

Louisiana Seafood Promotion and Marketing Board

Enabling Legislation

R.S. 56:578.2. Louisiana Seafood Promotion and Marketing Board; creation and organization

A.(1) There is hereby created in the Department of Culture, Recreation and Tourism the Louisiana Seafood Promotion and Marketing Board. The agency shall have its domicile in Baton Rouge and shall be governed by a board of trustees composed of fourteen members, thirteen members appointed by the lieutenant governor from persons engaged in the commercial seafood, crawfish and alligator industry in Louisiana and the fourteenth member to be the secretary of the Department of Culture, Recreation and Tourism or his designated representative, who shall serve as an ex officio nonvoting member.

(2) The appointed members shall be chosen as follows:

(a) One shall be appointed from a list of three names submitted by members from Louisiana of the American Shrimp Processors Association.

(b) One shall be appointed from a list of three names submitted by the Louisiana Oyster Dealers and Growers Association.

(c) One shall be appointed from a list of three names submitted by the Louisiana crawfish industry. The appointment shall rotate between a farmer, a harvester, and a processor.

(d) One shall be appointed from a list of three names submitted by the Louisiana Oyster Task Force.

(e) One shall be appointed from a list of three names submitted by the Louisiana Retailers Association and shall be a seafood buyer.

(3) Of the remaining eight members to be appointed:

(a) One member shall be appointed from a list of three names submitted by the Louisiana Shrimp Association.

(b) One member shall represent the commercial saltwater finfish industry. The appointment shall rotate between a harvester and a processor.

(c) One member shall be appointed from a list of three names submitted by the Louisiana Restaurant Association.

(d) One member shall be a seafood processor.

(e) One member shall be appointed from a list of three names submitted by the Crab Task Force.

(f) One member shall represent the wild catfish industry. The appointment shall rotate between a farmer, a harvester, and a processor.

(g) One member shall be a marketing specialist.

(h) One member shall represent the alligator industry. The appointment shall rotate between a farmer, a harvester, and a processor.

(4) The names of each of the thirteen members appointed by the lieutenant governor shall be submitted to the Senate for confirmation.

B. At its first regular meeting in the third quarter of each state fiscal year, the board shall elect for a one year term a chairman and vice chairman, who shall also be the chairman-elect, and a secretary-treasurer, whose duties shall be those customarily exercised by such officers or specifically designated by the board. No member shall be elected as an officer until such member has served at least one year on the board. No member elected chairman shall serve consecutive terms and no member may serve as chairman more than two terms. No chairman shall serve as

vice chairman in the term following his term as chairman. The board may establish rules and regulations for its own governance and the administration of the affairs of the board. The board may disqualify any appointed member for cause, including excessive absences from board meetings. A vacancy occurring on the board for any reason shall be filled in the same manner as the original appointment was made. However, members appointed to fill the vacancies shall serve only for the unexpired term of their predecessors.

C. The presence of eight members of the board shall constitute a quorum for the transaction of all business and the carrying out of duties of the board. Each member shall take and subscribe to the oath of office prescribed for state officers. The members of the board shall serve without compensation; however, the members may receive the same reimbursement for travel expenses for attending meetings as is allowed for state employee travel.

D.(1) The board shall maintain a record of its proceedings, and all matters requiring a vote of the board shall be recorded in the minutes in sufficient detail to determine whether subsequent action thereon is in compliance with the board's directives.

(2) At the end of each state fiscal year, the board shall submit to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs a report that describes the accomplishments and contributions of the board toward achieving the mission of promoting Louisiana seafood, and shall include in such report the budget of the board for that fiscal year and for the following fiscal year. The annual management and programmatic analysis report submitted to the legislature in accordance with R.S. 36:8 shall satisfy this requirement.

E. The lieutenant governor may appoint an executive director from a list of nominees submitted by the board. The executive director shall serve at the pleasure of the lieutenant governor and shall receive such salary fixed by the lieutenant governor. The executive director shall serve as the executive and administrative staff of the board and shall discharge all operational, maintenance, administrative, and executive functions of the board, subject to the control, jurisdiction, and supervision of the secretary of the Department of Culture, Recreation and Tourism. The executive director may employ such other personnel for the board as he deems necessary and appropriate, including an assistant director who may be in the unclassified service, subject to approval by the secretary of the Department of Culture, Recreation and Tourism.

F.(1) The terms of all members serving on the board shall expire at midnight on December 31, 2012. Appointments for terms beginning on January 1, 2013, shall be made as follows:

(a) The terms of the members appointed pursuant to Subparagraphs (A)(2)(a) and (b), and (A)(3)(b) and (h) of this Section shall be for three years.

(b) The terms of the members appointed pursuant to Subparagraphs (A)(2)(c), (A)(3)(e),(f), and (g) of this Section shall be for one year.

(c) The term of the members appointed pursuant to Subparagraphs (A)(2)(d) and (e) and (A)(3)(a),(c), and (d) of this Section shall be for two years.

(2) At the end of each term set forth in Paragraph (1) of this Subsection, the members appointed thereafter shall serve a term of four years.

(3) At the first regularly scheduled meeting of the board after January 1, 2013, the board shall adopt rules and bylaws which shall be submitted no later than thirty days after their adoption to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs for approval by the committees. The rules and bylaws shall not go into effect until the committees approve of such rules and bylaws.

Added by Acts 1981, No. 890, §1. Amended by Acts 1982, No. 378, §1, eff. July 20, 1982; Acts

1986, No. 120, §2; Acts 1989, No. 498, §1; Acts 1992, No. 162, §1; Acts 1999, No. 753, §1; Acts 2008, No. 272, §1; Acts 2009, No. 131, §1; Acts 2012, No. 852, §1; Acts 2013, No. 228, §2, eff. July 1, 2013.

R.S. 56:578.3. Powers, duties, and functions

The board shall have the following powers, duties, and functions:

- (1) To adopt a seal and alter the same at its pleasure.
- (2) To sue and be sued in its own name.
- (3) To identify marketing problems, obstacles, and significant issues.
- (4) To establish a marketing policy and goals and objectives therefor.
- (5) To develop markets and marketing strategies for the development of new and expanded markets for Louisiana seafood.
- (6) To give special emphasis to market promotion and development for underutilized species of Louisiana seafood.
- (7) To educate the Louisiana fishing industry and Louisiana government officials regarding potential markets for Louisiana seafood and regarding investment and tax incentives available to industries under other existing Louisiana law and fisheries development programs available under federal law.
- (8) To perform any acts deemed necessary and proper to carry out the duties and responsibilities imposed upon the board by the provisions of this Subpart.
- (9) To consider and to recommend to the legislature a mechanism whereby the Louisiana Seafood Promotion and Marketing Board shall be funded, including rules and regulations pertinent thereto.
- (10) To adopt rules and regulations necessary to carry out the purposes of the board.

Added by Acts 1981, No. 890, §1; Acts 2013, No. 228, §2, eff. July 1, 2013.

R.S. 56:578.4. Advertising, contracts, and sales offices

The board, with the approval of the Department of Culture, Recreation and Tourism, shall plan and conduct a campaign for advertising, publicizing, and promoting the increased consumption of Louisiana seafood, and may contract for any advertising, publicity, and sales promotion services. The board, with the approval of the Department of Culture, Recreation and Tourism, is further empowered to take any other action which it deems necessary to promote and to improve the well-being of the commercial seafood industry. The secretary is hereby authorized and empowered to carry out any and all contracts entered into by the board.

Added by Acts 1981, No. 890, §1; Acts 2013, No. 228, §2, eff. July 1, 2013.

R.S. 56:578.5. Repealed by Acts 2013, No. 228, §3, eff. July 1, 2013.

R.S. 56:578.6. Repealed by Acts 2013, No. 228, §3, eff. July 1, 2013.

R.S. 56:578.7. Appropriations; warrants; records

Funds made available by the legislature from the Seafood Promotion and Marketing Fund as provided in R.S. 56:10 or from any other source shall be used solely for the programs and

purposes provided for in this Subpart. The Department of Culture, Recreation and Tourism shall maintain records of the sources of money received and the purpose therefor, as well as the person or persons to whom money is paid and the purpose therefor. Vouchers or receipts shall be kept for all money paid out. Money appropriated or otherwise made available to the department for authorized purposes shall be withdrawn from the treasury on warrant of the secretary of the department.

Added by Acts 1981, No. 890, §1. Acts 1984, No. 230, §1, eff. June 29, 1984; Acts 2013, No. 228, §2, eff. July 1, 2013.

R.S. 56:578.8. Repealed by Acts 2013, No. 228, §3, eff. July 1, 2013.

R.S. 56:578.9. Approval of regulations

Any regulations promulgated as provided herein shall be submitted to and approved by the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs.

Added by Acts 1981, No. 890, §1; Acts 2013, No. 228, §2, eff. July 1, 2013.