

2017 Regular Session

SENATE BILL NO. 207

BY SENATOR ALLAIN AND REPRESENTATIVE BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISH/FISHING. Limits the permissible uses of monies in the Saltwater Fish Research and Conservation Fund. (8/1/17)

1 AN ACT

2 To amend and reenact R.S. 56:10(B)(1)(g) and to enact R.S. 56:10(B)(16), relative to
3 saltwater fishing licenses; to direct dedicated monies of the Saltwater Fish Research
4 and Conservation Fund to the administration of only certain programs; to limit the
5 use of monies in the fund; to provide for terms, conditions, and requirements; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:10(B)(1)(g) is hereby amended and reenacted and R.S.
9 56:10(B)(16) is hereby enacted to read as follows:

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

11 **limitations on purposes for use of monies in particular funds;**

12 warrants; vouchers; surplus funds

13 * * *

14 B.(1) Subject to the exception contained in Article VII, Section 9(A) of the
15 Constitution of Louisiana, all funds collected by the commission from every source
16 shall be paid into the state treasury and shall be credited to the Bond Security and
17 Redemption Fund. Out of the funds remaining in the Bond Security and Redemption

1 Fund after a sufficient amount is allocated from that fund to pay all obligations
 2 secured by the full faith and credit of the state which become due and payable within
 3 any fiscal year, the treasurer shall, prior to placing such remaining funds in the state
 4 general fund, conform to the following:

5 * * *

6 (g) Between June 1, 2014, and May 31, 2018, pay annually into the
 7 Conservation Fund, into a special account designated as the "Saltwater Fish Research
 8 and Conservation Fund", an amount equal to the fees collected pursuant to R.S.
 9 56:302.1(C)(1)(c). ~~Such funds shall be used by the office of fisheries for data
 10 collection and management and conservation of recreational saltwater fish species.~~

11 * * *

12 **(16)(a) The monies in the Saltwater Fish Research and Conservation**
 13 **Fund shall be used solely for the administration and conducting of the**
 14 **Louisiana Recreational Creel Survey (LACREEL) and the Recreational**
 15 **Offshore Landing Permit program (ROLP).**

16 **(b) The monies allocated to the programs described in Subparagraph (a)**
 17 **of this Paragraph shall not be used on or for any of the following purposes:**

18 **(i) To create any exempted fishing permit program or pilot program as**
 19 **recognized and granted by the United States Department of Commerce through**
 20 **the National Oceanic and Atmospheric Administration - National Marine**
 21 **Fisheries Service, that establishes a limited access or entry program for licensed**
 22 **fishermen, either voluntarily or required, fishing in territorial waters, including**
 23 **the boundary from the shoreline to a distance nine miles into the Gulf of**
 24 **Mexico, as established by federal law.**

25 **(ii) To create limited entry programs, including but not limited to**
 26 **lotteries, established for any of the following:**

27 **(aa) The issuance of fish harvest tags.**

28 **(bb) The issuance of fish harvest tags on a "first-come, first-served**
 29 **basis" for more than eighty percent of the total allowable catch of an individual**

1 species of fish.

2 (cc) The limitation of the days at sea that further restrict access to a
3 number of days that differs from seasons established for all licensed fishermen
4 by the department or the Gulf of Mexico Fishery Management Council.

5 (dd) The creation of fisheries unit efforts or effort units or any other
6 program that limits access for licensed fishermen to fish other than the
7 beginning and end dates of established seasons as determined by the secretary
8 in consultation with the commission or seasons set by the Gulf of Mexico
9 Fishery Management Council.

10 (ee) The creation or enforcement of any individual fishing quota or
11 individual transferrable quota systems for licensed fishermen, licensed charter
12 boat fishing guides, and federally permitted licensed charter boat operations in
13 which vessels used in that operation are registered in the state.

14 (ff) The establishment of any mandatory reporting programs by licensed
15 fishermen, including required advanced notification of any department
16 personnel prior to commencement of a fishing trip by licensed fishermen.

17 (gg) The creation of any mandatory reporting program in which licensed
18 fishermen are required to report their catch immediately upon returning to
19 port after fishing unless during a dockside intercept conducted by department
20 personnel conducting dockside intercept surveys on behalf of LACREEL or
21 ROLP.

22 (c) If the department violates Subparagraph (b) of this Paragraph, the
23 treasurer shall not release any more monies credited to the Saltwater Fish
24 Research and Conservation Fund to the department, until such time as the
25 department ceases its violation.

26 * * *

The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl M. Serrett.

DIGEST

SB 207 Reengrossed

2017 Regular Session

Allain

Present law requires that the monies credited to the "Saltwater Fish Research and Conservation Fund" (fund) be used by the office of fisheries for data collection and management and conservation of recreational saltwater fish species.

Proposed law repeals present law by further limiting use of the funds only to the administration and conducting of the Louisiana Recreational Creel Survey (LACREEL) and the Recreational Offshore Landing Permit program (ROLP).

Proposed law prohibits monies allocated to the programs described in proposed law being used on or for any of the following purposes:

- (1) Creating any exempted fishing permit program or pilot program as recognized and granted by the U.S. Dept. of Commerce through the National Oceanic and Atmospheric Administration - National Marine Fisheries Service, that establishes a limited access or entry program for licensed fishermen, either voluntarily or required, fishing in territorial waters, including the boundary from the shoreline to a distance nine miles into the Gulf of Mexico, as established by federal law.
- (2) Creating limited entry programs including but not limited to lotteries established for any of the following:
 - (a) The issuance of fish harvest tags.
 - (b) The issuance of fish harvest tags on a "first-come, first-served basis" for more than 80 percent of the total allowable catch of an individual species of fish.
 - (c) The limitation of days at sea that further restrict access to a number of days that differs from seasons established for all licensed fishermen by the Dept. of Wildlife and Fisheries (LDWF) or the Gulf of Mexico Fishery Management Council.
 - (d) The creation of fisheries unit efforts or effort units or any other program that limits access for licensed fishermen to fish other than the beginning and end dates of established seasons as determined by the secretary of LDWF in consultation with the LDWF commission or seasons set by the Gulf of Mexico Fishery Management Council.
 - (e) The creation or enforcement of any individual fishing quota or individual transferrable quota systems for licensed fishermen, licensed charter boat fishing guides, and federally permitted licensed charter boat operations in which vessels used in that operation are registered in the state.
 - (f) The establishment of any mandatory reporting programs by licensed fishermen, including required advanced notification of any department personnel prior to commencement of a fishing trip by licensed fishermen.
 - (g) The creation of any mandatory reporting program in which licensed fishermen are required to report their catch immediately upon returning to port after fishing unless during a dockside intercept conducted by LDWF

personnel conducting dockside intercept surveys on behalf of LACREEL or ROLP.

Proposed law provides that if LDWF violates any of the prohibitions in proposed law, the treasurer shall not release any more monies credited to the fund to LDWF, until such time as LDWF ceases its violation.

Effective August 1, 2017.

(Amends R.S. 56:10(B)(1)(g); adds R.S. 56:10(B)(16))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical amendments.