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Lagniappe



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April 3, 2001

Special Edition

This special edition of the Lagniappe Newsletter is devoted to new fisheries and wetlands bills which have been introduced into the current legislative session as of March 29. It must be noted that each senator and representative is also allowed to introduce up to five late bills before April 24. If you need information on the status any of these bills, you may call the capital 1-225-342-2456 or 1-800-256-3793. People with computer access can do the same by using the following Web Site address: www.legis.state.la.us In the bill summaries below, 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 22 - Marionneaux

Prohibits anyone from being a member of any state executive branch, district, parochial, or municipal board or commission for more than 8 consecutive years except for people elected to the position or public officials who hold the position because of another office to which they are elected or appointed.

Senate Bill 98 - Hainkel

Increases criminal penalties for violations of the Louisiana Scenic Rivers Act from \$25 - 75 to \$1000 - 5000 for first offense, from \$75 - 250 to \$5000 - 10,000 for second offense, and from \$200 - 500 to \$10,000 - 25,000 for third and later offenses.

Senate Bill 146 - Ullo

Requires that brown shrimp season for the area of the state between the Mississippi River and the western shore of Vermilion Bay and Southwest Pass at Marsh Island shall open no later than the third Monday in May in the years 2001 and 2002.

Senate Bill 147 - Ullo

Limits shrimp vessels in state territorial (outside) waters to the use of no more than two trawls and a test trawl.



Senate Bill 168 - McPherson

Creates a state constitutional amendment to guarantee the right, under reasonable rules, of every citizen to hunt, fish and trap.

Senate Bill 183 - Michot

Requires that every location determined by DWF to be a wildlife or fishery breeding ground, nesting ground, rookery, colony, or common use area of birds or animals that gather in groups shall be considered a protected area and that these areas be closed to motorized and non-motorized boating.

Senate Bill 233 - Fontenot

Increases the minimum age to operate a personal watercraft (jet ski) from 13 to 16 years old.

Senate Bill 268 - Dupre

Provides that civil penalties for the illegal taking of fish and game cannot be collected if the case is dismissed.

Senate Bill 269 - Dupre

Requires that brown shrimp season for the area of the state between the Mississippi River and the western shore of Vermilion Bay and Southwest Pass at Marsh Island shall open no later than the third Monday in May in the years 2002 and 2003.

Senate Bill 324 - Dupre

Requires DWF to manage the state's natural resources for maximum use, while maintaining them for future generations, because of the close relationship between the Cajun and Creole cultures and natural resources.

Senate Bill 328 - Michot

Prohibits the use of gill nets in fresh water.

Senate Bill 329 - Michot

Requires commercial fishermen to purchase a \$25 gear license for the use of trotlines and limits commercial fishermen to 10 trotlines. Requires recreational fishermen to purchase a \$10 gear license for the use of trotlines and limits recreational fishermen to 5 trotlines. Requires each trotline to be marked with a one-half inch stainless steel self-locking tag attached to one end of the trotline. Requires each trotline to be checked at least once every 24 hours and requires that trotlines must be attended from 2 hours after sunrise until one-half hour after sunset.

Senate Bill 354 - Michot

Increases the recreational limit on redfish from 5 daily to 8. Lowers the minimum size for redfish from 16 to 14 inches and increases the maximum size limit from 27 inches to 30 inches.

Senate Bill 359 - McPherson

Establishes the Hunting and Fishing Advisory Education Council within DWF to promote the benefits of hunting and fishing to Louisiana citizens.

Senate Bill 362 - Dupre & Gautreaux

Provides that skimmer nets may be measured diagonally, with a 20 ft diagonal size limit. Also provides that reinforcement framing shall not be considered in measuring the size of a skimmer.

Senate Bill 367 - Marionneaux

Requires reconfirmation at the beginning of each legislative term of all persons appointed to boards, commissions, committees, or districts who were to originally required to have senate confirmation.

Senate Bill 371 and House Bills 1181 and 1387 - Ellington, Durand & Fruge

Changes the penalties for class one violations from a civil penalty to a fine and adds a possible 15 day jail sentence to first offense, 30 days for second offense and 90 days for third offense. Provides that people charged with a class one violation have up to 30 days to pay the fine and have the violation deleted from their record after one year. Violation fines not paid within 30 days shall be forwarded to court.

Senate Bill 385 - Michot

Requires at least \$50,000 liability insurance on vessels and personal watercraft (jet skis) which are operated on Louisiana waters and registered in Louisiana.

Senate Bill 474 - Smith

Allows students attending Louisiana colleges full time to purchase basic and saltwater fishing licenses at the same price as residents.

Senate Bill 569 - Ullo

Extends the Underwater Obstruction Removal Fund for 3 years with \$250,000 annually.

Senate Bill 577 - Ullo

Intended to provide that shrimp sold by count may have a count anywhere within the range specified on the container.

Senate Bill 578 - Ullo

Requires that when state agencies purchase shrimp that the bid specifications shall require the use of count sizes rather than terms such as "jumbo", "extra large" and so forth."

Senate Bill 579 - Ullo

Requires that to be labeled as "crawfish" in Louisiana, a product must either be red swamp crawfish or white river crawfish.

Senate Bill 604 - Cain

Makes a small technical change in the wording on gear licenses.

Senate Bill 650 - Dupre

Repeals the requirement that fishing license fees for aliens be twice the fee charged for nonresidents.

Senate Bill 677 and House Bills 575 and 773 - McPherson, Nevers & Lentini

Creates the Louisiana Boat and Motor Titling Act to protect buyers, sellers and financial institutions, to lower theft of vessels and outboard motors, and to assist law enforcement agencies. The titling program is to be administered by DWF with certificates of title not to cost more than \$20. Also, outlaws the abandonment of any vessel and makes legal provisions for removal of abandoned vessels.

Senate Bill 736 - Ullo (By Request)

Allows commercial fishermen besides those who held saltwater gill net licenses in 1993, 1994, and 1995 to purchase a commercial rod and reel license and speckled trout permit as long as they can prove that 50% or more of their earned income came from the capture and sale of seafood species in those years. Deletes the provision that prevents a person from getting a rod and reel license and trout permit if they had ever had a class 3 violation in their life. Provides that loss of rod and reel license provisions shall apply with class 4 violations rather than class 3. Changes the commercial speckled trout season from the period between the third Monday in November to April 30 to the period from September 1 to May 30, but still keeps the one million pound quota. Also allows night-time commercial rod and reel harvest, but keeps the prohibition on weekend harvest.

Senate Bill 752 and House Bill 1692 - Michot & Triche

Designates the speckled trout as the official state saltwater fish.

Senate Bill 814 - Dupre

Allows nighttime fishing for mullet

Senate Bill 875 and House Bill 1487 - Michot & Triche

Makes speckled trout gamefish and prohibits their commercial harvest.

Senate Bill 899 and House Bill 1664 - Michot & Triche

Outlaws the possession and use of pompano and mullet strike nets in saltwater. Provides that anyone convicted of commercial take or possession of speckled trout and redfish shall lose all commercial fishing privileges for life.

Senate Bill 928 - Gautreaux

Allows the use of unattended hoop nets, for catfish harvest only, in the saltwater areas of the state.

Senate Bill 950 - Romero

Reduces the nonresident annual saltwater recreational angler's license from \$50 to \$30.

Senate Bill 958 and House Bill 715 - Ellington & Diez

Make changes to the 1999 law that created "areas of responsibility" for marine, motorcycle and all-terrain vehicle dealers. Allows a manufacturer to change a dealer's area of responsibility or add another dealer to the area if proper notice of no less than 60 days is given. Makes provisions for dealerships marketing the same line of product to object to a change in area of responsibility by a manufacturer. Also provides that the reopening or replacement of a dealership in a location where the same line was sold by a licensed dealer within the previous two years will not be considered an additional dealership.

Senate Bill 974 - Ullo

Abolishes 40 agencies and commissions, including the Alligator Market Development Authority, the Environment and Natural Resources Council and the Recreational Fishing Development Board.

Senate Concurrent Resolution 25 - Ullo

Urges and requests the Louisiana Division of Administration to update state bid specifications for fish and fishery products.

House Bill 60 - McDonald

Allows any nonresident who was born in Louisiana, possesses a Louisiana birth certificate, and can show that he attended Louisiana schools through elementary, middle and high school, to purchase a 3-day nonresident basic fishing license for the cost of a resident annual basic fishing license.

House Bill 65 - Pitre

Requires that a commercial fisherman's license may be purchased at any district DWF office located south of Interstate Highway 10, as well as at the Baton Rouge and New Orleans offices. Also repeals the requirement that the license be in the form of a "Commercial Fisherman's Sales Card" and requires seafood dealers who make purchases from fishermen to copy the fishermen's names and license numbers on the receipt forms rather than imprint them with the card.

House Bill 76 - Nevers

Requires registration of outboard motors with DWF at a fee of \$2 per year and requires that the registration number be on the motor at all times.

House Bill 79 - John Smith

Increases the minimum size limit for spotted bass from 12 to 14 inches on Toledo Bend Reservoir and the Sabine River. Also for the same areas, provides a recreational limit of 25 for each species of catfish—channel, blue and flathead (yellow), rather than the

current limit of 100 for the 3 species combined, and repeals for these areas the allowable of 25 catfish (of the total limit of 100) under the minimum size limit.

House Bill 85 - Salter

Creates a recreational gear license allowing the use of up to 5 hoop nets for \$20.

House Bill 92 - Frith

Creates an additional \$100 penalty for people convicted of driving any vehicle, including boats while intoxicated (DWI), with the additional money going to the enforcement agency that made the arrest.

House Bill 95 - Ansardi

Repeals the \$5 annual senior hunting and fishing license required for people who turn 60 after June 1, 2000 and replaces it with separate senior hunting and senior fishing licenses which maybe purchased separately for \$5 each per year or \$50 each for lifetime.

House Bill 141 - Farrar

Prohibits the use of hoop nets, seines, trammel nets, or gill nets during the spawning season of paddlefish (spoonbill cats) in places where they spawn.

House Bill 158 - Daniel

Allows the secretary of DWF to add an additional 10% penalty for late payment of civil and class one penalties. Also allows the secretary to assess hearing costs and begin civil proceedings to collect penalties.

House Bill 159 - Daniel

Adds to the DWF Office of Management and Finance the responsibilities of budget forecasting, socioeconomic research and analysis, property control, boat registration, and customer service. Also requires the DWF undersecretary to assist in administration of licensing and permits, collection of money, and media information.

House Bill 179 - Nevers

Exempts dealers in marine products and all-terrain vehicles who are licensed by the Louisiana Used Motor Vehicle and Parts Commission from collection and payment of advance sales tax.

House Bill 188 - Hammett

Authorizes WFC and DWF to allow lands under their control to be used for wetland mitigation requirements.

House Bill 189 - Odinet

Provides that traversing permit holders shall not be required to make reports more than once a month to DWF. Requires that the monthly reports shall include dates, times, and routes of the anticipated trips to federal waters carrying gill nets, trammel nets, strike nets, and seines.

House Bill 190 - Odinet

Requires that WFC and DWF shall, before January 1, 2002, develop rules for a site-specific, limited strike net fishery for black drum to control their damage to oysters.

House Bill 281 - Pitre

Requires DWF to develop rules for a recreational hunting season for nutria.

House Bills 315 and 617 - Jack Smith & Faucheux

Provides that the construction of a marina by waterfront property owners in a reclaimable area shall be considered as a reclamation project.

House Bill 320 - Daniel

Provides that ownership of lands above water as of January 1, 2002 shall remain with the landowner and not be considered as state owned if subsidence or erosion puts the land underwater.

House Bill 329 - Odinet

Provides that the waters of the Intracoastal Waterway in Orleans Parish from the overhead power lines at the Interharbor Navigation Canal east to the Rigolets shall be considered both salt and freshwater for taking of fish and use or possession of gear. Also provides that mullet may be taken in this area and in that portion of Lake Pontchartrain located east and south of the Interstate 10 bridge.

House Bill 336 - Daniel

Provides that if a class one fish and wildlife law violator does not appear when summoned, that it shall be considered a plea of no contest and that all hunting and fishing privileges are lost until the civil penalties are paid. Further provides that violators who have civil penalties or restitution assessed against them at a hearing shall be liable for attorney fees, and that failure to pay these fees will also result in loss of fishing and hunting privileges.

House Bill 337 - Daniel

Authorizes payment of fines for class one violations through the electronic license issuing system.

House Bill 338 - Daniel

Provides that mineral leases and rights remain with the landowner on lands that have become water bottoms of an arm of the sea by the actions of erosion, subsidence or other condition.

House Bill 415 - Durand

Makes taking wildflowers and wildflower plants from property without the permission of the owner a crime.

House Bill 421 - Farrar

Amends Louisiana trespass law to provide that a landowner or lessee does not have to place posted signs, paint trees or posts, or build a fence to post land. Provides that if a convicted trespasser was hunting or fishing, that he shall lose all recreational hunting and fishing licenses for rest of the period for which they were issued and for one year after conviction. Provides that trespass prosecution of a person can be dismissed upon request of the landowner or lessee. Reduces the first offense penalty for trespass from a fine of \$500 to a warning violation, but adds a 10 day jail sentence to a second offense conviction, and a 30 day jail sentence to third and later offense convictions. Note that marshland trespass has separate rules and these proposed changes do not affect them.

House Bill 445 - Gary Smith

Makes permanent the Crab Task Force which has been meeting independently for over 10 years.

House Bill 480 - Odinet

Creates a Mullet Task Force comprised of the DWF secretary or his designee and one member each of the United Commercial Fishermen's Association, the Delta Commercial Fisherman's Association, the Lake Pontchartrain Commercial Fishermen's Organization, and the Louisiana Commercial Fisherman's Association of Dulac to advise the WFC as to the most appropriate date to open the mullet season.

House Bill 569 - McCallum

Authorizes the secretary of DWF to annually issue up to 20 complimentary 3-day nonresident fishing and hunting licenses to members of the outdoor press.

House Bill 576 - Nevers & Salter

Provides that fees charged to nonresidents for recreational fishing and hunting licenses shall be equal to the fee that Louisiana residents pay in the nonresident's state as long as the fee is not more than \$600 nor less than \$15.

House Bill 603 - Diez

Provides that the secretary of the Department of Transportation and Development shall issue permits to move oversize boats which are not wider than 16 feet on interstate highways. Limits speeds to 55 miles per hour and authorizes refusal of a permit if conditions would endanger the public.

House Bill 689 - Daniel

Authorizes DWF to develop a permit program for the discharge of dredge and fill material in navigable waterways, to replace the federally administered Section 404 Permit Program.

plus one year; second offense, loss of same permit and license for the rest of the year, plus 2 years; and for the third offense, loss of the same permit and license for life.

House Bill 1416 - Odinet

Slightly changes the latitude and longitude coordinates for the boundaries of Breton and Chandeleur Sounds (for the use of trawling vessels) near the Mississippi-Louisiana border.

House Bill 1417 - Jack Smith

Defines bandit gear as "vertical hook-and-line gear with rods attached to a vessel and with line retrieved by manual, electric or hydraulic reels. Defines longline gear as "a line to which gangions and hooks are attached that is deployed horizontally and is retrieved by an electric or hydraulic hauler." Provides that trotlines are not longlines and defines trotlines as less than 300 yards in length. Prohibits the use of bandit gear or longline gear in state territorial (outside) waters. Prohibits the possession of any fish taken by illegal gear.

House Bill 1418 - Pierre

Allows the deposit of funds, such as donated money, saltwater fishery violation penalties and specifically designated public funds, into the Saltwater Fishery Enforcement Fund.

House Bill 1419 - Jack Smith

Allows tuna to be landed with their head removed so long as the carcass with the head removed is over the minimum legal size. Prohibits recreational fishermen from remaining the heads and/or tails of sharks before landing. Allows commercial fishermen to remove the tails of sharks before landing, but heads must remain intact. Provides that "sharks shall have a head weight conversion of forty percent subtracted from the total weight on board for the purpose of calculation of commercial possession limits." Also provides that commercial shark permit holders no longer have to make monthly reports and creates the following penalties for violation of commercial shark regulations: First offense, loss of current shark permit, plus loss for one more year; second offense, loss of current shark permit, plus 2 years; third offense, loss of shark permit for life.

House Bill 1420 - Pierre & Daniel

Replaces the \$30, three-day nonresident basic fishing license with a one-day nonresident freshwater fishing license costing \$5. Replaces the \$40, three-day nonresident saltwater fishing license with a one-day nonresident saltwater license costing \$15.

House Bill 1422 - Jack Smith

Adds the DWF Enforcement Training Academy to those programs from which graduates qualify for general law enforcement powers.

House Bill 1423 - Odinet

Provides that when a vessel is found to be harvesting oysters within an unapproved or closed area that all oysters on board shall be considered a health hazard and seized and returned to the water.

House Bill 1424 - Odinet

Makes technical changes in the wording of the law that prohibits the use of trawls, menhaden purse seines and pompano strike nets within 2,500 feet of land within Breton Sound and near the Chandeleur Islands.

House Bill 1427 - Pierre

Allows Louisiana residents to purchase a \$5 three-day charter passenger fishing trip license when they fish on board a licensed charter vessel.

House Bill 1428 - Jack Smith

Changes the wording in the legal definitions of commercial fisherman, freshwater commercial fish, freshwater game fish, game fish, saltwater commercial fish, saltwater fish, and saltwater game fish, and also adds a definition for "recreational purpose". Changes wording in the section on methods of taking freshwater or saltwater fish. Outlaws the use of bow and arrow to take game fish or to take fish commercially. Outlaws the use of spearing equipment by skin divers to take commercial fish. Provides that possession of game fish is illegal if any prohibited gear is in possession. Clarifies language restricting the sale of gamefish. Provides that when saltwater gamefish are shipped into the state that a wholesale/retail seafood dealer may request a confirmation number from DWF to accompany the shipment instead of a bill of lading. Repeals the minimum commercial size limit for paddlefish, which is now a protected species.

House Bill 1429 - Flavin

Requires that anyone acting or representing himself (including advertising) as a charter fishing guide must be licensed as one. Also requires possession of the license while on the water.

House Bill 1481 - Johns

Changes the saltwater/freshwater line in Cameron and Calcasieu Parishes from Louisiana Highway 82 to the Intracoastal Waterway.

House Bill 1606 - Dewitt

Requires oyster leaseholders to report to DWF each year the following information: Name of leaseholder, lease numbers and harvest grid numbers, amount of marketable oysters removed, amount of seed oysters removed, amount of cultch material placed, and amount of seed oysters placed. DWF and DNR will develop the grid system for reporting. The information collected will be available only to DNR for coastal restoration project efforts. The names of the people submitting the report shall remain confidential.

House Bill 1676 - Winston

Increases the minimum claw size for stone crabs from 2½ inches to 2¾ inches. Allows live stone crabs to be held onboard the vessel in any container, but not landed.

House Bill 1681 - Heaton

Requires any person 16 years of age or older who operates a motor-powered vessel on Louisiana waters to possess an operator's license issued by DWF. A person at least 13 years old but under 16 may operate such a vessel only under the supervision of a licensed person or with an exemption. Prohibits any motor vessel operation by people under the age of 13. A person must meet one of the following criteria for a license: Completion of a certified safe boating course, passing a DWF boating test, or holding a valid U.S. Coast Guard master's, mate's or operator's license. The following people would be exempt from the license requirement: A participant in a valid marine event, a student in a certified vessel operator training program, a nonresident at least 13 years old that has a vessel operator's license from his state, a nonresident from state where there is no license but who is under the direct supervision of a licensed person of at least 18 years old, a nonresident from a state where there is no vessel operator's license (this is a 60 day exemption), or a person who is at least 16 years old and operating a vessel rented or chartered from a licensed rental business. The law would be phased in, with people under 25 being required to be licensed beginning July 1, 2002, people under 40 by July 1, 2003, and people under 55 by July 1, 2004.

House Bill 1696 - Pierre

Declares that the state of Louisiana has full power over navigable waters and the right to manage these waters to protect access, use, navigation, fisheries, recreation, minerals, and other public interest. Charges the State Land Office with the responsibility and duties of administering public lands and waters. Creates four sections within the State Land Office, an administrative section, a land and water bottom management section, an historical records section, and a titles and survey section. Requires the State Land Office to develop a state master plan for state lands and water bottoms and to develop a master list of all public lands and water bottoms. Transfers from DNR to the State Land Office responsibility for waterside land reclamation applications and administration, and all responsibility for permits and leases.

House Bill 1716 - Pierre

Creates a license for large charter vessels which carry smaller fishing skiffs for use by 2 people each. The fee is \$1000 for vessels carrying 6 or fewer skiffs and \$2000 for vessels carrying more than 6. Each skiff must also have a \$50 charter skiff license which identifies the charter vessel to which it is attached. Each nonresident who fishes from such a skiff must purchase a \$30 license valid which is valid for 3 consecutive days.

Sincerely,

Jerald Horst
Associate Specialist (Fisheries)