)(1) and (3), (E), (F)(3) and (4), and
11 (H)(1), and 3547(A) are hereby amended and reenacted to read as follows:

12 §3543. Louisiana Rice Research Board; creation and organization

13 * * *

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

22 (1) Six members ~~shall be~~ appointed from a list of ten persons nominated by
23 the Louisiana Farm Bureau Federation, Inc.

1 (2) Five members ~~shall be~~ appointed from a list of eight persons nominated
2 by the Louisiana Rice Growers Association.

3 (3) Two members ~~shall be~~ appointed from a list of four persons nominated
4 by the American Rice Growers Cooperative Association.

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

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

8 C. Not less than thirty days prior to ~~July 1, 1988~~ August 15, 2014, and every
9 four years thereafter, the Louisiana Farm Bureau Federation, Inc., the Louisiana Rice
10 Growers Association, ~~and~~ the American Rice Growers Cooperative Association, and
11 the Louisiana Independent Rice Producers Association each shall submit the names
12 of their nominees, all of whom shall be rice producers, to the governor who shall
13 appoint the required number of board members from each set of nominees. In the
14 event that the governor fails to appoint the members of the board in accordance with
15 this Section, the current members shall continue to serve until their replacements are
16 appointed. Board members shall be eligible to succeed themselves on the board if
17 they meet the prescribed qualifications and are reappointed by the governor.

18 D. 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, whose duties shall be those customarily exercised by
21 such officers or specifically designated by the board. The board may establish rules
22 and regulations for its own government and the administration of the affairs of the
23 board and shall have the following duties, functions, and authorizations in addition
24 to and in conjunction with the aforementioned:

25 ~~(1) To plan and conduct referenda among producers for the approval or~~
26 ~~disapproval of the program in accordance with the provisions of this Chapter.~~

27 ~~(2)~~(1) To make recommendations and to advise the commissioner
28 concerning rules and regulations relating to the administration of the collection of
29 the assessments.

1 ~~(3)~~(2) To receive the funds from the state treasury in accordance with the
 2 provisions of this Chapter.

3 ~~(4)~~(3) To expend funds collected for rice research and to enter into contracts
 4 with rice research organizations ~~and/or~~ and agencies relating to the production,
 5 handling, marketing, or utilization of rice for the purposes of research.

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

10 ~~(6)~~(5) To publicize the actions of the board in the news media serving the
 11 rice areas of Louisiana.

12 §3544. Levy of assessment; ~~referendum~~; collection; enforcement; transfer of funds

13 A. Levy of assessment.

14 (1) There is imposed and levied an assessment at the rate ~~not to exceed~~ of
 15 three cents per hundredweight, or the equivalent thereof, of dry rough "paddy" rice
 16 produced in this state.

17 * * *

18 (3) The obligation to pay the assessment shall apply to the producer for all
 19 rice marketed by him. To facilitate collection, this assessment is to be deducted by
 20 each miller or handler from the amount paid the producer at the first point of sale
 21 only, whether within or ~~without~~ outside the state; ~~however, the assessment shall not~~
 22 ~~be imposed unless and until the question of its imposition and the amount thereof has~~
 23 ~~been submitted to and been approved by a majority of the rice producers who vote~~
 24 ~~in referendum to be called and held by the board within ninety days following the~~
 25 ~~effective date of this Chapter. If the assessment is approved as provided in this~~
 26 ~~Section, the assessment shall become effective July 1, 1973.~~

27 * * *

28 E. Refunds.

29 (1) Any rice producer may request and receive a refund of the amount
 30 deducted from his share of the proceeds from the sale of his rice provided he makes

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

1 a written application with the commissioner within thirty days from the date of sale
2 supported by copies of weight or settlement sheets by the buyer and provided further
3 that the application is filed before the annual accounting is made and the funds paid
4 to the board.

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

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

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

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

16 F. Transfer of funds.

17 * * *

18 (3) The commissioner of agriculture shall ~~annually~~ monthly pay over to the
19 Louisiana Rice Research Board the funds collected less the actual cost of
20 administering and collecting the assessment levied ~~herein~~ pursuant to this Section up
21 to but not to exceed two percent of the gross amount collected.

22 (4) The ~~annual~~ monthly settlement to the Louisiana Rice Research Board
23 shall be ~~made as of the first day of July of each year and shall be~~ accompanied by a
24 complete audit of all funds collected and disbursed, and costs actually incurred in the
25 collection and administration of the assessment.

26 * * *

27 H. Additional assessments.

28 (1) In addition to all other assessments levied pursuant to this Section there
29 is hereby levied an assessment at a rate ~~not to exceed~~ of two cents per

1 hundredweight, or the equivalent thereof, on dry rough "paddy" rice produced in this
2 state.

3 * * *

4 §3547. Use of funds

5 A. The board shall dedicate, after deducting for administrative expenses, the
6 amounts determined needed for rice research. The board shall have authority to
7 contract for services in order to accomplish the purpose for which it is created. Use
8 of these funds may be applied within or ~~without~~ outside the ~~State~~ state of Louisiana,
9 including regional, national and international applications as long as the research will
10 benefit Louisiana rice producers. ~~Such funds may also be used to defray costs or~~
11 ~~referenda.~~

12 * * *

13 Section 2. R.S. 3:3543(E) and 3544(A)(10), (B), and (H)(5) are hereby repealed in
14 their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____