

Regular Session, 2014

SENATE BILL NO. 114

BY SENATOR THOMPSON

SEAFOOD. Repeals the Louisiana Catfish Promotion and Research Program and provides for the transfer of funds. (gov sig)

1 AN ACT
2 To repeal Part XV of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,
3 comprised of R.S. 3:558.1 through 558.13, and R.S. 36:629(R), relative to the
4 Louisiana Catfish Promotion and Research Program; to abolish the Louisiana Catfish
5 Promotion and Research Board; to repeal the assessment on catfish feed and related
6 referendum and refund provisions; and to provide for related matters.
7 Be it enacted by the Legislature of Louisiana:
8 Section 1. Part XV of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 3:558.1 through 558.13, is hereby repealed in its entirety.
10 Section 2. R.S. 36:629(R) is hereby repealed in its entirety.
11 Section 3. Upon the effective date of this Act, the Department of Agriculture and
12 Forestry shall transfer any remaining monies received by the Louisiana Catfish Promotion
13 and Research Board to the Louisiana Agricultural Finance Authority for the purpose of
14 catfish promotion.
15 Section 4. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Johnson.

DIGEST

Thompson (SB 114)

Present law (R.S. 3:558.1-558.13) provides for the Louisiana Catfish Promotion and Research Program with the purpose of providing a voluntary method of raising revenues for developing markets and funding research and educational activities for the Louisiana catfish industry as follows:

Present law creates the Louisiana Catfish Promotion and Research Board within the Department of Agriculture and Forestry consisting of the following nine members, eight of whom are appointed by the commissioner in accordance with the following provisions:

- (1) Five members who are engaged in catfish farming appointed from a list of eight persons nominated by the Louisiana Catfish Farmers Association.
- (2) Two members who are engaged in catfish farming appointed from a list of four persons nominated by the Louisiana Farm Bureau Federation.
- (3) One member who has knowledge of the catfish farming industry, appointed from the state at large.
- (4) The commissioner of agriculture and forestry or his designee as an ex officio member.

Present law provides for the election of board officers and further authorizes the board to employ a director and an assistant director in the unclassified service, subject to the approval of the commissioner.

Present law authorizes the board to adopt rules in accordance with the Administrative Procedure Act and determine who shall receive grants for research and educational activities through the rules.

Present law levies an assessment of two dollars per ton on catfish feed sold in Louisiana. Present law further provides that no assessment shall be levied unless the assessment is approved by a majority of catfish farmers voting in a referendum.

Present law requires the commissioner to enforce the provisions of the program and collect assessments.

Present law provides for the renewal of the assessment in increments of five years if approved by referendum. Present law further provides for voting requirements and requires the department to conduct the referendum.

Present law requires each manufacturer who sells catfish feed in Louisiana to register with the department and submit a monthly report showing the amount of catfish feed sold during that month.

Present law authorizes the board to impose a civil penalty for failure to collect and remit assessments in accordance with the following provisions:

- (1) The civil penalty shall not exceed \$500 per violation.
- (2) Each day on which a violation occurs shall be considered a separate offense.
- (3) Civil penalties may be assessed only by a ruling of the board based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.
- (4) The board may institute civil proceedings to enforce its rulings in the district court for the parish in which the violation occurred.

Present law authorizes each farmer who purchases catfish feed to obtain a refund of the assessment by submitting a written request for a refund to the department within 30 days of date of purchase.

Present law requires the department to transmit the refunds requested for the previous month and deliver the balance of the proceeds of the assessments to the board.

Present law allows the department to retain the actual costs of collecting and transmitting the funds, not to exceed 3% of the gross amount of the funds collected from each assessment.

Present law authorizes the commissioner to audit the books and records of each person who is required to collect and remit assessments.

Proposed law repeals all provisions of present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Repeals R.S. 3:558.1-558.13 and R.S. 36:629(R))