Regular Session, 2014

ACT No. 216

HOUSE BILL NO. 1045

BY REPRESENTATIVE LEBAS

1	AN ACT
2	To amend and reenact R.S. $3:3533(B)$, (C), and (E), $3534(A)(1)$ and (2), (G), and (H)(1), and (E), $4000000000000000000000000000000000000$
3	3537(A) and to repeal R.S. 3:3533(F) and 3534(B) and (I), relative to the Louisiana
4	Rice Promotion Board; to provide for the membership of the board; to provide for
5	the duties and responsibilities of the board; to provide for the levy of certain
6	assessments; to provide for rice producer refunds; to provide for use and transfer of
7	funds; to repeal the levy of additional assessments; to repeal authority for referenda
8	for assessment purposes; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 3:3533(B), (C), and (E), 3534(A)(1) and (2), (G), and (H)(1), and
11	3537(A) are hereby amended and reenacted to read as follows:
12	§3533. Creation and organization
13	* * *
14	B. The board shall be composed of nine eleven members appointed by the
15	governor, subject to Senate confirmation. Each member shall be subject to Senate
16	confirmation, except the commissioner or his designee. Members shall serve for
17	four-year terms which shall begin on the first fifteenth day of July August of 1988
18	2014 and each four years thereafter. Members shall be appointed in accordance with
19	the following provisions: The board shall be composed of the following members:
20	(1) Six members shall be appointed from a list of twelve persons nominated
21	by the Louisiana Rice Council.
22	(2) One member shall be appointed from a list of three persons nominated
23	by the Louisiana Rice Growers Association.

HB NO. 1045 ENROLLED

1 (3) One member shall be appointed from a list of three persons nominated 2 by the American Rice Growers Cooperative Association. 3 (4) One member shall be appointed from a list of three persons nominated 4 by the Louisiana Farm Bureau Federation, Inc. 5 (5) One member appointed from a list of three persons nominated by the 6 Louisiana Independent Rice Producers Association. 7 (6) The commissioner of agriculture or his designee. 8 C. Not less than thirty days prior to the first fifteenth day of July August in 9 1988 2014 and every four years thereafter, the Louisiana Rice Council, the Louisiana 10 Rice Growers Association, the American Rice Growers Cooperative Association, and 11 the Louisiana Farm Bureau Federation, and the Louisiana Independent Rice Producers Association shall each submit the names of their nominees, all of whom 12 13 shall be rice producers, to the governor, who shall appoint the required number of board members from each set of nominees. In the event that the governor fails to 14 15 appoint the members of the board in accordance with this Section, the current 16 members shall continue to serve until their successors are appointed. 17 18 E. The members of the board shall meet and organize immediately after their 19 appointment and shall elect a chairman, vice chairman, and secretary-treasurer from 20 the membership of the board. The duties of the officers shall be those customarily 21 exercised by such officers or specifically designated by the board. The board may 22 establish rules and regulations for its own government and the administration of the 23 affairs of the board and shall have the following duties, functions, and authorizations 24 in addition to and in conjunction with the aforenamed: 25 (1) To plan and conduct, in such manner as the board may determine, 26 referenda among producers for the approval or disapproval of the program in 27 accordance with the provisions of this Chapter. 28 $\frac{(2)(1)}{(2)}$ To make recommendations and to advise the commissioner 29 concerning rules and regulations relating to the administration of the collection of

30

the assessments.

HB NO. 1045 ENROLLED

1	$\frac{(3)}{(2)}$ To enter into contracts for rice promotion with rice promotion and
2	other organizations relating to the production, handling, marketing, and utilization
3	of rice, which rice promotion organizations may include nonprofit organizations of
4	which members of the board are members.
5	(4)(3) To keep minutes, books, and records which will clearly reflect all of
6	its meetings, acts and transactions. The minutes, books, and records at all times shall
7	be subject to examination by any rice producer on whom an assessment has been
8	collected.
9	(5)(4) To publicize the actions of the board in the news media serving the
10	rice areas of Louisiana.
11	(6)(5) To investigate and cause prosecution to be instituted for violation of
12	the provisions of this Chapter.
13	§3534. Levy of assessment; referendum, collection, and enforcement; records
14	refunds; transfer of funds
15	A. Levy of assessment.
16	(1) There is hereby levied an assessment at the rate not to exceed of three
17	cents per hundredweight, or the equivalent thereof, of dry rough "paddy" rice
18	produced in this state and a rate not to exceed of two and seventy one-hundredths
19	cents per hundredweight, or the equivalent thereof, on rice produced in this state and
20	sold on a "green weight" basis.
21	(2) The obligation to pay the assessment shall apply to the producer for all
22	rice marketed by him. To facilitate collection, this assessment shall be deducted by
23	each miller or handler from the amount paid the producer at the first point of sale
24	only, whether within or without outside the state.; however, the assessment shall no
25	be imposed unless and until the question of its imposition has been submitted to and
26	been approved by a majority of the rice producers who vote in referendum as
27	provided in Subsection B of this Section.

28

HB NO. 1045 ENROLLED

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

- (2) The refund shall be paid to the producer no later than sixty days after the commissioner receives the producer's application for a refund.
- (3) Any repeal of the refund provided in this Subsection shall require twothirds vote of the legislature.
- (2) Provided however, the refund as provided in this Subsection shall not be available if a majority of the rice producers who vote in a referendum to be called and held by the board after January 1, 1992, vote to abolish the refund provisions of this Subsection.
- (3) If a majority of the rice producers who vote in such a referendum vote to abolish the refund provisions, such refund provisions shall be null and void and shall thereafter have no effect.
 - H. Transfer of funds.
- (1) The commissioner of agriculture shall annually monthly pay over to the Louisiana Rice Promotion Board the funds collected less the actual cost of administering and collecting the assessment levied herein up to but not to exceed two percent of the gross amount collected.

* * *

25 §3537. Use of funds

A. After deduction from the proceeds of the assessment, the expenses of collection and administration, including costs of referenda, the board shall dedicate the balance to rice promotion. The board shall have the discretion as to what organizations and agencies to expend monies for such purposes. Use of these funds

1	may be applied within or without outside of the state of Louisiana, including
2	regional, national, and international applications.
3	* * *
4	Section 2. R.S. 3:3533(F) and 3534(B) and (I) are hereby repealed in their entirety.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

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HB NO. 1045

APPROVED: