

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)

AN ACT

To amend and reenact R.S. 36:802.5, and R.S. 56:578.2(A)(1) and (E), 578.4, 578.7, and 578.10, to enact R.S. 36:209(Y), and to repeal R.S. 36:610(E), relative to the Louisiana Seafood Promotion and Marketing Board; to transfer the board to the Department of Culture, Recreation and Tourism; to provide certain terms, conditions, and requirements; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:802.5 is hereby amended and reenacted and R.S. 36:209(Y) is hereby enacted to read as follows:

§209. Transfer of boards, commissions, departments, and agencies to Department of Culture, Recreation and Tourism

* * *

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

* * *

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 approval of** the ~~Department of Wildlife and~~

1 Fisheries **Department of Culture, Recreation and Tourism**, shall plan and conduct
 2 a campaign for advertising, publicizing, and promoting the increased consumption
 3 of Louisiana seafood, and may contract for any advertising, publicity, and sales
 4 promotion services. The board, **with the approval of the Department of Culture,**
 5 **Recreation and Tourism**, is further empowered to take any other action which it
 6 deems necessary to promote and to improve the well-being of the commercial
 7 seafood industry. The secretary is hereby authorized and empowered to carry out
 8 any and all contracts entered into by the board.

9 * * *

10 §578.7. Appropriations; warrants; records

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 18 made available to the department for authorized purposes shall be withdrawn from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

20 * * *

21 §578.10. Seafood packaging regulations

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

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

3 Section 3. R.S. 36:610(E) is hereby repealed.

4 Section 4. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

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

DIGEST

Chabert (SB 167)

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

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

Proposed law requires the board to obtain the approval of the Department of Culture, Recreation and Tourism before planning or conducting a campaign relative to the consumption of seafood or to promote or improve the commercial seafood industry.

Effective upon signature of the governor or 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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Requires the approval of CRT before the board can plan or conduct a campaign relative to the consumption of seafood or promote or improve the commercial seafood industry.