

Regular Session, 2014

HOUSE BILL NO. 878

BY REPRESENTATIVE LEBAS

AGRICULTURE/SOYBEANS: Provides relative to the Louisiana Soybean and Grain Research and Promotion Board

1 AN ACT

2 To amend and reenact R.S. 3:3552, 3553(A) and (B)(1), and 3556(A) and to enact R.S.
3 3:3552.1, relative to the Louisiana Soybean Grain Research and Promotion board;
4 to provide for the appointing authority and membership terms for the board; to
5 provide for the powers and duties of the board; to provide relative to the use of
6 funds; to repeal authority for referenda for the imposition and extension of
7 assessments; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 3:3552, 3553(A) and (B)(1), and 3556(A) are hereby amended and
10 reenacted and R.S. 3:3552.1 is hereby enacted to read as follows:

11 §3552. Louisiana Soybean and Grain Research and Promotion Board; creation and
12 organization

13 A. The Louisiana Soybean and Grain Research and Promotion Board is
14 created with its domicile at Baton Rouge, Louisiana.

15 B. The board shall be composed of twelve producer members to be
16 appointed by the ~~governor to serve terms concurrent with the governor. Each~~
17 ~~appointment by the governor shall be~~ commissioner and submitted to the Senate for
18 confirmation.

1 (1) Eight members of the board shall be practical producers of soybeans in
2 the state of Louisiana and four members shall be practical producers of wheat, corn,
3 or grain sorghum.

4 (2) The Louisiana Farm Bureau Federation, Inc., shall submit the names of
5 eight practical soybean producers to the ~~governor~~ commissioner, and he shall appoint
6 five persons from the nominees to serve on the board.

7 (3) The Louisiana Soybean Association shall submit the names of five
8 practical soybean producers to the ~~governor~~ commissioner, and he shall appoint three
9 members from the nominees to serve on the board.

10 (4) The Louisiana Farm Bureau Federation, Inc., shall submit the names of
11 three persons who produce wheat, corn, or grain sorghum to the ~~governor~~
12 commissioner, and he shall appoint two persons from these nominees to serve on the
13 board.

14 (5) The Louisiana Cotton and Grain Association shall submit the names of
15 three persons who produce wheat, corn, or grain sorghum to the ~~governor~~
16 commissioner, and he shall appoint two persons from these nominees to serve on the
17 board.

18 (6) Every fourth year the aforementioned organizations shall submit the names
19 of nominees to the ~~governor~~ commissioner, and succeeding boards shall be appointed
20 by the ~~governor~~ commissioner in the same manner, giving equal representation to
21 each organization in the appointment of the eight members who are practical soybean
22 producers.

23 ~~B. C.~~ C. The members of the board shall meet and organize immediately after
24 their appointment, and shall elect a chairman, vice chairman and a secretary-treasurer
25 from the membership of the board, whose duties shall be those customarily exercised
26 by such officers or specifically designated by the board. ~~The board may establish~~
27 ~~rules and regulations for its own government, and the administration of the affairs~~
28 ~~of the board. The board may disqualify any appointed member for cause, including~~
29 ~~excessive absences from board meetings. If any board member is so disqualified, the~~

1 ~~vacancy shall be filled by appointment of the chairman from a list of two names~~
2 ~~submitted by the nominating authority for the remainder of the term.~~

3 ~~€. D.~~ D. The commissioner of agriculture shall serve as an ex officio member
4 of the board.

5 ~~Đ. E.~~ E. The board shall employ a director and assistant director who shall be
6 appointed by the board, subject to the approval of the commissioner. The director
7 and assistant director shall be in the unclassified service.

8 §3552.1. Powers and duties of the board

9 The board may:

10 (1) Establish rules and regulations for the affairs of the board.

11 (2) Disqualify any appointed member for cause, including excessive
12 absences from board meetings. If any board member is so disqualified, the vacancy
13 shall be filled by appointment of the commissioner from a list of two names
14 submitted by the nominating entity.

15 §3553. Levy of assessment; referendum; collection; enforcement; refund

16 A. There is imposed and levied an assessment at the rate of one cent per
17 bushel on all soybeans grown within the state, this assessment to be deducted from
18 the amount paid the producer at the first point of sale, whether within or without the
19 state. ~~However, the assessment shall not be imposed unless and until the question~~
20 ~~of its imposition has been submitted to and has been approved by at least a majority~~
21 ~~of the soybean producers who vote in referendum to be called and held by the board.~~
22 ~~The soybean producers of the state shall be notified by the board of the results of the~~
23 ~~referendum. The assessment imposed by this Subsection shall be effective for a~~
24 ~~period of five crop years. This assessment may be extended for an indefinite period~~
25 ~~of time, in increments of five years, by ratification and approval of a majority of the~~
26 ~~Louisiana soybean producers who vote in referenda to be called and held by the~~
27 ~~board in the manner set forth in this Chapter. In order to be eligible to vote in the~~
28 ~~referenda, the prospective voter must have produced soybeans in the crop year~~

1 ~~immediately preceding the referendum. Producers voting in referenda shall vote~~
2 ~~only in the parish in which the voter resides.~~

3 B.(1) There is imposed and levied an assessment at the rate of one-half cent
4 per bushel on all wheat, corn, and grain sorghum grown within the state. ~~However,~~
5 ~~the assessment shall not be imposed unless and until the question of its imposition~~
6 ~~has been submitted to and has been approved by at least a majority of the wheat,~~
7 ~~corn, and grain sorghum producers who vote in a referendum to be called and held~~
8 ~~by the board. The wheat, corn, and grain sorghum producers of the state shall be~~
9 ~~notified of the results of the referendum. The assessment imposed by this Subsection~~
10 ~~shall be effective for a period of five crop years. This assessment may be extended~~
11 ~~for an indefinite period of time, in increments of five years, by ratification and~~
12 ~~approval of a majority of the producers of the commodities subject to the assessment~~
13 ~~who vote in referenda to be called and held by the board in the manner set forth in~~
14 ~~this Chapter. In order to be able to vote in the referenda, the prospective voter must~~
15 ~~have produced at least one of the commodities subject to the assessment in the year~~
16 ~~preceding the year in which the referendum is held or in the year in which the~~
17 ~~referendum is held. Producers voting in referenda shall vote only in the parish in~~
18 ~~which the voter resides.~~

19 * * *

20 §3556. Use of funds

21 A. The Louisiana Soybean and Grain Research and Promotion Board shall
22 plan and conduct a program of research and advertising designed to promote the
23 soybean, wheat, corn, and grain sorghum industries in Louisiana. The board is
24 authorized to use the funds derived from any assessment imposed by this Chapter for
25 these purposes, including basic administration expenses of the plan. Use of these
26 funds may be applied, as prescribed in this Section, within or without the state of
27 Louisiana, including regional, national, and international applications. ~~The funds~~
28 ~~may also be used to defray costs of referenda.~~

29 * * *

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. 878

Abstract: Changes the appointing authority and membership terms for the La. Soybean and Grain Research and Promotion Board, provides for the powers and duties of the board, removes referenda for the imposition and extension of assessments, and clarifies the use of funds.

Present law creates the La. Soybean and Grain Research and Promotion Board to be composed of 12 producer members subject to Senate confirmation as nominated by certain entities and appointed by the governor to serve concurrent terms. Provides for the commissioner of agriculture to serve as an ex officio member. Allows the board to elect officers and employ certain staff members.

Proposed law retains present law but changes the appointing authority from the governor to the commissioner and removes the term of office.

Present law provides for powers and duties of the board to include: (1) establishment of rules and regulations, and (2) ability to disqualify any member for cause or excessive absences.

Proposed law retains present law.

Present law provides for an assessment of 1¢ per bushel on soybeans to be levied and imposed. Further provides that the imposition of such assessment shall be determined by a referendum vote of soybean producers and remain in effect for a 5-crop year period. Allows for the extension of such assessment in 5-year increments upon approval by referendum vote of the producers. Provides for certain producer voting criteria in the parish of residence.

Proposed law retains present law but removes the voting criteria and the referendum vote for imposition and extension of such assessment.

Present law provides for an assessment of ½¢ per bushel on wheat, corn, and grain sorghum to be levied and imposed. Further provides that the imposition of such assessment shall be determined by a referendum vote of wheat, corn, and grain sorghum producers and remain in effect for a 5-crop year period. Allows for the extension of such assessment in 5-year increments upon approval by a referendum vote of the producers. Provides for certain producer voting criteria in the parish of residence.

Proposed law retains present law but removes the voting criteria and the referendum vote for imposition and extension of such assessment.

Present law provides for the board to use collected assessments to conduct a program of research and advertising for the promotion of the soybean, wheat, corn, and grain sorghum industries within and outside of La. Further allows use of such funds to defray referenda costs.

Proposed law retains present law but removes the use for such funds to defray referenda costs.

(Amends R.S. 3:3552, 3553(A) and (B)(1), and 3556(A); Adds R.S. 3:3552.1)