

2016 Regular Session

HOUSE BILL NO. 523

BY REPRESENTATIVE ROBBY CARTER

AGRICULTURE/MILK: Provides relative to the Dairy Industry Promotion Law

1 AN ACT

2 To amend and reenact R.S. 3:4156(2), 4159(A), and 4160(A) and to repeal R.S. 3:4156(3)
3 and 4158, relative to the Dairy Industry Promotion Law; to provide for the removal
4 of referendum criteria from the Dairy Industry Promotion Board; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 3:4156(2), 4159(A), and 4160(A) are hereby amended and reenacted
8 to read as follows:

9 §4156. Powers and duties of the board

10 The board may:

11 * * *

12 (2) Establish and impose assessments on the sale of milk solids, milk fats,
13 and fluid milk components, subject to the limitations contained in ~~R.S. 3:4158~~ and
14 R.S. 3:4159.

15 * * *

16 §4159. Assessment

17 A. The board is hereby authorized to levy an assessment not to exceed ten
18 cents per hundredweight, or equivalent thereof, on all milk solids, milk fats, or fluid
19 milk components sold. The assessment shall be due and payable at the first point of
20 sale. The assessment shall be paid by each dairy producer who sells milk solids, milk

1 fats, or fluid milk components to dairy cooperative associations, processors, or
2 distributors. ~~No assessment shall be levied or collected until approved by a majority~~
3 ~~of dairy producers voting in a referendum conducted in accordance with R.S. 3:4158.~~

4 * * *

5 §4160. Failure to pay assessment; penalty

6 A. Each dairy cooperative association, processor, or distributor who fails to
7 file any report required by the board or to pay the assessment ~~authorized in R.S.~~
8 ~~3:4159 after approval in a referendum of dairy producers~~ within the time prescribed
9 by this Part shall forfeit to the commissioner the amount of the assessment plus a
10 penalty of ten percent of the assessment due, plus one percent of the assessment due
11 for each month, or fraction thereof, of delay after the due date for payment of the
12 assessment.

13 * * *

14 Section 2. R.S. 3:4156(3) and 4158 are hereby repealed in their entirety.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)]

HB 523 Engrossed

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Abstract: Provides for the removal of referendum criteria from the Dairy Industry Promotion Board and any references to the referendum criteria.

Present law requires the board establish and impose assessments on the sale of milk solids, milk fats, and fluid milk components, subject to limitations contained in a referendum.

Proposed law repeals present law.

Present law prohibits the board from authorizing the levy or collection of assessment until approved by a majority of dairy producers voting in a referendum before any assessment can be levied or collected.

Proposed law repeals present law.

Present law provides a penalty for each dairy cooperative association, processor, or distributor who fails to file any report required by the board or to pay the assessment authorized in a referendum by the board.

Proposed law repeals present law.

Present law authorizes the board, in cooperation with the commissioner, to conduct referenda among dairy producers.

Proposed law repeals present law.

Present law provides for referendum processes, including the time of assessment collection, establishment of the initial assessment, notice, voting, ballots, effectiveness, and refunds.

Proposed law repeals present law.

(Amends R.S. 3:4156(2), 4159(A), and 4160(A); Repeals R.S. 3:4156(3) and 4158)