

NEW FISHERIES LAWS

The following bills were passed by the Regular Session of the 2003 Louisiana Legislature and will go into effect August 15 (unless otherwise noted). In these bill summaries, the Department of Wildlife and Fisheries is referred to as DWF, the Wildlife and Fisheries Commission as WFC, and the Department of Natural Resources as DNR.

Senate Bill 2 (Act 176) — Dupre & Baldone

Exempts a commercial fisherman from having to possess a "mobile food vendor's permit" while selling his catch (except for oysters) directly from either his boat or residence.

Senate Bill 14 (Act 3) — Cain

Allows a licensed saltwater charter boat fishing guide to become licensed with a senior hunting and fishing license instead of with a recreational fishing license. Provides that guides born before June 1, 1940 are exempt from having to purchase either the senior or the recreational license.

Senate Bill 39 (Act 466) — Dupre & Pitre

Authorizes the placement of promotional stickers for the "America's Wetland: Campaign to save Coastal Louisiana" on any state watercraft, aircraft, automobile, truck, or other vehicle. Effective Immediately.

Senate Bill 45 (Act 48) — McPherson

Authorizes WFC to create a program to remove abandoned crab traps from state-owned water bottoms. Authorizes WFC to prohibit crab trap use in one or more areas of the state during a 16-day period between February 1 and March 31 and during a 14-day period, which includes the opening of the spring inshore shrimp season. During these closed periods, any crab traps found in the closed area shall be considered abandoned.

Senate Bill 49 (Act 182) — Dupre & Baldone

Authorizes DWF to create a 4-year wholesale/retail dealer's license and a 4-year transport license.

Senate Bill 122 (Act 189) — Dupre

Allows the use of butterfly nets and bottom shrimp nets that are not suspended from fishing boats or vessels, which are motor-propelled and underway in Grand Pass and the 1,000-foot area outside of where Grand Pass connects with Lake Mechant and Caillou Lake.

Senate Bill 213 — Dardenne & others

Proposes a constitutional amendment to establish the Louisiana Coastal Restoration Fund using up to 20% of any additional tobacco settlement funds that the state gets. Effective January 1, 2004, if approved.

Senate Bill 214 — Dupre & others

Proposes a constitutional amendment to raise the \$40 million cap on mineral revenue in the Wetlands Conservation and Restoration Fund by a minimum of \$500,000. Makes the fund eligible to receive nonrecurring revenue designated by the Revenue Estimating Conference and requires that \$35 million be allocated annually to the fund from the Mineral Revenue Audit and Settlement Fund.

Senate Bill 475 (Act 71) — Thomas & others

Creates the Washington Parish Reservoir District. Effective immediately.

Senate Bill 504 (Act 1192) — Dardenne & Baldone

Creates the Louisiana Coastal Restoration Fund and is the enabling legislation for Senate Bill 213.

Senate Bill 673 (Act 830) — Ullo & Baldone

Extends the Underwater Obstruction Removal Program and its funding through June 30, 2007 with \$250,000 annually. Effective July 1, 2003.

Senate Bill 715 (Act 503) — B. Jones

Requires each trotline used in Lake D'Arbonne to have an 8-foot leader attached to each end so that it will deteriorate and fall to the bottom of the lake if unattended. Requires trotlines to be checked daily, and removed when not in use. Requires each trotline in the lake to be marked at each end with some sort of floating object. Limits a person to no more than 3 trotlines, each with a maximum of 50 hooks.

Senate Bill 716 (Act 504) — B. Jones

Limits the use of yo-yos and trigger devices on Lake D'Arbonne to 50 per person and requires that they be checked and rebated daily.

Senate Bill 732 (Act 1286) — Romero

Maintains the minimum mesh size for traps used to harvest wild crawfish at three-quarters by eleven-sixteenth of an inch. Effective immediately.

Senate Bill 829 (Act 233) — Barham & others.

Creates the Morehouse Parish Lake Commission.

Senate Bill 1024 (Act 784) — Romero

Creates an "enforcement emergency situation response account" in the Conservation Fund, with the money to be used only by DWF Enforcement for emergency response, preparedness and search and rescue.

Senate Bill 1067 (Act 250) — Dupre & others

Beginning with licenses issued for the calendar year 2004, DWF shall endorse a commercial fisherman's license as "certified" if the fisherman can present to DWF a sales tax exemption certificate or a notarized statement from a tax preparer that the fisherman earns at least 50% of his income from commercial fishing activities. DWF

shall maintain a list of "certified" commercial fishermen. The Department of Revenue shall provide to DWF a list of names and Social Security numbers for those persons issued certificates of sales tax exemption.

Senate Bill 1117 (Act 1215) — Gautreaux

Makes technical changes to the law to make clear that the Secretary of DNR has authority over the Atchafalaya Basin Program.

Senate Concurrent Resolution 18 — Dupre

Calls for immediate and focused efforts by the U.S. Government to improve enforcement of food import restrictions on seafood imports containing chloramphenicol, nitrofurans, and other banned veterinary drugs, and urges the U.S. Food & Drug Administration to continue to work with importers and domestic stakeholders to exclude such banned antibiotics.

Senate Concurrent Resolution 40 — Romero & others

Commends Paul McIlhenny and the McIlhenny Company for supportive actions taken to promote America's Wetland Campaign to Save Coastal Louisiana.

Senate Concurrent Resolution 58 — Holden

Requests that the Senate and House Committees on Natural Resources meet as a joint committee with five technical experts to study the effects of mercury in seafood.

Senate Concurrent Resolution 66 — Romero

Urges and requests the Atchafalaya Basin Program to study Lake Henderson and make recommendations for its long-term viability, including water quality, recreation features, economic development and tourism.

Senate Resolution 9 — Smith

Establishes as a standing committee the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

Senate Resolution 12 — Smith

Requests DWF to end water drawdown operations to control hydrilla in Latt Lake.

Senate Resolution 57 — Dupre

Clarifies Senate Concurrent Resolution 18 that the Louisiana Legislature only supports the testing of imported seafood by the U.S. Food and Drug Administration within the boundaries of the U.S.

Senate Resolution 90 — Hoyt

Requests the U.S. Congress to provide adequate and immediate protection, stabilization, and maintenance of the Gulf Intracoastal Waterway canal banks in southwest Louisiana.

Senate Resolution 113 — Hainkel

Recognizes the Greater Mandeville Seafood Festival on its 25th anniversary as a premier Louisiana cultural event.

House Bill 30 (Act 77) — Baudoin & Marionneaux

Provides that residents totally and permanently disabled and receiving non-Social Security disability retirement benefits may purchase basic recreational fishing and saltwater licenses for \$2.50 each, and basic, big game, and bow hunting licenses for \$5.00 each. Those disabled persons receiving Social Security disability retirement benefits are already eligible for such licenses.

House Bill 131 (Act 357) — Baldone

Allows a commercial fisherman to purchase a secondary fresh products license for a spouse to allow the spouse to sell the catch while the fisherman continues to fish. The license shall not cost more than \$5. Also provides that the Louisiana Seafood Promotion and Marketing Board shall develop markets only for shrimp harvested from Louisiana waters.

House Bill 165 (Act 565) — Powell & Dupre

Adds March to the time period when escape rings on crab traps are required to be left open.

House Bill 170 (Act 566) — Powell & Dupre

Further defines a crab trap as being constructed of wire and no larger than 30 inches on any side, with entrance funnels extending no further than 7 inches into the inside of the trap and the horizontal opening in the wall of trap shall be at least 1½ times the vertical diameter of the opening. Also allows a commercial fisherman to keep for personal consumption up to 25 total fish caught in crab traps, under the recreational limits for each species, except that no freshwater gamefish, speckled trout or redfish may be kept.

House Bill 250 (Act 1015) — Daniel

Allows money from the Artificial Reef Development Fund to be used to evaluate the program.

House Bill 271 (Act 261) — Pitre

Allows combination lifetime hunting and sportsfishing license holders to purchase lifetime fishing gear privileges for 10 times the annual cost of each gear license.

House Bill 424 — Pitre & others

Creates a constitutional amendment to allow the legislature to limit the amount of money that can be awarded due to taking of, or loss or damage to, property rights affected by coastal conservation and restoration activities.

House Bill 454 (Act 1026) — Jack Smith

Prohibits fish in the family Pangasiidae (tra and basa) from being labeled as catfish or catfish products. Provides that only fish species in the families Icturidae, Aridae, or

Loricariidae may be possessed as catfish or catfish product. Exempts restaurants from the power of DWF to develop packaging standards for retail seafood.

House Bill 469 (Act 855) — Salter & Bruce

Provides that for a Louisiana resident to get a resident active military license for \$5, a "resident" is defined as someone who pays Louisiana income taxes or is a registered voter. Removes the requirement that the person carry a Louisiana driver's license when hunting or fishing.

House Bill 531 (Act 583) — Pitre & others

Provides that because of the catastrophic loss of coastal lands, that the full police power of the state shall be used and that compensation for the taking, loss or damage to private property due to coastal restoration shall be limited to that required by the U.S. Constitution. Provides that this law shall be applied retroactively, as well as in the future. Effective when the proposed constitutional amendment of Article 1 Section 4 (contents of HB 424) is adopted and becomes effective.

House Bill 544 (Act 375) — Daniel

Prohibits altering, damaging, destroying, or driving a vehicle on beach sand dunes, except that private landowners or their employees or contractors may travel on dunes for inspection, improvement, or maintenance of their land. Also allows parish governments in parishes with a population of between 9,500 and 10,500 to set speed limits on beaches.

House Bill 552 (Act 90) — Baldone & Pierre

Authorizes DWF to issue commercial fishing licenses and permits through an electronic issuing system.

House Bill 553 (Act 91) — Daniel & others

Adds the Asian swamp eel, pencil catfish and snakehead fish families to the list of fish that cannot be possessed alive without a permit. Exempts koi from the list. Requires that if any fish that requires a permit to possess is taken from state waters, that it shall not be returned to the water. Effective immediately.

House Bill 555 (Act 268) — Kenny & Pierre

Increases the maximum size of bass fingerlings allowed for sale from 6 inches to 10 inches.

House Bill 556 (Act 269) — Odinet

Prohibits the use of sweeper devices, leads, extensions, wings, or other attachments on skimmer nets.

House Bill 558 (Act 920) — Pierre

Creates the Public Oyster Seed Ground Development Account to receive money as compensation for impacts to public oyster seed grounds, seed reservations and tonging areas. The money will be used for siting, designing, permitting, constructing,

monitoring, and cultch deposition. Requires that DWF report annually on expenditures from the account to the Oyster Task Force. Effective immediately.

House Bill 559 (Act 27) — Pierre & Romero
Re-creates DWF under the Sunset Law.

House Bill 560 (Act 921) — Jack Smith & Pierre
Requires that persons born after January 1, 1988 must complete a boating safety class before operating a motorboat powered by a motor of 10 horsepower or more, unless a person over the age of 18 and qualified to operate a motorboat is on board. Effective immediately.

House Bill 561 (Act 323) — Jack Smith & Pierre
Allows the use of a 16 to 25-foot recreational trawl with an \$80 license and allows the take of up to 250 pounds of shrimp per day with such a trawl.

House Bill 562 (Act 324) — Jack Smith & Pierre
Repeals a duplicate law against operation of a boat while intoxicated.

House Bill 563 (Act 325) — Jack Smith & Pierre
Changes the penalties for sale of fish caught under a recreational license from lifetime loss of recreational fishing licenses for first offense to loss of licenses for 1 year for first offense, 2 years for second offense, and lifetime loss for third offense. Also provides that anyone found recreational fishing during the loss-of-license period or anyone getting a license during the disqualification period shall be fined \$5,000 - \$7,500 and be jailed for 1 year.

House Bill 640 (Act 98) — Winston & Schedler
Increases the penalties for intentional violation of the Natural and Scenic Rivers Act.

House Bill 712 (Act 328) — Hammett & others
Creates the Lake St. Joseph Recreation and Water Conservation District in Tensas Parish.

House Bill 749 (Act 271) — Cazayoux & others.
Allows a resident holder of a Louisiana National Guard identification card, who is on active duty to purchase a resident active military license for \$5, which substitutes for the basic and saltwater fishing licenses, basic hunting, big game, bow, muzzleloader, and waterfowl licenses, turkey hunting stamps and WMA hunting permits.

House Bill 766 (Act 652) — Pitre & others
Provides that in accordance with Article XII, Section 10 of the Louisiana Constitution that the state cannot be sued for damages caused by coastal restoration projects arising under any lease, permit or license granted for any purpose on state lands or water bottoms. Provides that this law shall be applied retroactively, as well as in the future.

House Bill 812 (Act 1227) — Townsend

Provides that the Northwest Game and Fish Preserve Commission can make rules for Black Lake, Clear Lake and Prairie Lake under the supervision of WFC and DWF. Prohibits the use of gill, trammel and leaded gill nets with a mesh size smaller than 3½-inch bar and 7-inches stretched. Prohibits the use of unattended yo-yo devices during the day, but allows unattended use at night.

House Bill 896 (Act 104) — Pierre & Romero

Re-creates DNR under the Sunset Law

House Bill 900 (Act 379) — Gary Smith & Pierre

Defines "fish" to mean all finfish, shellfish, crustaceans, and all other species of aquatic life. Allows the use in Lac Des Allemands only, of a shad gill net to take shad and skipjack herring (slickers) only. The net must be fished only by "strike fishing", which means that the school of fish must be visible from the surface and the net is placed around the school. The fish may be taken with this net only during daylight hours and on weekdays, in the period of November through June. The cost of the license is \$25 and shall be limited to one license per person and one net per boat. A shad gill net may not be used by more than two boats at one time or in any way that restricts navigation by other vessels. The net must be actively attended. The net shall not have a mesh size smaller than 1-inch bar (2 inches stretched) or larger than 2 inches bar (4 inches stretched). Each net is to have on one end a one-gallon jug painted international orange, with the words "Shad Gill Net" in black lettering, as well as a tag with the fisherman's name and license number on it.

House Bill 901 (Act 274) — Devillier & Pierre

Allows the use of a shad seine in freshwater areas of the state except Lake Bruin, Brushy, Bruin's Bayou, Choctaw Bayou, Ruth's Ditch, Catfish Bayou, Blue Hole, and Gillespie Ditch in Tensas Parish, Fool River in Franklin Parish, Clear Lake in Richland Parish, Pearl River, Pearl River Navigational Canal, and Bogue Chitto River and Tchefuncte River from Washington Parish to St. Tammany Parish. The net may be used to take only shad and skipjack herring (slickers) and must be fished only by "strike fishing", which means that the school of fish must be visible from the surface and the net is placed around the school. The fish may be taken with this net only during daylight hours and on weekdays, in the period of November through June. The cost of the license is \$25 and shall be limited to one license per person and one net per boat. A shad seine may not be used by more than two boats at one time or in any way that restricts navigation by other vessels. The net must be actively attended. The shad seine shall not have a mesh size smaller than 1-inch bar (2 inches stretched) or larger than 2 inches bar (4 inches stretched). Each net is to have on one end a one-gallon jug painted international orange, with the words "Shad Seine" in black lettering, as well as a tag with the fisherman's name and license number on it.

House Bill 932 (Act 1242) — Pitre & others

Creates a "Sportsman's Paradise" license plate for privately owned trucks for all new registrations after January 1, 2004. Creates the "America's WETLAND" prestige vehicle license plate for privately owned vehicles. The extra fee for this plate will be \$28.50, of which a \$25 royalty fee will be forwarded to America's WETLAND Foundation. Effective Immediately.

House Bill 991 (Act 696) — Pierre

Provides for notification to oyster leaseholders about non-renewal of leases for areas temporarily impacted by coastal restoration projects. Allows for future re-leasing of leases or parts of leases temporarily impacted and leasing of parts of leases not impacted by the project. To be eligible to re-lease the lease, the leaseholder must file an application with DWF no later than 60 days after termination of the lease, and also file a notice of intent to lease each year by March 1, both on forms provided by DWF. If re-leased, the leaseholder must accept the water bottom as it is. Provides that any lease not renewed on January 1, 2003 because of temporary impacts may be eligible for renewal if the leaseholder files for renewal by September 1, 2003 and files notices of intent annually. The provisions of the act are to be applied retroactively as well as in the future. Effective July 1, 2003.

House Bill 1115 (Act 703) — Triche

Increases retirement benefits for DWF enforcement agents and increases the amount that they contribute to the Louisiana State Employees' Retirement System. Effective July 1, 2003.

House Bill 1116 (Act 941) — Landrieu & Peychaud

Provides that the Governor's Office of Coastal Activities shall create the America's WETLAND Trail along coastal Louisiana to increase awareness of the dramatic coastal land loss in south Louisiana and to increase eco-tourism.

House Bill 1124 (Act 446) — Hammett

Increases from five to six the number of seats on the board of commissioners of the Black River Lake Recreation and Water Conservation District. The new commissioner is to be appointed by the legislative delegation from the area.

House Bill 1133 (Act 448) — Odinet

Provides that the 3-inch minimum size for oysters shall apply year-round.

House Bill 1136 (Act 278) — Odinet

Adds one voting member to the Louisiana Oyster Task Force who is an oyster-grower and is appointed by the Louisiana Farm Bureau Federation.

House Bill 1155 (Act 449) — Odinet

Limits applications for new oyster leases to 1,000 acres. Increases the total allowable acreage under lease for a person, partnership or firm from 1,000 to 2,500 acres. Eliminates the laws that allow owners or operators of more than one canning plant to lease more acreage.

House Bill 1156 (Act 450) — Odinet

Removes the requirement that an oyster leaseholder must submit to DWF annually the amount of marketable oysters removed from his lease.

House Bill 1167 (Act 451) — Odinet

Requires anyone who obtains a DWF permit to land oysters outside of the state to install on the vessel, a vessel monitoring system that DWF can access.

House Bill 1173 (Act 945) — Triche

Sets minimum sizes on bowfin of 22 inches for commercial license holders and 16 inches for recreational license holders.

House Bill 1264 (Act 295) — Salter

Sets a 168-foot minimum lake level for Toledo Bend Reservoir, at which no power generation can occur except to supply firm or non-interruptible power users, draw down water for dam repair or inspection, or to satisfy downstream flow requirements.

House Bill 1296 (Act 380) — Triche

Allows recreational fishing and hunting licenses to be suspended, revoked or denied to people who owe a final judgment or assessment of \$500 in unpaid individual income taxes.

House Bill 1499 (Act 1257) — Pitre & others

Prohibits advertising, offering to sell, or selling food products labeled as "Cajun" as "Louisiana Creole" unless the product qualifies for the 10% preference under Louisiana Bid Law for products produced, processed or manufactured in Louisiana. Food brought into Louisiana and processed shall not be considered as food or food products made in Louisiana unless the food has been substantially transformed by processing in Louisiana. Provides that these provisions do not infringe on any trademarks or trade names registered with the state as of May 15, 2003. Effective immediately.

House Bill 1587 (Act 1587) — Walsworth & others

Creates the West Ouachita Reservoir Commission.

House Bill 1809 (Act 890) — Thompson

Provides that the Secretary of the Department of Culture, Recreation and Tourism may, in consultation with the Board of Commissioners for the Poverty Point Reservoir District, regulate the use of personal watercraft (jet skis) on any body of water located wholly within Poverty Point Reservoir State Park. Effective immediately.

House Bill 1894 (Act 463) — Wooton

Defines that the licensing and regulation provisions for a large charter vessel carrying small skiffs for people to fish from shall apply only to motorized vessels.

House Bill 2003 (Act 1164) — Baldone & others

Replaces a 1 million pound commercial speckled trout quota with the provision that the WFC shall set the commercial quota for speckled trout at between 500 thousand and 1 million pounds. Requires the WFC to set the open season for the commercial harvest of speckled trout by rod and reel from January 2 through July 31 or until the quota is reached, whichever comes first. During the open season, no commercial harvest will be allowed from sunset Friday through sunrise Monday, and between 10 p.m. and 5 a.m. on other days. Prohibits purchase of speckled trout from a commercial fisherman who does not possess a spotted seatrout permit. No person shall qualify for a charter boat fishing guide license and a spotted seatrout permit during the same license period.

House Concurrent Resolution 24 — Pierre

Approves the Coastal Wetlands Conservation and Restoration Plan for Fiscal Year 2003-2004.

House Concurrent Resolution 108 Pierre & others

Asks the California Legislature to stop the California Department of Health from putting into effect an emergency ban on raw oysters from the Gulf of Mexico.

House Concurrent Resolution 116 — Baldone & others

Urges and requests the governor and commissioner of administration to take the necessary steps to enable the state of Louisiana to purchase Elmer's Island in Jefferson Parish.

House Resolution 59 — Downer & others

Urges and requests that casinos in Louisiana purchase their seafood products, particularly shrimp, from Louisiana fishermen and processors.

House Resolution 159 — Thompson & Kenney

Requests the U.S. Department of Agriculture and the U.S. Food and Drug Administration to develop a plan for the elimination of salmonella in turtles and for opening up the United States market to turtle sales.

House Study Request 18 — Montgomery

Requests the House Committee on Commerce to study the restrictions placed on the ability of retailers to sell boat motors in this state, including the effects of "areas of responsibility", and report its findings to the House of Representatives by January 3, 2004.