

SENATE BILL NO. 28

BY SENATOR CATHEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 3:3414.3(A), (B), (D), and (L) and to enact R.S. 3:3414.3(M) and (N), relative to grain sampling and grading; to provide for state certification of grain samplers and graders by the Louisiana Agricultural Commodities Commission; to require grain grading by a state or federally certified grader; to provide for suspension or revocation of a state certification; to require the commission to promulgate rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3414.3(A), (B), (D), and (L) are hereby amended and reenacted and R.S. 3:3414.3(M) and (N) are hereby enacted to read as follows:

§3414.3. Grain sampling and grading

A. The commission by rule shall adopt standards for sampling and grading grain. The standards shall include tolerances for the interpretive element of grading. The standards shall be consistent with the standards adopted by the United States Department of Agriculture, Federal Grain Inspection Service, for sampling and grading grain. The commission shall provide copies of any changes in the standards to each grain dealer prior to the date the changes become effective.

B. (1) Grain shall be graded by a state or federally certified grader.

(2) The commission ~~may certify~~ **shall certify** grain samplers and graders. The commission may conduct courses of instruction in the methods of sampling and grading grain in one or more locations throughout the state. Each person who displays an adequate knowledge of sampling and grading grain which is satisfactory to the commission shall be issued a certificate.

(3) Grain samplers and graders may have their state certification suspended or revoked for failure to comply with the provisions of this Chapter

1 or the rules and regulations adopted pursuant thereto by a ruling of the
 2 commission based upon an adjudicatory hearing held in accordance with the
 3 Administrative Procedure Act.

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5 D. Each grain dealer who issues grades for grain shall retain each sample of
 6 grain received from a producer which is subject to excessive deductions. The
 7 commission by rule shall determine the level of deductions which are excessive for
 8 each type of grain. This determination shall include deductions for all causes and
 9 shall be based upon the numerical grades determined for each type of grain by the
 10 United States Department of Agriculture, Federal Grain Inspection Service.
 11 Samples of grain which are subject to excessive deductions shall be retained in
 12 separate containers and shall be retained for five days from the date the sample was
 13 graded.

14 * * *

15 L. The department shall inspect, classify, and grade ~~all grain subject to this~~
 16 Subsection grain in accordance with standards adopted by the United States
 17 Department of Agriculture, Federal Grain Inspection Service, for sampling and
 18 grading grain. The department may charge a fee for inspecting, classifying, and
 19 grading grain. The fee shall be fixed by the commission by rule and shall be based
 20 on the actual cost of providing the service. The provisions of this Subsection shall
 21 not apply to grain sold for export nor to inbound grain intended for export shipment.

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 23 M.(1) The commission shall promulgate rules and regulations for the
 24 administration of this Section. All rules and regulations shall be promulgated
 25 in accordance with the Administrative Procedure Act.

26 (2) The commission shall commence the promulgation of rules and
 27 regulations no later than August 1, 2023.

28 N. The provisions of this Section shall not apply to rice.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____