
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: Provides for the membership and terms of the La. Rice Promotion Board, clarifies the duties of the 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 payment of a refund, provides for the transfer and use of funds, repeals the levy of additional assessments, and repeals referenda for assessment purposes.

Present law provides for a nine-member La. Rice Promotion Board appointed by the governor, subject to Senate confirmation. Further provides for four-year terms of office beginning July 1, 1988, and every four years thereafter. Members are appointed as follows:

- (1) Six members appointed from a list of twelve persons nominated by the La. Rice Council.
- (2) One member appointed from a list of three persons nominated by the La. Rice Growers Assoc.
- (3) One member appointed from a list of three persons nominated by the American Rice Growers Assoc.
- (4) One member appointed from a list of three persons nominated by the La. Farm Bureau Federation, Inc.

Proposed law retains present law but changes the effective date for terms from July 1, 1988, to Aug. 15, 2014. Proposed law adds one member appointed from a list of three persons nominated by the La. Independent Rice Producers Assoc. and adds the commissioner or his designee, who will not be subject to Senate confirmation. Removes the commissioner as an advisor to the board.

Present law requires the nominating entities to submit their respective list of nominees for appointment consideration no later than 30 days prior to July 1, 1988, and every four years thereafter.

Proposed law changes the date for commencement of four-year terms from July 1, 1988, to Aug. 15, 2014. Adds the La. Independent Rice Producers Assoc. as a nominating entity required to submit a list of nominees by a certain date.

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.

Proposed law provides that the refund be paid to the producer no later than 60 days after the commissioner receives the producer's application for a refund. Further requires a two-thirds vote of the legislature to repeal the refund.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill.

1. Made technical changes.
2. Added two members to the nine-member La. Rice Promotion Board beginning Aug. 15, 2014, and removed the advisor to the board.
3. Required the nominating entities to submit lists of nominees for appointment consideration not less than 30 days prior to Aug. 15, 2014, and every four years thereafter.
4. Required the commissioner to pay a refund to the producer no later than 60 days after receipt of the producer's application for a refund.

5. Required a two-thirds vote of the legislature to repeal the refund.