

2023 Regular Session

SENATE BILL NO. 28

BY SENATOR CATHEY

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

AGRICULTURAL COMMODITIES. Provides relative to grain sampling and grading.
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AN ACT

To amend and reenact R.S. 3:3414.3(A), (B), (D), and (L) and to enact R.S. 3:3414.3(M), relative to grain sampling and grading; to provide for state certification of grain samplers and graders by the Louisiana Agricultural Commodities Commission; to require grain grading by a state or federally certified grader; to provide for suspension or revocation of a state certification; to require the commission to promulgate rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3414.3(A), (B), (D), and (L) are hereby amended and reenacted and R.S. 3:3414.3(M) is hereby enacted to read as follows:

§3414.3. Grain sampling and grading

A. The commission by rule shall adopt standards for sampling and grading grain. The standards shall include tolerances for the interpretive element of grading. The standards shall be consistent with the standards adopted by the United States Department of Agriculture, **Federal Grain Inspection Service**, for sampling and grading grain. The commission shall provide copies of any changes in the standards to each grain dealer prior to the date the changes become effective.

1 B. **(1) Grain shall be graded by a state or federally certified grader.**

2 (2) The commission ~~may certify~~ **is responsible for the certification of** grain
3 samplers and graders. The commission may conduct courses of instruction in the
4 methods of sampling and grading grain in one or more locations throughout the state.
5 Each person who displays an adequate knowledge of sampling and grading grain
6 which is satisfactory to the commission shall be issued a certificate.

7 **(3) Grain samplers and graders may have their state certification**
8 **suspended or revoked for failure to comply with the provisions of this Chapter**
9 **or the rules and regulations adopted pursuant thereto by a ruling of the**
10 **commission based upon an adjudicatory hearing held in accordance with the**
11 **Administrative Procedure Act.**

12 * * *

13 D. Each grain dealer who issues grades for grain shall retain each sample of
14 grain received from a producer which is subject to excessive deductions. The
15 commission by rule shall determine the level of deductions which are excessive for
16 each type of grain. This determination shall include deductions for all causes and
17 shall be based upon the numerical grades determined for each type of grain by the
18 United States Department of Agriculture, **Federal Grain Inspection Service**.
19 Samples of grain which are subject to excessive deductions shall be retained in
20 separate containers and shall be retained for five days from the date the sample was
21 graded.

22 * * *

23 L. The department shall inspect, classify, and grade ~~all grain subject to this~~
24 Subsection **grain in accordance with standards adopted by the United States**
25 **Department of Agriculture, Federal Grain Inspection Service, for sampling and**
26 **grading grain**. The department may charge a fee for inspecting, classifying, and
27 grading grain. The fee shall be fixed by the commission by rule and shall be based
28 on the actual cost of providing the service. The provisions of this Subsection shall
29 not apply to grain sold for export nor to inbound grain intended for export shipment.

1 **M.(1) The commission shall promulgate rules and regulations for the**
 2 **administration of this Section. All rules and regulations shall be promulgated**
 3 **in accordance with the Administrative Procedure Act.**

4 **(2) The commission shall commence the promulgation of rules and**
 5 **regulations no later than August 1, 2023.**

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

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

DIGEST

SB 28 Original

2023 Regular Session

Cathey

Present law (R.S. 3:3414.3) requires the La. Agricultural Commodities Commission (commission) to adopt standards for sampling and grading grain that are consistent with the standards adopted by the United States Department of Agriculture.

Proposed law clarifies that the standards adopted by the commission for sampling and grading grain are consistent with the standards adopted by the United States Department of Agriculture, Federal Grain Inspection Service.

Proposed law requires grain to be graded by a state or federally certified grader.

Present law authorizes the commission to certify grain samplers and graders.

Proposed law provides that the commission is responsible for the certification of grain samplers and graders.

Proposed law authorizes the commission to suspend or revoke a state certification for failure to comply with the provisions of present law or the rules adopted pursuant thereto based upon an adjudicatory hearing held in accordance with the A.P.A.

Proposed law requires the Dept. of Agriculture and Forestry to inspect, classify, and grade grain in accordance with standards adopted by the United States Department of Agriculture, Federal Grain Inspection Service, for sampling and grading grain.

Proposed law requires the commission to promulgate rules in accordance with the A.P.A. Requires the commission to commence the promulgation of rules no later than August 1, 2023.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 3:3414.3(A), (B), (D), and (L); adds R.S. 3:3414.3(M))