

Regular Session, 2014

HOUSE BILL NO. 1098

BY REPRESENTATIVE HILL

AGRICULTURE/BEEF: Provides relative to assessments levied by the Louisiana Beef Industry Council

1 AN ACT

2 To amend and reenact R.S. 3:2054(A), (B), (C), and (D), 2055(A)(2), (8), and (9), 2056(B),
3 2057, 2058(B) and (C), and 2059(A)(2) and to repeal R.S. 3:2062, relative to the
4 Louisiana Beef Industry Council; to provide for the domicile of the council; to
5 provide for the council membership and terms of office; to provide for powers and
6 duties of the council; to provide for certain assessments and refunds; to repeal the
7 authority for referendum for assessment purposes; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 3:2054(A), (B), (C), and (D), 2055(A)(2), (8), and (9), 2056(B),
10 2057, 2058(B) and (C), and 2059(A)(2) are hereby amended and reenacted to read as
11 follows:

12 §2054. Creation and organization

13 A. The Louisiana Beef Industry Council is hereby created and shall be within
14 the Department of Agriculture and Forestry as provided for agencies transferred to
15 said department by R.S. 36:629(E). ~~The council shall be domiciled in the city of Port~~
16 ~~Allen, West Baton Rouge Parish, Louisiana.~~

17 B.(1) The council shall be composed of ~~eleven members, ten of whom shall~~
18 ~~be cattle producers.~~ The ten cattle producer members are appointed by the
19 commissioner as follows:

(a) The president of the Louisiana Cattlemen's Association shall serve as an ex officio non-voting member of the council.

(b) ~~Five~~ Three cattle producer members, ~~one of which shall be a pure bred breeder, shall be appointed by the executive committee of~~ from a list submitted by the Louisiana Cattlemen's Association, ~~subject to approval of the Board of Directors of the Louisiana Cattlemen's Association to serve on the council for rotating three-year terms.~~

(c) ~~One representative~~ Three representatives of the Louisiana Livestock Auction Markets Association ~~shall be appointed~~ from a list submitted by the Board of Directors of the Louisiana Livestock Auction Markets Association ~~and shall serve a three-year term.~~

(d) Three cattle producer representatives of the Louisiana Farm Bureau Federation ~~shall be appointed from a list submitted by the Louisiana Farm Bureau Federation president and shall serve for rotating three-year terms.~~

~~(2) In addition, the commissioner of agriculture shall serve as an ex officio member of the council in an advisory capacity only.~~

C. ~~The terms of the initial appointees shall be designated by the president of the Louisiana Cattlemen's Association at the time of appointment in such manner that three of the initial appointees shall serve a one-year term; three of the initial appointees shall serve a two-year term; and three of the initial appointees shall serve a three-year term. Thereafter, all subsequent appointments shall be for three-year terms. No appointee shall serve more than two consecutive three-year terms on the council.~~

(D) Thereafter and not less than thirty days prior to the expiration of the term of office, except for those serving by virtue of their elective office, the aforementioned organizations and agencies shall submit the names of appointments to the council commissioner. Vacancies which occur shall be filled in the same manner as the original appointments and for the unexpired term.

* * *

§2055. Powers and duties of the council; quorum

A. The council shall:

* * *

(2) Meet regularly, ~~not less often than once in each calendar quarter or at such other times as called by the chairman, or when requested by six or more members of the council~~ at least once annually or by a special meeting called by the chairman.

* * *

(8) Maintain frequent communications with officers and industry representatives ~~of the National Livestock and Meat Board.~~

(9) Establish reasonable rules and regulations ~~for its own government and the administration of the affairs of the council.~~

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§2056. Use of funds

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B. All funds available to the council shall be expended only to effectuate the purposes of this Part and shall not be used for political purposes in any manner. A report of all expenditures shall be made annually ~~to the state conventions of the Louisiana Cattlemen's Association and the Louisiana Farm Bureau Federation.~~

§2057. Additional powers of council

The council may:

(1) Sue and be sued as a council, without individual liability of the members for acts of the council when acting within the scope of the powers of this Part, and in a manner prescribed by the laws of this state.

~~(2) Borrow money from licensed lending institutions in amounts which are not cumulatively greater than fifty percent of anticipated annual income.~~

~~(3) Appoint advisory groups composed of representatives from organizations, institutions, governments, or business related to or interested in the welfare of the cattle and beef industry and consumers.~~

(4) (2) Employ subordinate officers and employees of the council and prescribe their duties and fix their compensation and terms of employment.

~~(5)~~ (3) Accept grants, donations, contributions, or gifts from any source, but only if the use of such resources is not restricted in any manner which is deemed inconsistent with the objectives of the program.

§2058. Levies, assessments, collection, and enforcement

* * *

B. ~~The council may also levy~~ There is hereby imposed and levied an
~~additional a state~~ assessment at the rate of fifty cents per head on all Louisiana cattle
marketed within or outside Louisiana. This assessment shall be known as the "state
assessment" for the purposes of this Part. The collecting person shall deduct the
amount of the state assessment subject to any credits due to the producer from the
gross receipts of the producer at the time of the sale. The purpose of this state
assessment shall be to fund youth activities and for producer's participation in the
Louisiana Beef Promotion and Research Program.

C. The fifty cent state assessment shall be refundable as provided for in ~~R.S. 3:555.9~~ R.S. 3:2059.

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§2059. Refunds

A.(1) Any producer of Louisiana cattle marketed within or outside Louisiana shall be entitled to a refund of fifty cents per head from the state assessment levied and collected under the authority of this Part.

(2) ~~The council shall notify each producer by mail of the refund provisions and procedures on or before August 15, 1995 and on or before August fifteenth of each year thereafter. The producers shall be notified from a list, provided by each collecting person, of persons who have made payment for cattle to the collecting person.~~ On or before August fifteenth of each year, the council shall notify producers of the refund provisions and procedures, which shall be published in the

1 official state journal and posted on the Louisiana Department of Agriculture and
2 Forestry's website.

3 * * *

4 Section 2. R.S. 3:2062 is hereby repealed in its entirety.

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)]

Hill

HB No. 1098

Abstract: Changes the appointing authority, membership, and appointment terms of the La. Beef Industry Council, removes the domiciliary requirement, clarifies the duties and additional powers of the council and reporting of funds, provides for the authority to levy certain assessments with refunds, provides for use of the state assessment, and removes the referendum for assessment purposes.

Present law provides for the creation of the La. Beef Industry Council within the La. Dept. of Agriculture and Forestry (LDAF) and requires the council to be domiciled in the city of Port Allen, WBR Parish, La.

Proposed law retains present law but removes the domiciliary requirement.

Present law provides for the La. Beef Industry Council to be composed of 10 cattle producers as follows: (1) the president of the La. Cattlemen's Assoc., (2) five cattle producers appointed by the executive committee of the La. Cattlemen's Assoc., (3) one representative of the La. Livestock Auction Markets Assoc. appointed by its board of directors, and (4) three representatives of the La. Farm Bureau Federation appointed by its president. Further provides for three-year terms of appointment with a maximum of two consecutive terms. Additionally provides for the commissioner of agriculture to serve as an ex officio member.

Proposed law provides for the commissioner to be the appointing authority of the council and changes the number of cattle-producer representatives of the nominating entities as follows: (1) three cattle producers from a list submitted by the La. Cattlemen's Assoc., (2) three representatives from a list submitted by the La. Livestock Auction Markets Assoc., and (3) three cattle producer representatives from a list submitted by the La. Farm Bureau Federation. Proposed law further provides that the president of the La. Cattlemen's Association position shall change from a voting member to an ex officio non-voting member. Proposed law removes the commissioner as an ex officio advisory member and removes the three-year term of office for all council members.

Present law provides for certain powers and duties of the council to include meeting once a quarter or at other times as called by the chairman or at least six members of the council, maintaining communications with industry representatives of the National Livestock and Meat Board, and establishing rules and regulations for its own governance.

Proposed law retains present law but changes the provision for meetings to be held at least once annually or as called by the chairman. Proposed law removes the communication requirement with the National Livestock and Meat Board, and provides for reasonable rules and regulations.

Present law prohibits the council from using any available funds for political purposes. Provides that an expenditure report be made annually to the state conventions of the La. Cattlemen's Assoc. and the La. Farm Bureau Federation.

Proposed law retains present law but removes the reporting of expenditures to the state conventions of the La. Cattlemen's Assoc. and the La. Farm Bureau Federation.

Present law provides the council with certain additional powers to include: (1) the ability to sue and be sued, (2) to borrow money from licensed lending institutions in certain amounts, (3) to appoint advisory groups composed of representatives from various public and private entities, (4) to employ subordinate officers and employees, and (5) to accept grants, donations, and contributions.

Proposed law retains present law but removes the ability of the council to borrow money from lending institutions and to appoint advisory groups.

Present law allows the council to levy an additional 50¢ per head state assessment on all La. cattle marketed within or outside of the state. Further provides that the state assessment be used for the producer's participation in the La. Beef Promotion and Research Program. Additionally provides for a refund of the state assessment as noted to each producer by the council by Aug. 15 of each year.

Proposed law retains present law but authorizes the legislature to impose and levy the state assessment. Proposed law additionally provides that the state assessment be used to fund youth activities.

Present law provides for mail notification by the council to producers of refund provisions and procedures by Aug. 15 of each year. Further provides that those persons collecting the assessments shall provide a list for refund purposes of producers who have made payment for cattle.

Proposed law retains present law but removes the responsibility for collecting persons to provide a list of producers eligible for refunds. Proposed law provides that refund provisions and procedures be published in the official state journal and posted on the LDAF website.

Present law provides that portions of present law shall take effect upon approval by a referendum vote of eligible cattle producers. Provides that the commissioner and council establish the voting date to be held at the county agent office in each parish. Further provides for the casting of ballots by registered producers and official counting of ballots by the council. Further provides for the program to be extended indefinitely in five-year increments upon referendum vote by cattle producers.

Proposed law repeals present law.

(Amends R.S. 3:2054(A), (B), (C), and (D), 2055(A)(2), (8), and (9), 2056(B), 2057, 2058(B) and (C), and 2059(A)(2); Repeals R.S. 3:2062)