

Regular Session, 2013

SENATE BILL NO. 184

BY SENATOR LONG AND REPRESENTATIVE DOVE

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

WILDLIFE/FISHERIES DEPT. Provides that the Louisiana Seafood and Promotion and Marketing Board shall act independently from the secretary of the Department of Wildlife and Fisheries. (7/1/13)

1 AN ACT

2 To amend and reenact R.S. 36:610(E) and 801.1(A), and R.S. 56:10(B)(3), 578.2(A)(1) and

3 (E), 578.3(10), 578.4 and 578.7, and to enact R.S. 56:578.3(11) and (12), and to

4 repeal R.S. 36:802.5, relative to the Louisiana Seafood Promotion and Marketing

5 Board; to provide for the transfer and retention of all functions; to provide for the

6 powers, duties, and functions of the board; to provide certain terms, conditions and

7 requirements; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 36:610(E) and 801.1(A) are hereby amended and reenacted to read

10 as follows:

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

12 * * *

13 E. The Louisiana Seafood Promotion and Marketing Board, R.S. 56:578.1 et

14 seq. is placed within the Department of Wildlife and Fisheries and shall perform and

15 exercise its duties, powers, functions, and responsibilities as provided for agencies

16 transferred in accordance with the provisions of R.S. ~~36:802.5~~ **36:801.1**. **The**

17 **Louisiana Seafood Promotion and Marketing Board shall be a separate budget**

1 unit within the Department of Wildlife and Fisheries. The Department of
2 Wildlife and Fisheries shall not be responsible for providing office space,
3 equipment, or personnel for the board.

4 * * *

5 §801.1. Transfer; retention of all functions

6 A. The agencies transferred by the provisions of R.S. 36:4(B)(1)(dd), (B)(18),
7 and (D), 4.1(C) and (G), 53(H), 209(R), 259(J), 409(N), 509(O), 610(E), 651(D),
8 and 725(A), and 769(J) shall continue to be comprised and selected as provided by
9 law.

10 * * *

11 Section 2. R.S. 56:10(B)(3), 578.2(A)(1) and (E), 578.3(10), 578.4 and 578.7 are
12 amended and reenacted and R.S. 56:578.3(11) and (12) are hereby enacted to read
13 as follows:

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

16 * * *

17 B. * * *

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

23 * * *

24 §578.2. Louisiana Seafood Promotion and Marketing Board; creation and
25 organization

26 A.(1) There is hereby created in the ~~office of fisheries of the~~ Department of
27 Wildlife and Fisheries the Louisiana Seafood Promotion and Marketing Board that
28 will act independently of the secretary. The agency shall have its domicile in
29 ~~Baton Rouge~~ New Orleans and shall be governed by a board of trustees composed

1 of ~~fourteen members~~, thirteen members appointed by the governor from persons
2 engaged in the commercial seafood, crawfish and alligator industry in Louisiana ~~and~~
3 ~~the fourteenth member to be the secretary of the Department of Wildlife and~~
4 ~~Fisheries or his designated representative, who shall serve as an ex officio nonvoting~~
5 ~~member.~~

6 * * *

7 E. The board may employ a director and assistant director who shall be
8 appointed by the board, ~~subject to the approval of the secretary of the Department~~
9 ~~of Wildlife and Fisheries.~~ The director and assistant director shall be in the
10 unclassified service. ~~The secretary may employ such other personnel for the board~~
11 ~~as he deems necessary and appropriate.~~

12 * * *

13 §578.3. Powers, duties, and functions

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

15 * * *

16 (10) To adopt rules and regulations, **in accordance with the Administrative**
17 **Procedure Act**, necessary to carry out the purposes of the board.

18 **(11) To perform accounting and budget control, procurement and**
19 **contract management, management and program analysis, data processing,**
20 **personnel management, and grants management.**

21 **(12) To make and enter into contracts, conveyances, mortgages, deeds or**
22 **trusts, and leases in the carrying out of its powers, duties, functions, and**
23 **objectives.**

24 §578.4. Advertising, contracts and sales offices

25 ~~A.~~ The board, ~~working with the Department of Wildlife and Fisheries,~~ shall
26 plan and conduct a campaign for advertising, publicizing, and promoting the
27 increased consumption of Louisiana seafood, and may contract for any advertising,
28 publicity, and sales promotion services. The board is further empowered to take any
29 other action which it deems necessary to promote and to improve the well-being of

1 the commercial seafood industry. ~~The secretary is hereby authorized and empowered~~
2 ~~to carry out any and all contracts entered into by the board.~~

3 * * *

4 §578.7. Appropriations; warrants; records

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

14 Section 3. R.S. 36:802.5 is hereby repealed.

15 Section 4. This Act shall become effective on July 1, 2013.

The original instrument was prepared by McHenry Lee. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by J. W. Wiley.

DIGEST

Long (SB 184)

Present law provides that the Louisiana Seafood and Promotion and Marketing Board acts independently from the secretary of the DW&F except that the secretary must implement the policies, rules, and decisions of the board.

Proposed law changes present law to provide that the board will act independently from the secretary of the DW&F with no exceptions.

Proposed law provides that the board will be a separate budget.

Proposed law provides that the DW&F will not be responsible for providing office space, equipment, or personnel for the board.

Proposed law changes the domicile of the board from Baton Rouge to New Orleans.

Present law provides that the secretary of the DW&F will serve as an ex officio nonvoting member of the board.

Proposed law removes the secretary from the board.

Present law provides for the powers, duties, and functions of the Louisiana Seafood

Promotion and Marketing Board and authorizes the board to hire a director and assistant director.

Proposed law retains present law and adds the following additional duties: to perform accounting and budget control, procurement and contract management, management and program analysis, data processing, personnel management, and grants management; and to make and enter into contracts, conveyances, mortgages, deeds or trusts, and leases in the carrying out of its powers, duties, functions, and objectives.

Present law provides for the secretary of the DW&F to have certain duties for appropriations and contracting authority.

Proposed law removes the secretary from having to perform these duties.

Effective on July 1, 2013.

(Amends R.S. 36:610(E) and 801.1(A), and 56:10(B)(3), 578.2(A)(1) and (E), 578.3(10), 578.4, and 578.7; adds R.S. 56:578.3(11) and (12); repeals R.S. 36:802.5)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Removes provision of proposed law providing for oversight of the Louisiana Seafood Promotion and Marketing Board by the secretary of the DW&F.
2. Makes the board an agency that acts independently from the secretary of the DW&F.
3. Changes the domicile of the board from Baton Rouge to New Orleans.
4. Removes the secretary of DW&F from the board.
5. Adds additional duties to the board.
6. Removes the secretary of DW&F from having to perform certain duties for appropriations and contracting authority.