## 2015 Regular Session

## **ACT No. 428**

HOUSE BILL NO. 760

## BY REPRESENTATIVE FANNIN

| 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 <u>nine</u> cattle producer members are <u>appointed</u> 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               |
| 21 | Association, subject to approval of the Board of Directors of the Louisiana                       |
| 22 | Cattlemen's Association to serve on the council for rotating three-year terms.                    |
| 23 | (c)(b) One representative Two representatives of the Louisiana Livestock                          |
| 24 | Auction Markets Association shall be appointed by the Board of Directors board of                 |
|    |   |

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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| 1  | directors of the Louisiana Livestock Auction Markets Market Association and shall       |
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| 2  | serve a three-year term.  |
| 3  | (d)(c) Three cattle producer representatives of the Louisiana Farm Bureau               |
| 4  | Federation shall be appointed by the Louisiana Farm Bureau Federation president         |
| 5  | and shall serve for rotating three-year terms.  |
| 6  | (d) One cattle producer member appointed by the Cattle Producers of                     |
| 7  | Louisiana.  |
| 8  | (2) In addition, the commissioner of agriculture shall serve as an ex officio           |
| 9  | member of the council in an advisory capacity only.                                     |
| 10 | (3)(a) Members shall serve as follows:  |
| 11 | (i) One member from the Louisiana Cattlemen's Association and one                       |
| 12 | member from the Louisiana Farm Bureau shall each serve one-year terms.                  |
| 13 | (ii) One member from the Louisiana Cattlemen's Association, one member                  |
| 14 | from the Louisiana Farm Bureau, and one member from the Louisiana Livestock             |
| 15 | Auction Markets Association shall each serve two-year terms.                            |
| 16 | (iii) One member from the Louisiana Cattlemen's Association, one member                 |
| 17 | from the Louisiana Farm Bureau, one member from the Louisiana Livestock Auction         |
| 18 | Markets Association, and one member from the Cattle Producers of Louisiana shall        |
| 19 | each serve three-year terms.  |
| 20 | (b) Thereafter, all appointments shall be for three-year terms. No appointee            |
| 21 | shall serve more than two consecutive three-year terms on the council. The initial      |
| 22 | appointments shall commence on August 17, 2015.   |
| 23 | C. The terms of the initial appointees shall be designated by the president of          |
| 24 | the Louisiana Cattlemen's Association at the time of appointment in such manner         |
| 25 | that three of the initial appointees shall serve a one-year term; three of the initial  |
| 26 | appointees shall serve a two-year term; and three of the initial appointees shall serve |
| 27 | a three-year term. Thereafter, all subsequent appointments shall be for three-year      |
| 28 | terms. No appointee shall serve more than two consecutive three-year terms on the       |
| 29 | <del>council.</del>   |

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| 1  | D. Thereafter and not less than thirty days prior to the expiration of the term         |
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| 2  | of office, except for those serving by virtue of their elective office, the aforenamed  |
| 3  | organizations and agencies shall submit the names of appointments to the council.       |
| 4  | Vacancies which occur shall be filled in the same manner as the original                |
| 5  | appointments and for the unexpired term.  |
| 6  | E. D. The council shall meet and organize immediately after appointment                 |
| 7  | of the members, and shall elect the chairman, vice chairman, and secretary-treasurer    |
| 8  | from the membership of the council, whose duties shall be those customarily             |
| 9  | exercised by such officers or specifically designated by the council. The officers      |
| 10 | shall serve a one-year term. The council may establish rules and regulations for its    |
| 11 | own government and for the administration of the affairs of the council.                |
| 12 | F. E. Council members shall receive no salary for their services as members,            |
| 13 | but shall be reimbursed for actual travel and other expenses incurred in attendance     |
| 14 | at meetings of the council or while on official business of the council assigned by the |
| 15 | council. The reimbursement shall be paid out of funds available to the council.         |
| 16 | §2055. Powers and duties of the council; quorum   |
| 17 | A. The council shall:   |
| 18 | * * *   |
| 19 | (2) Meet regularly, not less often than once in each calendar quarter or at             |
| 20 | such other times as called by the chairman, or when requested by six or more            |
| 21 | members of the council at least four times annually or by a special meeting called by   |
| 22 | a majority vote of the council.   |
| 23 | * * *   |
| 24 | (8) Maintain frequent communications with officers and industry                         |
| 25 | representatives of the National Livestock and Meat Board Cattlemen's Beef               |
| 26 | Promotion and Research Board.   |
| 27 | (9) Establish reasonable rules and regulations for its own government and               |
| 28 | the administration of the affairs of the council for the operation and functioning of   |
| 29 | the council.  |
| 30 | * * *   |
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| 1  | §2056. Use of funds   |
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| 2  | * * *   |
| 3  | B. All funds available to the council shall be expended only to effectuate the        |
| 4  | purposes of this Part and shall not be used for political purposes in any manner. A   |
| 5  | report of all expenditures shall be made published annually to the state conventions  |
| 6  | of the Louisiana Cattlemen's Association and the Louisiana Farm Bureau Federation     |
|    |   |
| 7  | §2057. Additional powers of council   |
| 8  | The council may:  |
| 9  | (1) Sue and be sued as a council, without individual liability of the members         |
| 10 | for acts of the council when acting within the scope of the powers of this Part, and  |
| 1  | in a manner prescribed by the laws of this state.                                     |
| 12 | (2) Borrow money from licensed lending institutions in amounts which are              |
| 13 | not cumulatively greater than fifty percent of anticipated annual income.             |
| 14 | (3) Appoint advisory groups composed of representatives from                          |
| 15 | organizations, institutions, governments, or business related to or interested in the |
| 16 | welfare of the cattle and beef industry and consumers.                                |
| 17 | (4) (2) Employ subordinate officers and employees of the council and                  |
| 18 | prescribe their duties and fix their compensation and terms of employment.            |
| 19 | (5) (3) Accept grants, donations, contributions, or gifts from any source, but        |
| 20 | only if the use of such resources is not restricted in any manner which is deemed     |
| 21 | inconsistent with the objectives of the program.                                      |
| 22 | §2058. Levies, assessments, collection, and enforcement                               |
| 23 | * * *   |
| 24 | F. The collecting person shall collect and remit the state and federa                 |
| 25 | assessments authorized to be levied by this Part. provided that:                      |
|    |   |

any cattle which sell for one hundred fifty dollars or less per head.

(1) The refundable portion of the state assessment shall not be collected on

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| 1 | (2) Notwithstanding anything hereto to the contrary, in no event, nor at any   |
|---|--|
| 2 | time, shall more than one dollar and fifty cents be paid or collected for the  |
| 3 | promotional programs described in this Part on any one head of cattle.         |
| 4 | * * *  |
| 5 | Section 2. R.S. 3:2058(B) and (C), 2059, and 2062 are hereby repealed in their |
| 6 | entirety.  |
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|   |  |
|   | SPEAKER OF THE HOUSE OF REPRESENTATIVES  |
|   |  |
|   | PRESIDENT OF THE SENATE  |
|   |  |
|   | GOVERNOR OF THE STATE OF LOUISIANA   |
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APPROVED: