

2016 Regular Session

HOUSE BILL NO. 760

BY REPRESENTATIVE WHITE

FISHING/CRABS: Provides for commercial crab gear licenses

1 AN ACT

2 To amend and reenact R.S. 56:305(A), (B)(2) and (4)(C), and (C)(1), and 305.6(B)(1) and  
3 (2), relative to commercial crabbing; to provide for crab trap license fees for resident  
4 and nonresident commercial fishermen; to provide for the distribution of crab trap  
5 gear license fees; to provide for conditions on issuance of crab trap gear licenses; and  
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:305(A), (B)(2) and (4)(C), and (C)(1), and 305.6(B)(1) and (2)  
9 are hereby amended and reenacted to read as follows:

10 §305. Commercial gear license; issuance to certain nonresidents prohibited;  
11 moratorium on certain new gear licenses; renewals

12 A. A commercial fisherman must possess a commercial gear license  
13 indicating that the applicable gear fee has been paid whenever using or possessing  
14 on the fishing grounds any gear listed in Subsection B, ~~below~~ of this Section.

15 B. Residents shall pay a commercial gear fee as follows:

16 \* \* \*

17 (2) Crab traps:  ~~fifty~~ one-hundred dollars for the privilege of using crab traps  
18 to fish commercially. ~~An amount equal to ten dollars from~~ From the fee collected  
19 for each commercial crab trap gear license ten dollars shall be credited to the  
20 Derelict Crab Trap Removal Program Account as provided in R.S. 56:10(B)(13), ~~and~~

1 ~~an amount equal to ten dollars from each commercial crab trap license~~ shall be  
2 credited to the Crab Promotion and Marketing Account as provided in R.S.  
3 56:10(B)(1)(e), and eighty dollars shall be credited to the Conservation Fund, of  
4 which fifty dollars shall only be used for the enforcement and regulation of the crab  
5 industry. Any resident who holds a senior commercial fishing license shall be  
6 exempt from the provisions of this Paragraph.

7 \* \* \*

8 (4) Gill nets:

9 \* \* \*

10 (e) All commercial gear licenses as provided for in Subparagraphs ~~(b)~~, (c),  
11 and (d) of this Paragraph issued to all qualified nonresidents shall be one thousand  
12 dollars.

13 \* \* \*

14 C.(1)(a) The commercial gear fee for nonresidents is four times the gear fee  
15 for residents; however, the nonresident fee for oyster dredges and tongs in particular  
16 shall be eight times the fee for residents.

17 (b) ~~An amount equal to forty dollars~~ From the fee collected for each  
18 nonresident commercial crab trap gear license forty dollars shall be credited to the  
19 Derelict Crab Trap Removal Program Account as provided in R.S. 56:10(B)(13), ~~and~~  
20 ~~an amount equal to forty dollars from each commercial crab trap gear license~~ shall  
21 be credited to the Crab Promotion and Marketing Account as provided in R.S.  
22 56:10(B)(1)(e), and three-hundred twenty dollars shall be credited to the  
23 Conservation Fund, of which two-hundred dollars shall only be used for the  
24 enforcement and regulation of the crab industry.

25 \* \* \*

26 §305.6. Commercial crab fishing; apprentice license; requirements

27 \* \* \*

1           B. ~~Beginning November 15, 2014, and applicable to license year 2015 and~~  
 2         ~~thereafter, no~~ No person shall be issued a commercial crab trap gear license unless  
 3         that person qualifies under any of the following provisions:

4           (1) The person possessed a valid commercial crab trap gear license during  
 5         any two license years between 2011 and 2014 and seventy-five percent of his income  
 6         was earned from commercial fishing during those two years as evidenced by income  
 7         reported to the U.S. Department of Treasury, Internal Revenue Service.

8           (2) The person possessed a valid wholesale/retail seafood dealer's license and  
 9         can demonstrate at least sixty crab landings through trip ticket submissions during  
 10        any two years between 2011 and 2014.

11   \*       \*       \*

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 760 Original

2016 Regular Session

White

**Abstract:** Provides for fees and issuance of commercial crab gear licenses.

Present law requires commercial fishermen to possess a commercial gear license for each type of gear. A fee charged for commercial crab trap gear license is \$50 for residents and \$200 for nonresidents.

Proposed law increases the fees for residents from \$50 to \$100 and for nonresidents from \$200 to \$400.

Present law distributes the revenue collected for each gear license as follows: \$10 from the resident fee and \$40 from the nonresident fee to the Derelict Crab Trap Removal Program Account and \$10 from the resident fee and \$40 from the nonresident fee to the Crab Promotion and Marketing Account.

Proposed law retains present law and adds \$80 from the resident fee to the Conservation Fund, \$50 of which shall only be used for the enforcement and regulation of the crab industry and adds from the nonresident fee \$320 to the Conservation Fund, \$200 dollars of which shall only be used for the enforcement and regulation of the crab industry.

Present law requires the Wildlife and Fisheries Commission to establish a program to increase and elevate professionalism in the commercial crab industry. Requires the program to include education in the proper fishing techniques necessary for the health and sustainability of the species; proper techniques for the best capture and presentation of the crabs for marketability; proper instructions regarding the placement, tending, and maintenance of crab traps to reduce potential conflicts with other user groups; and authorizes the program to include an apprenticeship program. Requires that the professionalism

program be established no later than Nov. 15, 2014, through rules promulgated pursuant to the Administrative Procedure Act.

Present law provides that beginning Nov. 15, 2014, and applicable to license year 2015 and thereafter, no person can be issued a commercial crab trap gear license unless that person qualifies under any of the following provisions:

- (1) The person possessed a valid commercial crab trap gear license during any two license years between 2011 and 2014.
- (2) The person possessed a valid wholesale/retail seafood dealer's license and can demonstrate crab landings through trip ticket submissions during any two years between 2011 and 2014.
- (3) The person has enrolled in and completed the program to increase and elevate professionalism in the commercial crab industry.

Proposed law removes the start date and provides for the required qualifications of which a person would need to meet any one for issuance of a commercial crab trap license as follows:

- (1) Retains the person possessed a valid commercial crab trap gear license during any two license years between 2011 and 2014 and adds 75% of reported income to the Internal Revenue Service was earned from commercial fishing during those two years.
- (2) Retains the person possessed a valid wholesale/retail seafood dealer's license and can demonstrate crab landings through trip ticket submissions during any two years between 2011 and 2014 and adds that the number of crab landings be a minimum of 60.
- (3) Retains the person has enrolled in and completed the program to increase and elevate professionalism in the commercial crab industry.

(Amends R.S. 56:305(A), (B)(2) and (4)(C), and (C)(1), and 305.6(B)(1) and (2))