

Regular Session, 2014

HOUSE BILL NO. 1045

BY REPRESENTATIVE LEBAS

AGRICULTURE/RICE: Provides relative to assessments levied by the Louisiana Rice Promotion Board

1 AN ACT

2 To amend and reenact R.S. 3:3533(E), 3534(Section Heading), (A)(1) and (2), (G), and
3 (H)(1), and 3537(A) and to repeal R.S. 3:3534(B) and (I), relative to the Louisiana
4 Rice Promotion Board; to provide for the duties and responsibilities of the board; to
5 provide for the levy of certain assessments; to provide for rice producer refunds; to
6 provide for use and transfer of funds; to repeal the levy of additional assessments;
7 to repeal authority for referenda for assessment purposes; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:3533(E), 3534(Section Heading), (A)(1) and (2), (G), and (H)(1),
11 and 3537(A) are hereby amended and reenacted to read as follows:

12 §3533. Creation and organization

13 * * *

14 E. The members of the board shall meet and organize immediately after their
15 appointment and shall elect a chairman, vice chairman, and secretary-treasurer from
16 the membership of the board. The duties of the officers shall be those customarily
17 exercised by such officers or specifically designated by the board. The board may
18 establish rules and regulations for its own government and the administration of the
19 affairs of the board and shall have the following duties, functions, and authorizations
20 in addition to and in conjunction with the aforementioned:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~(1) To plan and conduct, in such manner as the board may determine,~~
2 ~~referenda among producers for the approval or disapproval of the program in~~
3 ~~accordance with the provisions of this Chapter.~~

4 ~~(2)~~ (1) To make recommendations and to advise the commissioner
5 concerning rules and regulations relating to the administration of the collection of
6 the assessments.

7 ~~(3)~~ (2) To enter into contracts for rice promotion with rice promotion and
8 other organizations relating to the production, handling, marketing, and utilization
9 of rice, which rice promotion organizations may include nonprofit organizations of
10 which members of the board are members.

11 ~~(4)~~ (3) To keep minutes, books, and records which will clearly reflect all of
12 its meetings, acts and transactions. The minutes, books, and records at all times shall
13 be subject to examination by any rice producer on whom an assessment has been
14 collected.

15 ~~(5)~~ (4) To publicize the actions of the board in the news media serving the
16 rice areas of Louisiana.

17 ~~(6)~~ (5) To investigate and cause prosecution to be instituted for violation of
18 the provisions of this Chapter.

19 * * *

20 §3534. Levy of assessment; ~~referendum~~, collection; and enforcement; records;
21 refunds; transfer of funds

22 A. Levy of assessment.

23 (1) There is hereby levied an assessment at the rate ~~not to exceed of~~ of three
24 cents per hundredweight, or the equivalent thereof, of dry rough "paddy" rice
25 produced in this state and a rate ~~not to exceed of~~ of two and seventy one-hundredths
26 cents per hundredweight, or the equivalent thereof, on rice produced in this state and
27 sold on a "green weight" basis.

28 (2) The obligation to pay the assessment shall apply to the producer for all
29 rice marketed by him. To facilitate collection, this assessment shall be deducted by

1 each miller or handler from the amount paid the producer at the first point of sale
2 only, whether within or without the state; ~~however, the assessment shall not be~~
3 ~~imposed unless and until the question of its imposition has been submitted to and~~
4 ~~been approved by a majority of the rice producers who vote in referendum as~~
5 ~~provided in Subsection B of this Section.~~

6 * * *

7 G. Refunds.

8 (1) Any rice producer may request and receive a refund of the amount
9 deducted from his share of the proceeds from the sale of his rice provided he makes
10 a written application with the commissioner within thirty days from the date of sale
11 supported by copies of sales slips signed by the producer and provided further that
12 the application is filed before the annual accounting is made and the funds paid to
13 the board.

14 (2) ~~Provided however, the refund as provided in this Subsection shall not be~~
15 ~~available if a majority of the rice producers who vote in a referendum to be called~~
16 ~~and held by the board after January 1, 1992, vote to abolish the refund provisions of~~
17 ~~this Subsection.~~

18 (3) ~~If a majority of the rice producers who vote in such a referendum vote~~
19 ~~to abolish the refund provisions, such refund provisions shall be null and void and~~
20 ~~shall thereafter have no effect.~~

21 H. Transfer of funds.

22 (1) The commissioner of agriculture shall ~~annually~~ monthly pay over to the
23 Louisiana Rice Promotion Board the funds collected less the actual cost of
24 administering and collecting the assessment levied herein up to but not to exceed two
25 percent of the gross amount collected.

26 * * *

27 §3537. Use of funds

28 A. After deduction from the proceeds of the assessment, the expenses of
29 collection and administration, ~~including costs of referenda,~~ the board shall dedicate

1 the balance to rice promotion. The board shall have the discretion as to what
 2 organizations and agencies to expend monies for such purposes. Use of these funds
 3 may be applied within or ~~without~~ outside of the state of Louisiana, including
 4 regional, national, and international applications.

5 * * *

6 Section 2. R.S. 3:3534(B) and (I) are hereby repealed in their entirety.

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)]

LeBas

HB No. 1045

Abstract: Clarifies the duties of the La. Rice Promotion Board, provides for certain assessments to be levied and collected on dry rough "paddy" rice and rice sold on "green weight" basis, provides for the transfer and use of funds, repeals the levy of additional assessments, and repeals referenda for assessment purposes.

Present law empowers the La. Rice Promotion Board with the following duties:

- (1) To plan and conduct referenda among producers for approval or disapproval of the program.
- (2) To advise the commissioner relative to the administration of the collection of assessments.
- (3) To enter into contracts for rice promotion, which may be with nonprofit organizations to which members of the board may belong.
- (4) To keep minutes, books, and records which reflect all meetings, acts, and transactions which shall be subject to examination by any assessed rice producer.
- (5) To publicize the actions of the board.
- (6) To impose penalties for any violation of the provisions of present law.

Proposed law retains present law but removes the authority to plan and conduct referenda.

Present law provides for the levy of an assessment not to exceed 3¢ per hundredweight of dry rough "paddy" rice and not to exceed 2.70¢ per hundredweight of "green-weight" rice, which shall apply to all rice marketed by a producer. Further provides for the assessment to be deducted by the miller or handler at the first point of sale. Additionally provides that the assessment not be imposed unless approved by referendum vote of a majority of rice producers.

Proposed law retains present law collection provisions but changes present law assessment amount from a 0-to-3¢ range to 3¢ per hundredweight on dry rough "paddy" rice and changes present law assessment amount from a 0-to-2.70¢ range to 2.70¢ per hundredweight on "green weight" rice and removes present law referendum provision for assessment purposes.

Present law provides that any rice producer may receive a refund of the amount deducted from the sale of his rice upon written application with the commissioner within 30 days from the sale date supported by producer-signed copies of sales slips submitted prior to the accounting and transfer of funds to the board. Further provides for a referendum vote of rice producers to abolish the refund provisions which would render such refund null and void.

Proposed law retains present law provision for an assessment refund subject to written application with the commissioner within a certain time period but removes present law referendum requirements to abolish refund provisions.

Present law provides for the commissioner to annually pay to the board the funds collected less administrative costs not to exceed 2% of the gross amount collected.

Proposed law retains present law relative to the transfer of funds to the board but changes present law fund transfer period from annually to monthly.

Present law authorizes the board to dedicate the balance of funds to rice promotion, less expenses of collection and administration and costs of referenda. Further provides that the board determines organizations and agencies to contract for promotion services within or outside of the state.

Proposed law retains present law provisions relative to the expenditure of funds for rice promotion and contracted services but removes present law provision for fund allowance to defray costs of referenda.

Present law provides for the imposition of assessments, effective for five crop years and extended indefinitely in five-year increments, only by referendum vote of a majority of rice producers. Further provides for criteria for referendum participation and notification of results.

Proposed law repeals present law.

Present law provides for additional assessments at a rate not to exceed 2¢ per hundredweight on dry rough "paddy" rice and such assessment reduced by 10% on "green weight" rice. Further provides that the additional assessments are subject to all other assessment requirements including provisions for referenda and extension in five-year increments, subject to referenda.

Proposed law repeals present law.

(Amends R.S. 3:3533(E), 3534(Section Heading), (A)(1) and (2), (G), and (H)(1), and 3537(A); Repeals R.S. 3:3534(B) and (I))