

Regular Session, 2013

HOUSE BILL NO. 627

BY REPRESENTATIVE PIERRE

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

SEAFOOD: Changes the name of the Louisiana Seafood Promotion and Marketing Board and provides relative to membership on the board

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AN ACT

To amend and reenact R.S. 36:610(E), 47:463.152(B) and (E), 56:10(B)(1)(a), (b), and (e) and (3), 306(B)(6)(c), 306.1(B)(7)(c), 421(F), 449(B), 494(F), 578.1, 578.2(A)(1) and (4) and (F)(1)(a), 578.3(9), 578.7, 578.10, 578.12(A)(introductory paragraph) and (B)(introductory paragraph) and the heading of Subpart G-1 of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, and to enact R.S. 56:578.2(A)(3)(i), and to suspend until July 1, 2014, a portion of R.S. 56:578.2(B), relative to the Louisiana Seafood Promotion and Marketing Board; to rename the board the Louisiana Seafood Board; to add a member to the board; to suspend until July 1, 2014, the requirement that a board member must have served on the board for a year prior to becoming an officer of the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:610(E) is hereby amended and reenacted to read as follows:

§610. Transfer of agencies and functions to Department of Wildlife and Fisheries

\* \* \*

E. The Louisiana Seafood ~~Promotion and Marketing~~ Board (R.S. 56:578.1 et seq.) is placed within the Department of Wildlife and Fisheries and shall perform and exercise its duties, powers, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:802.5.

\* \* \*

1 Section 2. R.S. 47:463.152(B) and (E) are hereby amended and reenacted to read as  
2 follows:

3 §463.152. Special prestige license plate; "Louisiana Seafood"

4 \* \* \*

5 B. The color and design of the license plate shall be selected by the  
6 Louisiana Seafood ~~Promotion and Marketing~~ Board, provided that it is in compliance  
7 with R.S. 47:463(A)(3).

8 \* \* \*

9 E. The annual royalty fee shall be collected by the department and deposited  
10 into the Louisiana Seafood ~~Promotion and Marketing~~ Fund. The monies received  
11 from the royalty fees shall be used by the Louisiana Seafood ~~Promotion and~~  
12 ~~Marketing~~ Board to implement the duties and functions of that board, relating to the  
13 promotion and marketing of seafood as provided for in R.S. 56:578.3.

14 \* \* \*

15 Section 3. 56:10(B)(1)(a), (b), and (e) and (3), 306(B)(6)(c), 306.1(B)(7)(c), 421(F),  
16 449(B), 494(F), 578.1, 578.2(A)(1) and (4) and (F)(1)(a), 578.3(9), 578.7, 578.10,  
17 578.12(A)(introductory paragraph) and (B)(introductory paragraph) and the heading of  
18 Subpart G-1 of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950 are hereby  
19 amended and reenacted and R.S. 56:578.2(A)(3)(i) is hereby enacted to read as follows:

20 §10. Annual report to governor; estimate of proposed expenditures; particular funds;  
21 warrants; vouchers; surplus funds

22 \* \* \*

23 B.(1) Subject to the exception contained in Article VII, Section 9(A) of the  
24 Constitution of Louisiana, all funds collected by the commission from every source  
25 shall be paid into the state treasury and shall be credited to the Bond Security and  
26 Redemption Fund. Out of the funds remaining in the Bond Security and Redemption  
27 Fund after a sufficient amount is allocated from that fund to pay all obligations  
28 secured by the full faith and credit of the state which become due and payable within

1 any fiscal year, the treasurer shall, prior to placing such remaining funds in the state  
2 general fund, conform to the following:

3 (a)(i) Pay annually into a special fund created in the state treasury and  
4 designated as the Seafood ~~Promotion and Marketing~~ Fund an amount equal to the  
5 total of five dollars per license fee and gear fee per annum paid into the treasury by  
6 the commission derived from the increase in each of the commercial fisheries license  
7 fees imposed by Acts 1984, No. 230 or derived from the fee or fees imposed on any  
8 commercial fisheries license established on or after January 1, 1984. This includes  
9 five dollars per commercial fisherman's license fee, gear fee, wholesale/retail dealer's  
10 license fee, vessel license fee, and transport license fee pursuant to Part VI of  
11 Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950.

12 (ii) Pay annually into the Seafood ~~Promotion and Marketing~~ Fund, into a  
13 special account entitled the "Oyster Development Account", the additional fee of five  
14 cents for each oyster tag sold pursuant to R.S. 56:449 and paid into the treasury by  
15 the commission. All expenditures and allocation of funds from this account shall be  
16 administered jointly by the Louisiana Seafood ~~Promotion and Marketing~~ Board and  
17 the Louisiana Oyster Task Force.

18 (b)(i) Pay annually into the Seafood ~~Promotion and Marketing~~ Fund, into a  
19 special account entitled the "Shrimp Marketing and Promotion Account", an amount  
20 equal to the fees collected pursuant to R.S. 56:305(G) and paid into the treasury by  
21 the commission. All expenditures and allocation of funds from this account shall be  
22 administered jointly by the Louisiana Seafood ~~Promotion and Marketing~~ Board and  
23 the Louisiana Shrimp Task Force to be used for the development of markets for  
24 shrimp and creation of marketing strategies for the development and market  
25 expansion for shrimp harvested from Louisiana waters.

26 (ii) Pay annually into the Conservation Fund, into a special account entitled  
27 the "Shrimp Trade Petition Account", an amount equal to the fees collected pursuant  
28 to R.S. 56:305(H) and 506.1. Subject to annual appropriation by the legislature, the  
29 monies in the fund shall be used exclusively for the purposes of promotion and

1 protection of domestic wild-caught shrimp. For purposes of this Item, promotion and  
 2 protection of domestic wild-caught shrimp shall include expenses related to the  
 3 petition filed by the Southern Shrimp Alliance in December 2003 for the imposition  
 4 of antidumping duties pursuant to Section 731 of the Tariff Act of 1930, as amended.  
 5 All expenditures and allocation of funds from this account shall be administered  
 6 jointly by the Louisiana Seafood ~~Promotion and Marketing~~ Board and the Louisiana  
 7 Shrimp Task Force. The monies in this account shall be invested by the state  
 8 treasurer in the same manner as monies in the state general fund and all returns on  
 9 such investment shall be deposited to the account. All unexpended and  
 10 unencumbered monies remaining in this account at the end of the fiscal year shall  
 11 remain in the account.

12 \* \* \*

13 (e) Pay annually into the Seafood ~~Promotion and Marketing~~ Fund, into a  
 14 special account titled the "Crab Promotion and Marketing Account", an amount  
 15 equal to the fees specified for deposit in R.S. 56:305(B)(2) and (C)(1), 306(B)(6),  
 16 and 306.1(B)(7). All expenditures and allocations of funds from this account shall  
 17 be administered jointly by the Louisiana Seafood ~~Promotion and Marketing~~ Board  
 18 and the Crab Task Force.

19 \* \* \*

20 (3) The monies in the Seafood ~~Promotion and Marketing~~ Fund shall be used  
 21 by the Seafood ~~Promotion and Marketing~~ Board to implement the duties and  
 22 functions of that board relating to the promotion and marketing of seafood as  
 23 provided in R.S. 56:578.3 in the amounts appropriated each year to the Department  
 24 of Wildlife and Fisheries by the legislature for the use by the board.

25 \* \* \*

26 §306. Wholesale/retail seafood dealer's license; place of business; employees;  
 27 exemptions; wholesale out-of-state crab shipping license

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(6)

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(c) Of the revenues collected from the issuance of wholesale out-of-state crab shipping licenses, ten percent shall be deposited to the Conservation Fund, and ninety percent shall be deposited to the Crab Promotion and Marketing Account of the Seafood ~~Promotion and Marketing~~ Fund, R.S. 56:10(B)(1)(e).

§306.1. Retail seafood dealer's license; place of business; employees; retail out-of-state crab shipping license

\* \* \*

B.

\* \* \*

(7)

\* \* \*

(c) Of the revenues collected from the issuance of retail out-of-state crab shipping licenses, ten percent shall be deposited to the Conservation Fund, and ninety percent shall be deposited to the Crab Promotion and Marketing Account of the Seafood ~~Promotion and Marketing~~ Fund, R.S. 56:10(B)(1)(e).

\* \* \*

§421. Oyster Task Force

\* \* \*

F. The activities of the Oyster Task Force shall be funded through the Oyster Development Account of the Seafood ~~Promotion and Marketing~~ Fund as provided in R.S. 56:10(B)(1)(a).

\* \* \*

§449. Tags; distribution; use; containers; penalties

\* \* \*

1           B. The department shall establish uniform fees for such tags. The fees shall  
 2           be sufficient in amount to cover the cost of the tags as well as the administrative  
 3           costs of distribution. In addition to the established uniform fee, there shall be an  
 4           additional fee of five cents per tag which shall be deposited into the Oyster  
 5           Development Account within the Seafood ~~Promotion and Marketing~~ Fund.

6                           \*           \*           \*

7           §494. Louisiana Shrimp Task Force

8                           \*           \*           \*

9           F. The activities of the Shrimp Task Force shall be funded through the  
 10          Shrimp Marketing and Promotion Account of the Seafood ~~Promotion and Marketing~~  
 11          Fund (R.S. 56:10(B)(1)(b)(i)) and the "Shrimp Trade Petition Account" (R.S.  
 12          56:10(B)(1)(b)(ii)).

13                          \*           \*           \*

14                           SUBPART G-1. LOUISIANA SEAFOOD ~~PROMOTION AND~~

15   ~~MARKETING~~ BOARD

16          §578.1. Purposes

17           A. Recognizing that the commercial fishing industry in Louisiana has  
 18          reached an ebb economically, creating an environment which has or could place, not  
 19          only commercial fishermen, but also wholesale and retail dealers in dire economic  
 20          straits, which situation could have an extreme economic impact on the state economy  
 21          as a whole if nothing is done to alleviate the situation, and recognizing that there  
 22          exist barriers and impediments to the economic well-being of the commercial fishery  
 23          industry in Louisiana and recognizing that among these barriers and impediments,  
 24          the virtual void in this state of any cohesive, coordinated and comprehensive seafood  
 25          promotion and marketing effort and ~~stratagem~~ stratagem has a significant negative  
 26          impact on the seafood industry, the Legislature of Louisiana does hereby establish  
 27          the Louisiana Seafood ~~Promotion and Marketing~~ Board in an effort to aid the  
 28          industry in two vital aspects--product promotion and marketing development.

1           B. The purpose of this Subpart, then, is to enhance the public image of  
2 commercial fishery products, thereby promoting the consumption of these products  
3 and, further, to assist the seafood industry, including commercial fishermen and  
4 wholesale and retail dealers, in market development so as to better utilize existing  
5 markets and to aid in the establishment of new marketing channels. Attention to the  
6 promotion and marketing of non-traditional and underutilized species of seafood  
7 would be inherent in the purpose of the council established herein.

8 §578.2. Louisiana Seafood ~~Promotion and Marketing~~ Board; creation and  
9 organization

10           A.(1) There is hereby created in the office of fisheries of the Department of  
11 Wildlife and Fisheries the Louisiana Seafood ~~Promotion and Marketing~~ Board. The  
12 agency shall have its domicile in Baton Rouge and shall be governed by a board of  
13 trustees composed of ~~fourteen~~ fifteen members, ~~thirteen~~ fourteen members appointed  
14 by the governor from persons engaged in the commercial seafood, crawfish and  
15 alligator industry in Louisiana and the ~~fourteenth~~ fifteenth member to be the  
16 secretary of the Department of Wildlife and Fisheries or his designated  
17 representative, who shall serve as an ex officio nonvoting member.

18   \*           \*           \*

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

20   \*           \*           \*

21                           (i) One member shall be appointed from a list of three names submitted by  
22 the University of Louisiana at Lafayette from the faculty of the B.I. Moody III  
23 College of Business Administration, Department of Hospitality.

24           (4) The names of each of the ~~thirteen~~ fourteen members appointed by the  
25 governor shall be submitted to the Senate for confirmation.

26   \*           \*           \*

27           F.(1) The terms of all members serving on the board shall expire at midnight  
28 on December 31, 2012. Appointments for terms beginning on January 1, 2013, shall  
29 be made as follows:

1 (a) The terms of the members appointed pursuant to Subparagraphs (A)(2)(a)  
2 and (b), and (A)(3)(b), ~~and (h), and (i)~~ of this Section shall be for three years.

3 \* \* \*

4 §578.3. Powers, duties, and functions

5 The board shall have the following powers, duties, and functions:

6 \* \* \*

7 (9) To consider and to recommend to the legislature a mechanism whereby  
8 the Louisiana Seafood ~~Promotion and Marketing~~ Council shall be funded, including  
9 rules and regulations pertinent thereto.

10 \* \* \*

11 §578.7. Appropriations; warrants; records

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

18 Money appropriated or otherwise made available to the department for authorized  
19 purposes shall be withdrawn from the treasury on warrant of the secretary of the  
20 department.

21 \* \* \*

22 §578.10. Seafood packaging regulations

23 The secretary of the Department of Wildlife and Fisheries is authorized to  
24 adopt rules and regulations in accordance with the Administrative Procedure Act  
25 establishing standards for the packaging of seafood in Louisiana for wholesale or  
26 retail sale. Those standards may govern the quality, contents, and weight of all  
27 seafood packaged in this state. The Louisiana Seafood ~~Promotion and Marketing~~  
28 Board may make recommendations to the secretary for standards for the packaging  
29 of seafood. For purposes of this Section, retail sale shall not include food service



1 establishments which only serve food prepared for on premises or off premises  
2 consumption as defined by R.S. 40:5.5(E).

3 \* \* \*

4 §578.12. Louisiana Seafood ~~Promotion and Marketing~~ Board; Louisiana Oyster  
5 Task Force; Shrimp Task Force; duties, responsibilities, and functions

6 A. Under the supervision of the Louisiana Oyster Task Force, the Louisiana  
7 Seafood ~~Promotion and Marketing~~ Board shall be empowered with the following  
8 duties, responsibilities, and functions:

9 \* \* \*

10 B. In addition to the duties, responsibilities, and functions listed in  
11 Subsection A of this Section, the Louisiana Seafood ~~Promotion and Marketing~~  
12 Board, under the supervision of the Louisiana Shrimp Task Force, shall also be  
13 empowered with the following duties, responsibilities, and functions:

14 \* \* \*

15 Section 4. The provisions of R.S. 56:578.2(B) insofar as they prohibit a member of  
16 the Louisiana Seafood Board from serving as an officer of the board until that person has  
17 served as a member of the board for at least one year are hereby suspended until July 1,  
18 2014.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Pierre HB No. 627

**Abstract:** Changes the name of the Louisiana Seafood Promotion and Marketing Board, adds a member to the board, and suspends the requirement that a person serve at least one year on the board prior to becoming an officer of the board.

Changes the name of the Louisiana Seafood Promotion and Marketing Board to the Louisiana Seafood Board. Changes the name of the Louisiana Seafood Promotion and Marketing Fund to the Louisiana Seafood Fund. Also, changes the name of the Louisiana Seafood Promotion and Marketing Council to the Louisiana Seafood Council.

Adds a member to the board to be appointed by the governor from a list of three names submitted by the Univ. of Louisiana Lafayette from the faculty of the B.I. Moody III College of Business Administration, Department of Hospitality.

Suspends until July 1, 2014, the requirement that a member of the board must serve at least one year on the board prior to serving as an officer of the board.

(Amends R.S. 36:610(E), 47:463.152(B) and (E), 56:10(B)(1)(a), (b), and (e) and (3), 306(B)(6)(c), 306.1(B)(7)(c), 421(F), 449(B), 494(F), 578.1, 578.2(A)(1) and (4) and (F)(1)(a), 578.3(9), 578.7, 578.10, 578.12(A)(intro. para.) and (B)(intro. para.) and the heading of Subpart G-1 of Ch. 1 of Title 56 of the L.R.S. of 1950; Adds R.S. 56:578.2(A)(3)(i); Suspends until July 1, 2013, a portion of R.S. 56:578.2(B))