SLS 13RS-236

ORIGINAL

Regular Session, 2013

SENATE BILL NO. 167

BY SENATOR CHABERT

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

SEAFOOD. Transfers the Louisiana Seafood Promotion and Marketing Board to the Department of Culture, Recreation, and Tourism. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 36:802.5, and R.S. 56:578.2(A)(1) and (E), 578.4, 578.7, and
3	578.10, to enact R.S. 36:209(Y), and to repeal R.S. 36:610(E), relative to the
4	Louisiana Seafood Promotion and Marketing Board; to transfer the board to the
5	Department of Culture, Recreation, and Tourism; to provide certain terms,
6	conditions, and requirements; to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 36:802.5 is hereby amended and reenacted and R.S. 36:209(Y) is
9	hereby enacted to read as follows:
10	§209. Transfer of boards, commissions, departments, and agencies to Department of
11	Culture, Recreation and Tourism
12	* * *
13	Y. The Louisiana Seafood Promotion and Marketing Board (R.S.
14	56:578.1 et seq.) is placed within the Department of Culture, Recreation, and
15	Tourism and shall perform its duties, powers, functions, and responsibilities as
16	provided for agencies transferred in accordance with R.S. 36:802.5.
17	* * *

Page 1 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	§802.5. Transfer; certain appointive authority retained
2	The agencies placed in the Department of Wildlife and Fisheries Department
3	of Culture, Recreation, and Tourism by R.S. 36:610(E) R.S. 36:209(Y) shall
4	exercise and carry out all powers, duties, functions, and responsibilities as provided
5	by R.S. 36:802, except that each agency shall hire its own director and assistant
6	director, subject to the approval of the secretary of the Department of Wildlife and
7	Fisheries Department of Culture, Recreation, and Tourism.
8	Section 2. R.S. 56:578.2(A)(1) and (E), 578.4, 578.7, and 578.10, are hereby
9	amended and reenacted 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 Department of Culture, Recreation, and Tourism the
14	Louisiana Seafood Promotion and Marketing Board. The agency shall have its
15	domicile in Baton Rouge and shall be governed by a board of trustees composed of
16	fourteen members, thirteen members appointed by the governor from persons
17	engaged in the commercial seafood, crawfish and alligator industry in Louisiana and
18	the fourteenth member to be the secretary of the Department of Wildlife and
19	Fisheries Department of Culture, Recreation, and Tourism or his designated
20	representative, who shall serve as an ex officio nonvoting member.
21	* * *
22	E. The board may employ a director and assistant director who shall be
23	appointed by the board, subject to the approval of the secretary of the Department
24	of Wildlife and Fisheries Department of Culture, Recreation, and Tourism. The
25	director and assistant director shall be in the unclassified service. The secretary may
26	employ such other personnel for the board as he deems necessary and appropriate.
27	* * *
28	§578.4. Advertising, contracts and sales offices
29	A. The board, working with the Department of Wildlife and Fisheries

Page 2 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1Department of Culture, Recreation, and Tourism, shall plan and conduct a2campaign for advertising, publicizing, and promoting the increased consumption of3Louisiana seafood, and may contract for any advertising, publicity, and sales4promotion services. The board is further empowered to take any other action which5it deems necessary to promote and to improve the well-being of the commercial6seafood industry. The secretary is hereby authorized and empowered to carry out7any and all contracts entered into by the board.

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§578.7. Appropriations; warrants; records

10 Funds made available by the legislature from the Seafood Promotion and 11 Marketing Fund as provided in R.S. 56:10 or from any other source shall be used 12 solely for the programs and purposes provided for in this Subpart. The Department 13 of Wildlife and Fisheries Department of Culture, Recreation, and Tourism shall maintain records of the sources of money received and the purpose therefor, as well 14 as the person or persons to whom money is paid and the purpose therefor. Vouchers 15 or receipts shall be kept for all money paid out. Money appropriated or otherwise 16 17 made available to the department for authorized purposes shall be withdrawn from the treasury on warrant of the secretary of the department. 18

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20 §578.10. Seafood packaging regulations

21 The secretary of the Department of Wildlife and Fisheries Department of 22 **Culture, Recreation, and Tourism** is authorized to adopt rules and regulations in accordance with the Administrative Procedure Act establishing standards for the 23 packaging of seafood in Louisiana for wholesale or retail sale. Those standards may 24 govern the quality, contents, and weight of all seafood packaged in this state. The 25 Louisiana Seafood Promotion and Marketing Board may make recommendations to 26 27 the secretary for standards for the packaging of seafood. For purposes of this Section, retail sale shall not include food service establishments which only serve 28 29 food prepared for on premises or off premises consumption as defined by R.S.

> Page 3 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	40:5.5(E).
2	Section 3. R.S. 36:610(E) is hereby repealed.
3	Section 4. This Act shall become effective upon signature by the governor or, if not
4	signed by the governor, upon expiration of the time for bills to become law without signature
5	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6	vetoed by the governor and subsequently approved by the legislature, this Act shall become
7	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 McHenry Lee.

DIGEST

<u>Present law</u> creates the Louisiana Seafood Promotion and Marketing Board within the Department of Wildlife and Fisheries.

<u>Proposed law</u> transfers the board from the DW&F to the Department of Culture, Recreation, and Tourism.

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

(Amends R.S. 36:802.5 and R.S. 56:578.2(A)(1) and (E), 578.4, 578.7, and 578.10; adds R.S. 36:209(Y); repeals R.S. 36:610(E))