

2015 Regular Session

HOUSE BILL NO. 760

BY REPRESENTATIVE FANNIN

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

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, 2055(A)(2), (8), and (9), 2056(B), 2057, and 2058(F)
3 and to repeal R.S. 3:2058(B) and (C), 2059, and 2062, relative to the Louisiana Beef
4 Industry Council; to provide for the domicile of the council; to provide for the
5 council membership and terms of office; to provide for powers and duties of the
6 council; to provide for certain assessments and refunds; to repeal the authority for
7 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, 2055(A)(2), (8), and (9), 2056(B), 2057, and 2058(F) are
10 hereby amended and reenacted and to read as follows:

11 §2054. Creation and organization

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

16 B.(1) The council shall be composed of ~~eleven members, ten of whom shall~~
17 ~~be cattle producers. The ten~~ nine cattle producer members are appointed as follows:

18 (a) ~~The president of the Louisiana Cattlemen's Association.~~

19 (b) ~~Five~~ Three cattle producer members, ~~one of which shall be a pure bred~~
20 ~~breeder, shall be appointed by the executive committee of the Louisiana Cattlemen's~~

1 Association, ~~subject to approval of the Board of Directors of the Louisiana~~
2 ~~Cattlemen's Association to serve on the council for rotating three-year terms.~~

3 ~~(c)(b) One representative~~ Two representatives of the Louisiana Livestock
4 Auction Markets Association ~~shall be~~ appointed by the ~~Board of Directors~~ board of
5 directors of the Louisiana Livestock Auction Markets Association ~~and shall serve a~~
6 ~~three-year term.~~

7 ~~(d)(c)~~ Three cattle producer representatives of the Louisiana Farm Bureau
8 Federation ~~shall be~~ appointed by the Louisiana Farm Bureau Federation ~~president~~
9 ~~and shall serve for rotating three-year terms.~~

10 (d) One cattle producer member appointed by the Cattle Producers of
11 Louisiana.

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

14 (3)(a) Members shall serve as follows:

15 (i) One member from the Louisiana Cattleman's Association and one
16 member from the Louisiana Farm Bureau shall each serve one-year terms.

17 (ii) One member from the Louisiana Cattleman's Association, one member
18 from the Louisiana Farm Bureau, and one member from the Louisiana Livestock
19 Auction Markets Association shall each serve two-year terms.

20 (iii) One member from the Louisiana Cattleman's Association, one member
21 from the Louisiana Farm Bureau, one member from the Louisiana Livestock Auction
22 Markets Association, and one member from the Cattle Producers of Louisiana shall
23 each serve three-year terms.

24 (b) Thereafter, all appointments shall be for three-year terms. No appointee
25 shall serve more than two consecutive three-year terms on the council. The initial
26 appointments shall commence on August 17, 2016.

27 C. ~~The terms of the initial appointees shall be designated by the president of~~
28 ~~the Louisiana Cattlemen's Association at the time of appointment in such manner~~
29 ~~that three of the initial appointees shall serve a one-year term; three of the initial~~

1 appointees shall serve a two-year term; and three of the initial appointees shall serve
2 a three-year term. Thereafter, all subsequent appointments shall be for three-year
3 terms. No appointee shall serve more than two consecutive three-year terms on the
4 council.

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

10 ~~E.~~ D. The council shall meet and organize immediately after appointment
11 of the members, and shall elect the chairman, vice chairman, and secretary-treasurer
12 from the membership of the council, whose duties shall be those customarily
13 exercised by such officers or specifically designated by the council. The officers
14 shall serve a one-year term. ~~The council may establish rules and regulations for its~~
15 ~~own government and for the administration of the affairs of the council.~~

16 ~~F.~~ E. Council members shall receive no salary for their services as members,
17 but shall be reimbursed for actual travel and other expenses incurred in attendance
18 at meetings of the council or while on official business of the council assigned by the
19 council. The reimbursement shall be paid out of funds available to the council.

20 §2055. Powers and duties of the council; quorum

21 A. The council shall:

22 * * *

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

27 * * *

(8) Maintain frequent communications with officers and industry representatives of the ~~National Livestock and Meat Board~~ Cattleman's Beef Promotion and Research Board.

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

* * *

§2056. Use of funds

* * *

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~~ published 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.

1 §2058. Levies, assessments, collection, and enforcement

2 * *

F. The collecting person shall collect and remit the state and federal assessments authorized to be levied by this Part. ~~provided that:~~

~~(1) The refundable portion of the state assessment shall not be collected on any cattle which sell for one hundred fifty dollars or less per head.~~

(2) Notwithstanding anything hereto to the contrary, in no event, nor at any time, shall more than one dollar ~~and fifty cents~~ be paid or collected for the promotional programs described in this Part on any one head of cattle.

10 * * *

11 Section 2. R.S. 3:2058(B) and (C), 2059, and 2062 are hereby repealed in its
12 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 760 Reengrossed

2015 Regular Session

Fannin

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, removes the state assessment, removes refunds from 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, West Baton Rouge 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 Association, (2) five cattle producers appointed by the executive committee of the La. Cattlemen's Association, (3) one representative of the La. Livestock Auction Markets Association 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 council to be composed and appointed as follows: (1) three cattle producers appointed by the La. Cattlemen's Association, (2) two representatives appointed by the La. Livestock Auction Markets Association, (3) three cattle producer representatives appointed by the La. Farm Bureau Federation, and (4) cattle producer

member appointed by the Cattle Producers of La. Proposed law changes terms of office as follows: (1) one member from the La. Cattleman's Association and one member from the La. Farm Bureau shall each serve one-year terms. (2) One member from the La. Cattleman's Association, one member from the La. Farm Bureau, and one member from the La. Livestock Auction Markets Association shall each serve two-year terms. (3) One member from the La. Cattleman's Association, one member from the La. Farm Bureau, one member from the La. Livestock Auction Markets Association, and one member from the Cattle Producers of La. shall each serve three-year terms.

Proposed law thereafter, specifies that all appointments shall be for three-year terms. Specifies that no appointee shall serve more than two consecutive three-year terms on the council. Provide that the initial appointments shall commence on August 17, 2016.

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 four times annually or as called by a majority vote of the council. Proposed law changes the communication requirement with the National Livestock and Meat Board to communications with the Cattlemen's Beef Promotion and Research Board., and provides for the establishment of reasonable rules and regulations for the operation and functioning of the council.

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 Association and the La. Farm Bureau Federation.

Proposed law retains present law but requires that the annual expenditure report be published rather than made to state conventions.

Present law provides provisions for the collecting person in reference to collecting and remitting the state and federal assessments authorized by law. Proposed law removes the state assessment.

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 repeals present law.

Present law provides for mail notification by the council to producers of refund provisions and procedures by Aug. 15th 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 repeals present law.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill:

1. Make a technical change.
2. Reorganize the members of the Louisiana Beef Industry Council to include nine members as follows: three members from the Louisiana Cattleman's association, three members from the Louisiana Farm Bureau Association, two members from the Louisiana Livestock Auction Markets Association, and one member from the Cattle Producers of Louisiana.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Reorganize the appointments of members of the Louisiana Beef Industry Council from four-year terms concurrent with the governor to as follows: One member from the Louisiana Cattleman's Association and one member from the Louisiana Farm Bureau shall each serve one-year terms. One member from the Louisiana Cattleman's Association, one member from the Louisiana Farm Bureau, and one member from the Louisiana Livestock Auction Markets Association shall each serve two-year terms. One member from the Louisiana Cattleman's Association, one member from the Louisiana Farm Bureau, one member from the Louisiana Livestock Auction Markets Association, and one member from the Cattle Producers of Louisiana shall each serve three-year terms. Thereafter, specifies that all appointments shall be for three-year terms. Provide that no appointee shall serve more than two consecutive three-year terms on the council. Provide that the initial appointments shall commence on August 17, 2016.
3. Remove a provision that allows the La. Beef Industry Council to establish rules and regulations and instead requires the council to establish rules and regulations for the operation and functioning of the council.
4. Change the number of meetings that the council may have from one to four.
5. Allow the La. Beef Industry Council to call a special meeting by a majority vote of the council, instead of such meeting being called by the chairman.
6. Revert back to present law in relation to the entity authorized to collect the federal assessment.
7. Remove the fifty cent state assessment from present law and any references to the state assessment in present law.
8. Repeal a provision which allows the council to levy a state assessment and which provides for refunds from the state assessment.

9. Remove a proposed law provision which provided for the monthly transfer of funds from the commissioner of agriculture to the La. Beef Industry Council.
10. Repeal provisions which provide for refund procedures for the state assessment.