

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 55

BY REPRESENTATIVE ROBERT OWEN

FISHING/COMMERCIAL: Provides relative to charter fishing guides and commercial fishing

1 A CONCURRENT RESOLUTION

2 To amend the Louisiana Department of Natural Resources rule LAC 43:I.1501(B), which
3 provides for statutory authorization and definitions relative to the Fisherman's Gear
4 Compensation Fund; to include charter fishing guides in the definition of commercial
5 fishermen; to direct the office of the state register to print the amendments in the
6 Louisiana Administrative Code; and to provide for related matters.

7 WHEREAS, the Department of Natural Resources (DNR) regulates and administers
8 the Fishermen's Gear Compensation Fund; and

9 WHEREAS, commercial fishermen are eligible to participate in the Fishermen's Gear
10 Compensation Fund; and

11 WHEREAS, the Department of Wildlife and Fisheries (LDWF) provides for a
12 certified endorsement for charter fishing guides who operate as commercial fishermen; and

13 WHEREAS, the DNR regulations do not currently reflect the LDWF certified
14 endorsement for charter fishermen.

15 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
16 43:I.1501(B) is hereby amended to read as follows:

17 §1501. Statutory Authorization and Definitions

18 * * *

19 B. Definitions. As used in these regulations the following terms and phrases
20 shall have the definition ascribed to them.

1 Claimant - any vessel owner who files a claim under the provisions of these
2 regulations and R.S. 56:700.1-700.5.

3 Commercial Fisherman - any citizen of the state of Louisiana who possesses
4 a valid Louisiana residential commercial fishing license or a valid charter boat
5 fishing guide license as defined in R.S. 56:302.9 or a certified endorsement as
6 defined in R.S. 56:303 and who derives a primary source of his or her income from
7 the harvesting of living marine resources for commercial purposes.

8 Department - the Louisiana Department of Natural Resources and regulatory
9 authority means the secretary thereof and the personnel appointed or employed
10 thereby who administer the commercial Fishermen's Gear Compensation Fund.

11 Fishing Gear - any licensed marine vessel and any equipment, whether or not
12 attached to a vessel, in which are used in the handling or harvesting of commercial
13 marine resources. Crab traps are expressly excluded from the definition.

14 Fund - the Fisherman's Gear Compensation Fund.

15 Hearing Examiner - the person(s) employed or appointed by the regulatory
16 authority to conduct hearings, take oral and written testimony from claimants and
17 other witnesses, and make recommendations to the regulatory authority on the
18 validity and payment of claims.

19 Obstruction - any object, obstacle, equipment or device located in state water
20 within the geographical boundary of the fund, set forth in R.S. 49:214.24 whether
21 natural or manmade; provided that this definition shall not be applied to obstructions
22 floating on the surface which could be avoided by a reasonably prudent fisherman.

23 Primary Source of Income - that source of revenue earned by a claimant from
24 commercial fishing endeavors which is deemed by the regulatory authority to
25 constitute a fundamental source of such claimant's annual earned income. Annual
26 earned income shall be income earned from all sources reportable on state and
27 federal income tax returns. Any claimant who presents satisfactory proof that at
28 least 50 percent of his or her annual income in the year preceding the year of the

