

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 167 By Senator Chabert**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

SEAFOOD. Transfers the Louisiana Seafood Promotion and Marketing Board to the Department of Culture, Recreation and Tourism. (7/1/13)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Changes the way the agency is transferred to the Dept. of Culture, Recreation and Tourism to remove the ability of board to hire its own director and assistant director subject to the approval of the dept. secretary.
2. Adds statements concerning the purpose of state law to enhance the public image of commercial fishery products, to promote the consumption of these products, and assist the seafood industry in market development to take advantage of existing markets and to aid in establishing new marketing channels.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

Present law creates the Louisiana Seafood Promotion and Marketing Board within the Department of Wildlife and Fisheries and provides for the appointment of 13 members of the board by the governor, subject to Senate confirmation.

Proposed law transfers the board from the DW&F to the Dept. of Culture, Recreation and Tourism and provides for appointment of 13 members of the board by the lieutenant governor, subject to Senate confirmation.

Present law requires the board to submit annually to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources a report that describes the accomplishments and contributions of the board toward achieving the mission of promoting La. seafood, and include the budget of the board for that fiscal year and for the following fiscal year. Present law further provides for adoption of rules and bylaws to be submitted to the same committees. Proposed law changes the committees to which the report should be made to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs. Further provides that the annual management and programmatic analysis report will satisfy the reporting requirement.

Present law authorizes the board to employ a director and assistant director who shall be appointed by the board, subject to the approval of the secretary of the Dept. of Wildlife and Fisheries. Further provides that they shall be in the unclassified service. Also authorizes the secretary to employ such other personnel for the board as he deems necessary and appropriate.

Proposed law deletes those provisions and authorizes the lieutenant governor to appoint an executive director from a list of nominees submitted by the board. Provides that the executive director shall serve at the pleasure of the lieutenant governor at a salary fixed by the lieutenant governor. Further provides that the executive director shall serve as the executive and administrative staff of the board and shall discharge all operational, maintenance, administrative, and executive functions of the board, subject to the control, jurisdiction, and supervision of the secretary of the Dept. of Culture, Recreation and Tourism. Further authorizes the employment of such other personnel as he deems necessary and appropriate, including an assistant director.

Present law provides generally for the duties and responsibilities of the board with regard to advertising, contracts, sales offices, appropriations, warrants, and maintenance of records

subject to approval of the Dept. of Wildlife and Fisheries. Proposed law provides for approval by the Dept. of Culture, Recreation and Tourism.

Present law provides that all funds collected by the Louisiana Wildlife and Fisheries Commission are to be paid into the state treasury and credited to the Bond Security and Redemption Fund in an amount sufficient to pay all obligations secured by the full faith and credit of the state due and payable within the fiscal year. Further provides that prior to placing the remaining funds in the state general fund, the funds be paid annually into the Seafood Promotion and Marketing Fund and other funds with certain of those amounts allocated into the Oyster Development Account, the Shrimp Marketing and Promotion Account, and the Crab Promotion and Marketing Account. Proposed law eliminates the accounts and creates in the place three new funds, the Oyster Development Fund, the Shrimp Marketing and Promotion Fund, and the Crab Promotion and Marketing Fund into which the amounts allocated by present law are to be paid.

Present law provides for joint administration of all expenditures and allocations from the Oyster Development Account within the Seafood Promotion and Marketing Fund by the Louisiana Seafood Promotion and Marketing Board and the Louisiana Oyster Task Force. Proposed law provides that the monies in the Oyster Development Fund shall be administered only by the Louisiana Oyster Task Force. Further authorizes the task force to contract with the board to promote the Louisiana oyster industry.

Present law provides for joint administration of all expenditures and allocations from the Shrimp Marketing and Promotion Account within the Seafood Promotion and Marketing Fund by the Louisiana Seafood Promotion and Marketing Board and the Louisiana Shrimp Task Force. Proposed law provides that the monies in the Shrimp Marketing and Promotion Fund shall be administered only by the Louisiana Shrimp Task Force. Further authorizes the task force to contract with the board to promote the Louisiana shrimp industry.

Present law provides for joint administration of all expenditures and allocations from the Crab Promotion and Marketing Account within the Seafood Promotion and Marketing Fund by the Louisiana Seafood Promotion and Marketing Board and the Crab Task Force. Proposed law provides that the monies in the Crab Promotion and Marketing Fund shall be administered only by the Crab Task Force. Further authorizes the task force to contract with the board to promote the Louisiana crab industry.

Present law provides that monies in the Seafood Promotion and Marketing Fund shall be used by the Seafood Promotion and Marketing Board to implement the duties and functions of that board relating to the promotion and marketing of seafood in the amounts appropriated each year to the Department of Wildlife and Fisheries by the legislature for the use by the board. Proposed law provides for appropriation of those monies to the Department of Culture, Recreation and Tourism.

Present law requires the Oyster Task Force to do the following:

- (1) Monitor water quality and management requirements of the state's molluscan shellfish propagating areas.
- (2) Coordinate efforts to increase oyster production and salability.
- (3) Study decline in molluscan shellfish salability, degradation of water quality which could adversely affect consumer health, and reasons for such declines and degradations, and make recommendations to resolve such problems.
- (4) Make recommendations relative to issues pertaining to the oyster industry and oyster production to the various state agencies charged with responsibility for differing elements of the oyster industry in this state, including the Dept. of Wildlife and Fisheries, the Dept. of Natural Resources, and the Coastal Protection and Restoration Authority Board, the Coastal Protection and Restoration Authority, the Dept. of Health and Hospitals, the governor's executive assistant for coastal activities, and the legislature.

Proposed law adds to those duties the following:

- (1) Employ such personnel as necessary.
- (2) Develop markets and marketing strategies for development of new and expanded markets for Louisiana oysters.
- (3) Represent the interests of the Louisiana oyster industry before federal and state administrative and legislative bodies on issues of importance to the Louisiana oyster industry.
- (4) Contract for legal services to represent the interests of the Louisiana oyster industry in judicial, administrative, and legislative proceedings.
- (5) Administer the funds in the Oyster Development Fund.
- (6) Perform any acts deemed necessary and proper to carry out its duties and responsibilities.

Present law requires the Louisiana Shrimp Task Force to do the following:

- (1) Coordinate efforts to increase shrimp production and marketability.
- (2) Provide for the study of the decline in shrimp marketability and market price, provide for the study of the impacts of imported shrimp on the domestic market, assist in the development of a state shrimp inspection program, assist in the development of a Louisiana shrimp certification and branding program, and make recommendations to the Wildlife and Fisheries Commission and the Dept. of Wildlife and Fisheries, the Dept. of Natural Resources, the Dept. of Agriculture and Forestry, and the Dept. of Health and Hospitals for implementation of policies to help enhance the domestic shrimp industry.
- (3) Make recommendations with respect to issues pertaining to the shrimp industry and shrimp production to the various state agencies charged with responsibility for differing elements of the shrimp industry in this state, including the Dept. of Wildlife and Fisheries, the Dept. of Natural Resources, and the Office of Coastal Protection and Restoration, the Dept. of Health and Hospitals, the Dept. of Agriculture and Forestry, and the legislature.

Proposed law adds to those duties the following:

- (1) Develop markets and marketing strategies for the development and expansion of markets for shrimp harvested from Louisiana waters.
- (2) 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.
- (3) 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.
- (4) Contract for legal services to represent the interests of the Louisiana shrimp industry in judicial, administrative, and legislative proceedings.
- (5) Perform any acts deemed necessary and proper to carry out its duties and responsibilities.

Proposed law specifically states that the purpose of state law regarding seafood industries is to enhance the public image of commercial fishery products, to promote the consumption of these products and to assist the seafood industry, including commercial fishermen and wholesale and retail dealers, in market development of existing markets and in establishing

new marketing channels. Provides that the purpose of the board should also engage in the promotion and marketing of non-traditional and underutilized species of seafood.

Proposed law provides transitional provisions regarding rules and regulations, pending legal proceedings, and continuation of performance of duties by employees currently engaged by the board.

Effective July 1, 2013.

(Amends R.S. 36:802(intro. para.) and R.S. 56:10(B)(1)(a)(ii), (b)(i) and (ii), (e), (3) and (D), 421(E) and (F), 494(E) and (F), 578.1, 578.2(A)(1) and (4), (B), (D)(2), (E) and (F)(3), 578.3(9), 578.4, 578.7, and 578.9; Adds R.S. 36:209(Y); Repeals R.S. 36:610(E) and 802.5 and R.S. 56:578.5, 578.6, 578.8, and 578.12)

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