ACT No. 606

HOUSE BILL NO. 875

1

BY REPRESENTATIVES HARRISON, BOBBY BADON, BALDONE, BILLIOT, HENRY BURNS, CARMODY, CHAMPAGNE, CROMER, DOVE, EDWARDS, FOIL, GISCLAIR, GUINN, HARDY, HENDERSON, HOWARD, SAM JONES, LAMBERT, LEGER, LITTLE, LOPINTO, LORUSSO, RICHARD, SIMON, JANE SMITH, ST. GERMAIN, STIAES, TEMPLET, TUCKER, WILLIAMS, AND WOOTON AND SENATOR N. GAUTREAUX

AN ACT

2	To amend and reenact R.S. 56:10(B)(1)(b) and 578.12(B) and to enact R.S. 36:610(B)(11)
3	and R.S. 56:494, relative to shrimp; to create the Louisiana Shrimp Task Force
4	within the Department of Wildlife and Fisheries; to provide for its membership; to
5	provide for its powers, duties, functions, and responsibilities; to provide relative to
6	funding; to provide relative to the Shrimp Marketing and Promotion Account and the
7	Shrimp Trade Petition Account; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 36:610(B)(11) is hereby enacted to read as follows:
10	§610. Transfer of agencies and functions to Department of Wildlife and Fisheries
11	* * *
12	B. The following agencies, as defined in R.S. 36:3, are transferred to and
13	hereinafter shall be within the Department of Wildlife and Fisheries, as provided in
14	R.S. 36:802.
15	* * *
16	(11) The Shrimp Task Force (R.S. 56:494)
17	* * *

Section 2. R.S. 56:10(B)(1)(b) and 578.12(B) are hereby amended and reenacted and R.S. 56:494 is hereby enacted to read as follows:

§10. Annual report to governor; estimate of proposed expenditures; particular funds; warrants; vouchers; surplus funds

* * *

B.(1) Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected by the commission from every source shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, conform to the following:

* * *

(b)(i) Pay annually into the Seafood Promotion and Marketing Fund, into a special account entitled the "Shrimp Marketing and Promotion Account", an amount equal to the fees collected pursuant to R.S. 56:305(G) and paid into the treasury by the commission. All expenditures and allocation of funds from this account shall be administered jointly by the Louisiana Seafood Promotion and Marketing Board and the Louisiana Shrimp Task Force to be used for the development of markets for shrimp and creation of marketing strategies for the development and market expansion for shrimp harvested from Louisiana waters.

(ii) Pay annually into the Conservation Fund, into a special account entitled the "Shrimp Trade Petition Account", an amount equal to the fees collected pursuant to R.S. 56:305(H) and 506.1. Subject to annual appropriation by the legislature, the monies in the fund shall be used exclusively for the purposes of promotion and protection of domestic wild-caught shrimp. For purposes of this Item, promotion and protection of domestic wild-caught shrimp shall include expenses related to the petition filed by the Southern Shrimp Alliance in December 2003 for the imposition of anti-dumping antidumping duties pursuant to Section 731 of the Tariff Act of

1930, as amended. All expenditures and allocation of funds from this account shall be administered jointly by the Louisiana Seafood Promotion and Marketing Board and the Louisiana Shrimp Task Force. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund and all returns on such investment shall be deposited to the account. All unexpended and unencumbered monies remaining in this account at the end of the fiscal year shall remain in the account.

* * *

§494. Louisiana Shrimp Task Force

A. There is hereby established the Louisiana Shrimp Task Force to study and monitor the shrimp industry and to make recommendations to the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries and other state agencies for the maximization of benefit from that industry for the state of Louisiana and its citizens.

- B. The task force shall be composed as follows:
- (1) The governor or the governor's designee.
- (2) Three members appointed by the secretary of the Department of Wildlife and Fisheries: one of whom shall be a marine biologist, one of whom shall be an enforcement agent, and one of whom shall be an economist.
- (3) The commissioner of agriculture and forestry or the commissioner's designee.
- (4) The secretary of the Department of Health and Hospitals or the secretary's designee.
- (5) Three members and three alternate members appointed by the governor each of whom shall possess a commercial fisherman's license with a "certified" endorsement pursuant to R.S. 56:303(E), with four to be selected from a list of six nominees submitted by the Louisiana Shrimp Association and two to be selected from a list of six nominees submitted by the secretary of the Department of Wildlife and Fisheries.

1	(b) One member appointed by the governor who is an active Louisiana dock
2	buyer of shrimp.
3	(7) Three members and three alternate members appointed by the governor
4	who are active Louisiana shrimp processors, at least one of whom is selected from
5	a list of three nominees submitted by the American Shrimp Processors Association.
6	C. The members appointed under the provisions of Paragraphs (B)(l) through
7	(4) of this Section shall be nonvoting members. In addition, they shall not be
8	considered members of the task force for determination of the number of members
9	necessary for a quorum and for establishing the presence of a quorum.
10	D. The task force shall adopt bylaws under which it shall operate, and four
11	voting members of the task force shall constitute a quorum sufficient to conduct
12	meetings and business of the task force. The governor shall appoint the chairman of
13	the task force for a period of one year and thereafter, the task force shall elect a
14	chairman from its membership and may seek and receive assistance from universities
15	within the state in the development of methods to increase production and
16	marketability of shrimp. The members of the task force shall serve without
17	compensation; however, the task force may receive the same reimbursement of travel
18	expenses for attending the meetings as is allowed for other state employees' travel.
19	E. The task force is hereby charged with responsibility to do the following:
20	(1) Coordinate efforts to increase shrimp production and marketability.
21	(2) Provide for the study of the decline in shrimp marketability and market
22	price, provide for the study of the impacts of imported shrimp on the domestic
23	market, assist in the development of a state shrimp inspection program, assist in the
24	development of a Louisiana shrimp certification and branding program, and make
25	recommendations to the Wildlife and Fisheries Commission and the Department of
26	Wildlife and Fisheries, the Department of Natural Resources, the Department of
27	Agriculture and Forestry, and the Department of Health and Hospitals for

implementation of policies to help enhance the domestic shrimp industry.

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1	(5) Make recommendations with respect to issues pertaining to the shrimp
2	industry and shrimp production to the various state agencies charged with
3	responsibility for differing elements of the shrimp industry in this state, including the
4	Department of Wildlife and Fisheries, the Department of Natural Resources, and the
5	Office of Coastal Protection and Restoration, the Department of Health and
6	Hospitals, the Department of Agriculture and Forestry, and the legislature.
7	F. The activities of the Shrimp Task Force shall be funded through the
8	Shrimp Marketing and Promotion Account of the Seafood Promotion and Marketing
9	Fund (R.S. 56:10(B)(1)(b)(i)) and the "Shrimp Trade Petition Account" (R.S.
10	56:10(B)(1)(b)(ii)).
11	* * *
12	§578.12. Louisiana Seafood Promotion and Marketing Board; Louisiana Oyster
13	Task Force; Shrimp Task Force; duties, responsibilities, and functions
14	* * *
15	B. In addition to the duties, responsibilities, and functions listed in
16	Subsection A of this Section, the Louisiana Seafood Promotion and Marketing
17	Board, under the supervision of the Louisiana Shrimp Task Force, shall also be
18	empowered with the following duties, responsibilities, and functions:
19	(1) Develop markets and marketing strategies for the development and
20	expansion of markets for shrimp harvested from Louisiana waters.
21	(2) Administer the funds in the Shrimp Marketing and Promotion Account
22	of the Seafood Promotion and Marketing Fund and the "Shrimp Trade Petition
23	Account", which funds shall be used to create new markets for shrimp and promote
24	the sale of shrimp harvested from Louisiana waters.
25	(3) To represent the interests of the Louisiana shrimp industry before federal
26	and state administrative and legislative bodies on issues of importance to the
27	Louisiana shrimp industry.

1	(4) To contract for legal services to represent the interests of the Louisiana
2	shrimp industry in judicial, administrative, and legislative proceedings.
3	(5) To perform any acts deemed necessary and proper to carry out its duties
4	and responsibilities.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

ENROLLED

HB NO. 875

APPROVED: ____