

ACT No. 172

2018 Regular Session

HOUSE BILL NO. 624

BY REPRESENTATIVE SCHEXNAYDER

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~~
21 ~~manner as the appointed member. Any alternate who attends a meeting as a~~

1 representative of a member shall have the same rights, powers, and privileges,
2 including voting rights, as the member for whom he is an alternate.

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

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

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

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

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

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

29 I. ~~The commission shall employ a director and an assistant director, who~~
30 ~~shall be appointed by the commissioner, subject to Senate confirmation. The director~~

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

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

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

24 L. F. Employees of the commission shall possess the authority and powers
25 of the commission and the commissioner when implementing the provisions of this
26 Chapter.

27 * * *

28 §4633. Inspection of mini-sacks, sacks, and barrels; standards contents

29 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____