

2024 Regular Session

HOUSE BILL NO. 543

BY REPRESENTATIVE ZERINGUE

WILDLIFE & FISHERIES: Provides relative to saltwater and charter fishing licenses and fees

1 AN ACT

2 To amend and reenact Section 6 of Act No. 356 of the 2021 Regular Session of the
3 Legislature and R.S. 56:10(B)(1)(f), 302.9(B), (C)(3)(c), and (G), and 3001(A)(4)
4 and (5) and (B)(5) and (6), to enact R.S. 56:302.1 and 3001(A)(6) and (B)(7), and to
5 repeal R.S. 56:3007(C), relative to fishing; to require saltwater fishing licenses; to
6 provide for terms and conditions of the saltwater fishing license; to provide for
7 charter fishing licenses; to provide for the charter promotion fee, and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 56:10(B)(1)(f), 302.9(B), (C)(3)(c), and (G), and 3001(A)(4) and (5)
11 and (B)(5) and (6) are hereby amended and reenacted and R.S. 56:302.1 and 3001(A)(6) and
12 (B)(7) are hereby enacted to read as follows:

13 §10. Annual report to governor; estimate of proposed expenditures; particular funds;
14 limitations on purposes for use of monies in particular funds and accounts;
15 warrants; vouchers; surplus funds

16 * * *

17 B.(1) Subject to the exception contained in Article VII, Section 9(A) of the
18 Constitution of Louisiana, all funds collected by the commission from every source
19 shall be paid into the state treasury and shall be credited to the Bond Security and
20 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 (f) There is hereby created in the Conservation Fund; a special escrow
7 account known as the Charter Boat Fishing Escrow Account Fund. The escrow
8 account is created to receive deposits of charter promotion fees collected pursuant
9 to R.S. 56:302.9(C)(3)(c) and 3001. Monies deposited into the fund shall be used by
10 the ~~department~~ Louisiana Charter Boat Association for the promotion of the charter
11 boat industry, protection of the fishery, and to provide for administrative costs of the
12 fund. ~~Such funds are to be expended for such purposes through the Louisiana Charter~~
13 ~~Boat Association.~~

14 * * *

15 §302.1. Saltwater fishing; charter fishing

16 A. Any person fishing in the saltwater areas of the state defined in R.S.
17 56:322 must purchase and possess both a basic fishing license and a saltwater license
18 or an equivalent license that grants both basic fishing and saltwater fishing
19 privileges.

20 B. As a condition of the application for and the granting of the saltwater
21 license, all saltwater finfish caught or transported by the license holder while the
22 license is in effect are presumed to have been taken in the waters of Louisiana.

23 C. A person fishing with a licensed charter guide on board the vessel may
24 purchase a Charter three-day fishing license in lieu of a basic annual recreational
25 fishing license.

26 D. In addition to the license fee assessed for any recreational charter fishing
27 license, an amount equal to seven dollars and fifty cents shall be collected and
28 deposited into the Charter Boat Fishing Escrow Account pursuant to R.S.
29 56:10(B)(1)(f).

1 E. A person may take or possess a freshwater species of fish while in the
 2 saltwater areas designated by R.S. 56:322(B) without the necessity of a saltwater
 3 license. The commission shall promulgate by rule the species of fish classified as
 4 freshwater species. While in saltwater areas, a person possessing fish other than
 5 those designated as freshwater species shall be required to possess either a saltwater
 6 fishing license or an equivalent license that grants both basic and saltwater fishing
 7 privileges. Any species of fish that is required to be returned to the water shall be
 8 returned immediately to the water without avoidable injury from which it was taken.
 9 An enforcement agent or officer of the department may inspect a fisherman's catch
 10 to ensure compliance with this Subsection.

11 * * *

12 §302.9. Charter boat fishing guide license; nonresident fee

13 * * *

14 B. A nonresident fishing from a vessel operated by a licensed charter boat
 15 fishing guide shall purchase and possess the appropriate required license as defined
 16 in R.S. 56:3001(B) a valid license to fish in the saltwater areas of the state. Each
 17 nonresident shall also possess a valid out-of-state motor vehicle operator's license or
 18 such other proof of residency as the department may require.

19 C.

20 * * *

21 (3)

22 * * *

23 (c) There shall be an additional five hundred dollar charter promotion fee for
 24 each nonresident charter boat fishing guide license issued under the provisions of
 25 Subparagraphs (a) and (b) of this Paragraph which shall be deposited into the Charter
 26 Boat Fishing Escrow Account ~~Conservation Fund~~, as provided in R.S.
 27 56:10(B)(1)(f). ~~Such funds shall be used by the department for promotion of the~~
 28 ~~charter boat industry, protection of the fishery, and to provide for administrative~~

1 ~~costs of the fund. Such fees are to be expended for such purposes through the~~
2 ~~Louisiana Charter Boat Association.~~

3 * * *

4 G. Except for the charter promotion fee provided for in Subparagraph
5 (C)(3)(c) of this Section, all annual license ~~The fees derived pursuant to this Section~~
6 ~~shall be placed in the conservation fund. Ten percent of the fees collected annually~~
7 ~~from the sale of charter boat fishing guide licenses shall be used by the department~~
8 ~~for the promotion of the industry and protection of the fishery. Such fees are to be~~
9 ~~expended for such purposes through the Louisiana Charter Boat Association.~~

10 * * *

11 §3001. Recreational fishing licenses; fees

12 A. Resident licenses:

13 * * *

14 (4) Charter three-day saltwater fishing license ~~\$20.00~~ \$12.50

15 (5) Charter three-day freshwater fishing license ~~\$10.00~~ \$2.50

16 (6) Charter promotion fee \$7.50

17 B. Nonresident licenses:

18 * * *

19 (5) Charter boat three-day saltwater fishing license ~~\$20.00~~ \$12.50

20 (6) Charter boat three-day freshwater fishing license ~~\$10.00~~ \$2.50

21 (7) Charter promotion fee \$7.50

22 Section 2. Section 6 of Act No. 356 of the 2021 Regular Session of the Legislature
23 is hereby amended and reenacted to read as follows:

24 Section 6. R.S. 56:10(B)(1)(d), (6), 103(E) and (F), 103.1, 104, 105, 155,
25 156, 157, 164, 165, 166, ~~302.1~~, 302.2, 302.3, 302.4, 302.5, 302.6, 303.6(A)(2),
26 641.1, 642, 643, 646, 647.1, 649.5, 649.6, 650, 650.1, and 1832 are hereby repealed
27 in their entirety.

28 Section 3. R.S. 56:3007(C) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 543 Engrossed

2024 Regular Session

Zeringue

Abstract: Separates the \$7.50 charter promotion fee from the recreational charter fishing license fees, changes the Charter Boat Fishing Fund to an escrow account for the deposit of charter promotion fees associated with recreational and commercial charter fishing licenses, directs the Louisiana Charter Boat Assoc. to use the monies within the Charter Boat Fishing Escrow Account as required by law, requires appropriate fishing licenses for nonresidents fishing with a charter guide, and reinstates requirements for fishing in saltwater areas of the state.

Present law provides for recreational fishing licenses and fees, including saltwater licenses and charter guide fishing licenses for residents and nonresidents.

Proposed law retains the licenses and fees that exist under present law.

Present law requires that \$7.50 must be collected for every recreational charter fishing license sold and be deposited into the Charter Boat Fishing Fund for the purposes of promoting charter fishing, among other things.

Present law establishes a single fee for recreational charter fishing licenses that includes this \$7.50 promotion fee, specifically, a \$20 fee for three-day saltwater charter fishing licenses and a \$10 fee for three-day freshwater charter fishing licenses.

Proposed law separates the \$7.50 charter promotion fee from the recreational charter fishing license fees so that it can be deposited directly into an escrow account for promotional use pursuant to present law. Proposed law therefor provides for a \$12.50 three-day saltwater charter fishing license and a \$2.50 three day freshwater charter fishing license and the \$7.50 charter promotion fee required under present law will be collected in addition to these base fees under proposed law.

Present law establishes a Charter Boat Fishing Fund within the Conservation Fund for the deposit of monies to be used by the Dept. of Wildlife and Fisheries for the promotion of the charter boat industry, protection of the fishery, and to provide for administrative costs of the fund. Present law further provides that these funds are to be expended for such purposes through the Louisiana Charter Boat Assoc.

Proposed law changes the Charter Boat Fishing Fund to the Charter Boat Fishing Escrow Account, requires that charter promotion fees collected under 56:302.9 (\$500 fee for nonresident charter guide licensees) and 3001 (\$7.50 for each recreational charter fishing license) be deposited into this escrow account.

Proposed law removes the department from administration of these funds and requires that the monies in the escrow account be used by the La. Charter Boat Assoc. directly for the uses established under present law.

Present law requires that 10% of all annual charter guide license fees collected be deposited into the Charter Boat Fishing Fund and that the remainder be deposited into the Conservation Fund.

Proposed law repeals the dedication of this 10% of annual charter guide license fees to the Charter Boat Fishing Fund and requires that all revenue from charter guide licenses except for the charter promotion fees paid by nonresidents be deposited into the Conservation Fund.

Present law requires that nonresident charter fishing guides pay \$500 in addition to their annual charter guide license fee which is dedicated to the Charter Boat Fishing Fund.

Proposed law retains the \$500 fee and dedicates the fee to the Charter Boat Fishing Escrow Account.

Proposed law reinstates provisions of prior law regarding the options available for licensing when saltwater fishing.

(Amends Act No. 356 of the 2021 R.S., §6 and R.S. 56:10(B)(1)(f), 302.9(B), (C)(3)(c), and (G), and 3001(A)(4) and (5) and (B)(5) and (6); Adds R.S. 56:302.1 and 3001(A)(6) and (B)(7); Repeals R.S. 56:3007(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Make technical changes.
2. Change the Charter Boat Fishing Fund in the Conservation Fund to the Charter Boat Fishing Escrow Account.
3. Specify that "charter promotion fees" collected under R.S. 56:302.9 and 3001 are to be deposited into the escrow account.
4. Remove the responsibility of the Dept. of Wildlife and Fisheries from administering the Charter Boat Fishing Escrow Account and require that the monies in the escrow account be used by the Louisiana Charter Boat Association directly.
5. Remove the dedication of 10% of all annual charter guide license fees collected to the Charter Boat Fishing Fund, and instead specify that all revenue from charter guide licenses, except charter promotion fees, be deposited into the Conservation Fund.
6. Correct a reference to the fishing license required by a nonresident fishing with a charter guide from a saltwater fishing license to an appropriate fishing license under R.S. 56:3001(B).
7. Add the term "charter promotion fee" to an existing \$500 fee paid by nonresident charter boat fishing guides that is currently dedicated to the Charter Boat Fishing Guide Fund, and changes the dedication from the Charter Boat Fishing Fund to the Charter Boat Fishing Escrow Account.