

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chabert to Engrossed Senate Bill No. 167 by Senator Chabert

1 AMENDMENT NO. 1

2 On page 1, line 2, after "and R.S." delete the remainder of the line and insert the following:

3 "56:10(B)(1)(a)(ii), (b)(i) and (ii), (e), (3) and (D), 421(E) and (F), 494(E) and (F),
 4 578.1, 578.2(A)(1) and (4), (B), (D)(2), (E) and (F)(3), 578.3(9), 578.4, 578.7, and
 5 578.9,"

6 AMENDMENT NO. 2

7 On page 1, at the beginning of line 3, delete "578.10,"

8 AMENDMENT NO. 3

9 On page 1, line 3, after "36:610(E)" insert "and R.S. 56:578.5, 578.6, 578.8, and 578.12"

10 AMENDMENT NO. 4

11 On page 2, line 8, after "Section 2." delete the remainder of the line and insert the following:

12 "R.S. 56:10(B)(1)(a)(ii), (b)(i) and (ii), (e), (3) and (D), 421(E) and (F), 494(E) and
 13 (F), 578.1, 578.2(A)(1) and (4), (B), (D)(2), (E) and (F)(3), 578.3(9), 578.4, 578.7,
 14 and 578.9 are hereby"

15 AMENDMENT NO. 5

16 On page 2, between lines 9 and 10, insert the following:

17 "§10. Annual report to governor; estimate of proposed expenditures; particular
 18 funds; warrants; vouchers; surplus funds

19 * * *

20 B.(1)(a)(i) * * *

21 (ii) Pay annually into ~~the Seafood Promotion and Marketing Fund, into a~~
 22 special account entitled **fund created in the state treasury and designated as** the
 23 "Oyster Development Account **Fund**", the additional fee of five cents for each oyster
 24 tag sold pursuant to R.S. 56:449 and paid into the treasury by the commission. All
 25 expenditures and allocation of funds **monies** from this account **fund** shall be
 26 administered jointly by the Louisiana Seafood Promotion and Marketing Board and
 27 the Louisiana Oyster Task Force. **The task force may contract with the Louisiana**
 28 **Seafood Promotion and Marketing Board to promote the Louisiana oyster**
 29 **industry.**

30 (b)(i) Pay annually into ~~the Seafood Promotion and Marketing Fund, into a~~
 31 special account entitled **fund created in the state treasury and designated as** the
 32 "Shrimp Marketing and Promotion Account **Fund**", an amount equal to the fees
 33 collected pursuant to R.S. 56:305(G) and paid into the treasury by the commission.
 34 All expenditures and allocation of funds **monies** from this account **fund** shall be
 35 administered jointly by the Louisiana Seafood Promotion and Marketing Board and
 36 the Louisiana Shrimp Task Force to be used for the development of markets for
 37 shrimp and creation of marketing strategies for the development and market
 38 expansion for shrimp harvested from Louisiana waters. **The task force may**

1 **contract with the Louisiana Seafood Promotion and Marketing Board to**
2 **promote the Louisiana shrimp industry.**

3 (ii) Pay annually into the Conservation Fund, into a special account entitled
4 the "Shrimp Trade Petition Account", an amount equal to the fees collected pursuant
5 to R.S. 56:305(H) and 506.1. Subject to annual appropriation by the legislature, the
6 monies in the fund shall be used exclusively for the purposes of promotion and
7 protection of domestic wild-caught shrimp. For purposes of this Item, promotion and
8 protection of domestic wild-caught shrimp shall include expenses related to the
9 petition filed by the Southern Shrimp Alliance in December 2003 for the imposition
10 of antidumping duties pursuant to Section 731 of the Tariff Act of 1930, as amended.
11 All expenditures and allocation of funds from this account shall be administered
12 jointly by the ~~Louisiana Seafood Promotion and Marketing Board~~ and the Louisiana
13 Shrimp Task Force. The monies in this account shall be invested by the state
14 treasurer in the same manner as monies in the state general fund and all returns on
15 such investment shall be deposited to the account. All unexpended and
16 unencumbered monies remaining in this account at the end of the fiscal year shall
17 remain in the account.

18 * * *

19 (e) Pay annually into ~~the Seafood Promotion and Marketing Fund~~, into a
20 special account titled **fund created in the state treasury and designated as** the
21 "Crab Promotion and Marketing ~~Account~~ **Fund**", an amount equal to the fees
22 specified for deposit in R.S. 56:305(B)(2) and (C)(1), 306(B)(6), and 306.1(B)(7).
23 All expenditures and allocations of funds ~~monies~~ from this ~~account~~ **fund** shall be
24 administered jointly by the ~~Louisiana Seafood Promotion and Marketing Board~~ and
25 ~~the~~ Crab Task Force. **The task force may contract with the Louisiana Seafood**
26 **Promotion and Marketing Board to promote the Louisiana crab industry.**

27 * * *

28 (3) The monies in the Seafood Promotion and Marketing Fund shall be used
29 by the Seafood Promotion and Marketing Board to implement the duties and
30 functions of that board relating to the promotion and marketing of seafood as
31 provided in R.S. 56:578.3 in the amounts appropriated each year to the ~~Department~~
32 ~~of Wildlife and Fisheries~~ **Department of Culture, Recreation and Tourism** by the
33 legislature for the use by the board.

34 * * *

35 D. All unexpended and unencumbered monies in the Louisiana Seafood
36 Promotion and Marketing Fund, **the Oyster Development Fund, the Shrimp**
37 **Marketing and Promotion Fund, the Crab Marketing and Promotion Fund,** the
38 Louisiana Duck License, Stamp, and Print Fund, the Louisiana Wild Turkey Fund,
39 and the Conservation Fund at the end of the fiscal year shall remain in the respective
40 funds. The monies in the funds shall be invested by the treasurer in the same manner
41 as monies in the state general fund. All interest earned on monies invested by the
42 treasurer shall be deposited in the respective funds. The state treasurer shall prepare
43 and submit to the department on a quarterly basis a printed report showing the
44 amount of money contained in the funds from all sources.

45 * * *

46 §421. Oyster Task Force

47 * * *

48 E. The task force is hereby charged with responsibility to do the following:

1 (1) Monitor the water quality and management requirements of the state's
2 molluscan shellfish propagating areas.

3 (2) Coordinate efforts to increase oyster production and salability.

4 (3) Study the decline in molluscan shellfish salability, the degradation of
5 water quality which could adversely affect consumer health, and the reasons for such
6 declines and degradations, and make recommendations to resolve such problems.

7 (4) Make recommendations with respect to issues pertaining to the oyster
8 industry and oyster production to the various state agencies charged with
9 responsibility for differing elements of the oyster industry in this state, including the
10 Department of Wildlife and Fisheries, the Department of Natural Resources, and the
11 Coastal Protection and Restoration Authority Board, the Coastal Protection and
12 Restoration Authority, the Department of Health and Hospitals, the governor's
13 executive assistant for coastal activities, and the legislature.

14 **(5) Employ such personnel as necessary.**

15 **(6) Develop markets and marketing strategies for the development of**
16 **new and expanded markets for Louisiana oysters.**

17 **(7) Represent the interests of the Louisiana oyster industry before**
18 **federal and state administrative and legislative bodies on issues of importance**
19 **to the Louisiana oyster industry.**

20 **(8) Contract for legal services to represent the interests of the Louisiana**
21 **oyster industry in judicial, administrative, and legislative proceedings.**

22 **(9) Administer the funds in the Oyster Development Fund.**

23 **(10) Perform any acts deemed necessary and proper to carry out its**
24 **duties and responsibilities.**

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

28 * * *

29 §494. Louisiana Shrimp Task Force

30 * * *

31 E. The task force is hereby charged with responsibility to do the following:

32 (1) Coordinate efforts to increase shrimp production and marketability.

33 (2) Provide for the study of the decline in shrimp marketability and market
34 price, provide for the study of the impacts of imported shrimp on the domestic
35 market, assist in the development of a state shrimp inspection program, assist in the
36 development of a Louisiana shrimp certification and branding program, and make
37 recommendations to the Wildlife and Fisheries Commission and the Department of
38 Wildlife and Fisheries, the Department of Natural Resources, the Department of
39 Agriculture and Forestry, and the Department of Health and Hospitals for
40 implementation of policies to help enhance the domestic shrimp industry.

41 (3) Make recommendations with respect to issues pertaining to the shrimp
42 industry and shrimp production to the various state agencies charged with
43 responsibility for differing elements of the shrimp industry in this state, including the
44 Department of Wildlife and Fisheries, the Department of Natural Resources, and the

Office of Coastal Protection and Restoration, the Department of Health and Hospitals, the Department of Agriculture and Forestry, and the legislature.

(4) Develop markets and marketing strategies for the development and expansion of markets for shrimp harvested from Louisiana waters.

(5) Administer the funds in the Shrimp Marketing and Promotion Fund and the "Shrimp Trade Petition Account", which funds shall be used to create new markets for shrimp and promote the sale of shrimp harvested from Louisiana waters.

(6) Represent the interests of the Louisiana shrimp industry before federal and state administrative and legislative bodies on issues of importance to the Louisiana shrimp industry.

(7) Contract for legal services to represent the interests of the Louisiana shrimp industry in judicial, administrative, and legislative proceedings.

(8) Perform any acts deemed necessary and proper to carry out its duties and responsibilities.

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

* * *

§578.1. Purposes

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

* * *"

AMENDMENT NO. 6

On page 2, line 16, after "by the" and before "governor" insert "**lieutenant**"

AMENDMENT NO. 7

On page 2, delete lines 22 through 26, and insert the following:

"(4) The names of each of the thirteen members appointed by the **lieutenant** governor shall be submitted to the Senate for confirmation.

B. At its first regular meeting in the third quarter of each state fiscal year, the board shall elect for a one year term a chairman and vice chairman, who shall also be the chairman-elect, and a secretary-treasurer, whose duties shall be those customarily exercised by such officers or specifically designated by the board. No member shall be elected as an officer until such member has served at least one year

1 on the board. No member elected chairman shall serve consecutive terms and no
2 member may serve as chairman more than two terms. No chairman shall serve as
3 vice chairman in the term following his term as chairman. The board may establish
4 rules and regulations for its own ~~government~~ **governance** and the administration of
5 the affairs of the board. The board may disqualify any appointed member for cause,
6 including excessive absences from board meetings. A vacancy occurring on the
7 board for any reason shall be filled in the same manner as the original appointment
8 was made. However, members appointed to fill the vacancies shall only serve for the
9 unexpired term of their predecessors.

10 * * *

11 D.

* * *

12 (2) At the end of each state fiscal year, the board shall submit to the House
13 Committee on ~~Natural Resources and Environment~~ **Commerce** and the Senate
14 Committee on ~~Natural Resources~~ **Commerce, Consumer Protection, and**
15 **International Affairs** a report that describes the accomplishments and contributions
16 of the board toward achieving the mission of promoting Louisiana seafood, and shall
17 include in such report the budget of the board for that fiscal year and for the
18 following fiscal year. The annual management and programmatic analysis
19 report submitted to the legislature in accordance with R.S. 36:8 shall satisfy this
20 requirement.

21 E. ~~The board may employ a director and assistant director who shall be~~
22 ~~appointed by the board, subject to the approval of the secretary of the Department~~
23 ~~of Wildlife and Fisheries. The director and assistant director shall be in the~~
24 ~~unclassified service. The secretary may employ such other personnel for the board~~
25 ~~as he deems necessary and appropriate.~~ The lieutenant governor may appoint an
26 executive director from a list of nominees submitted by the board. The executive
27 director shall serve at the pleasure of the lieutenant governor and shall receive
28 such salary fixed by the lieutenant governor. The executive director shall serve
29 as the executive and administrative staff of the board and shall discharge all
30 operational, maintenance, administrative, and executive functions of the board,
31 subject to the control, jurisdiction, and supervision of the secretary of the
32 Department of Culture, Recreation and Tourism. The executive director may
33 employ such other personnel for the board as he deems necessary and
34 appropriate, including an assistant director who may be in the unclassified
35 service, subject to approval by the secretary of the Department of Culture,
36 Recreation and Tourism.

37 F.

* * *

38 (3) At the first regularly scheduled meeting of the board after January 1,
39 2013, the board shall adopt rules and bylaws which shall be submitted no later than
40 thirty days after their adoption to the House Committee on ~~Natural Resources and~~
41 ~~Environment~~ **Commerce** and the Senate Committee on ~~Natural Resources~~
42 **Commerce, Consumer Protection, and International Affairs** for approval by the
43 committees. The rules and bylaws shall not go into effect until the committees
44 approve of such rules and bylaws.

45 §578.3. Powers, duties, and functions

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

47 * * *

48 (9) To consider and to recommend to the legislature a mechanism whereby
49 the Louisiana Seafood Promotion and Marketing ~~Council~~ **Board** shall be funded,
50 including rules and regulations pertinent thereto. "

1 AMENDMENT NO. 8

2 On page 3, between lines 20 and 21, insert the following:

3 §578.9. Approval of regulations
4 Any regulations promulgated as provided herein shall be submitted to and approved
5 by the ~~respective legislative standing committees on natural resources~~ **House**
6 **Committee on Commerce and the Senate Committee on Commerce, Consumer**
7 **Protection, and International Affairs.**"

8 AMENDMENT NO. 9

9 On page 3, delete lines 21 through 29, and on page 4, delete lines 1 and 2.

10 AMENDMENT NO. 10

11 On page 4, line 3, after "R.S. 36:610(E)" delete "is" and insert "and R.S. 56:578.5, 578.6 ,
12 578.8, and 578.12 are"

13 AMENDMENT NO. 11

14 On page 4, between lines 3 and 4, insert the following:

15 "Section 4. All rules and regulations adopted or permits, licenses,
16 registrations, variances, or orders issued by the Louisiana Seafood Promotion and
17 Marketing Board prior to the effective date of this Act, shall continue in full force
18 and effect as rules and regulations of the agency within the Department of Culture,
19 Recreation and Tourism until and after the effective date of this Act, unless
20 otherwise revoked, repealed, amended, modified, or terminated in accordance with
21 the law.

22 Section 5. Any legal proceeding, as defined in R.S. 36:924, to which any
23 agency or office, the statutory provisions for which are amended or repealed by the
24 provisions of this Act, is a party and which is filed, initiated, or otherwise pending
25 before any court on the effective date of this Act and all documents involved in or
26 affected by said legal proceeding, shall retain their effectiveness and shall be
27 continued in the name of the former agency. All further legal proceedings and
28 documents in the continuance, disposition, and enforcement of said legal proceedings
29 shall be in the name of the original party agency, and the Department of Culture,
30 Recreation and Tourism shall be substituted for the original party agency without the
31 necessity for amendment or any document to substitute the name of the department
32 or the name or title of any subdivision or section of the department. For purposes of
33 this Section, "document" shall be defined as provided in R.S. 36:924.

34 Section 6. All employees heretofore engaged in the performance of functions
35 of the Louisiana Seafood Promotion and Marketing Board, to the extent the secretary
36 of such department deems necessary to carry out the functions formerly performed,
37 shall insofar as practicable and necessary continue to perform the duties heretofore
38 performed, subject to applicable state civil service laws, rules, and regulations.

39 Section 7. This Act is in no way and is to no extent intended to, nor shall it
40 be construed in any manner which will impair the contractual or other obligations of
41 any agency, office, or department, or of the state of Louisiana, the provisions for
42 which are enacted, amended, or repealed by this Act. It is hereby specifically
43 provided that all obligations of any such agency, office, or department hereafter shall
44 be deemed to be obligations of the Department of Culture, Recreation and Tourism,
45 to the same extent as if originally made by it. In like manner and in order to prevent
46 any violation of the provisions, terms, or conditions of any gift, donation, deed, will,
47 trust, or other instrument or disposition by which property of any kind has been
48 vested in any such agency, office, or department, or division from the purposes for
49 which such property was thus vested in any agency, office, or department, it is

1 hereby specifically provided that such instrument or disposition hereafter shall be
2 deemed to have been vested in the Department of Culture, Recreation and Tourism
3 and its secretary shall be the successor in every way to each such agency, including
4 all of the obligations and debts of each such agency."

5 AMENDMENT NO. 12

6 On page 4, delete lines 4 through 8, and insert the following:

7 "Section 8. This Act shall become effective on July 1, 2013. If vetoed by the
8 governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval, or July 1, 2013, whichever last occurs."