

2024 Regular Session

HOUSE BILL NO. 920

BY REPRESENTATIVE BROWN

FISHING/CRAWFISH: Transfers jurisdiction of commercial crawfish harvesters from the Department of Wildlife and Fisheries to the Department of Agriculture

1 AN ACT

2 To amend and reenact R.S. 56:8(40), 304.2(A) and (B), 306.1(A), 306.4(A)(1) and (C)(1),
3 306.5(B)(1), 307(B), 322(Section heading) and (H), 330(Section heading), (A), and
4 (B), and 415, to enact R.S. 3:556.7, R.S. 56:26, 301.1(E), 303(H), 306(A)(2),
5 306.6(E), and 327(C)(3), and to repeal R.S. 56:305(B)(5), 322(I), 325(A)(12), and
6 330(C), relative to the harvesting of wild crawfish; to transfer jurisdiction over the
7 harvest of wild crawfish and crawfish harvesters from the Department of Wildlife
8 and Fisheries to the Department of Agriculture and Forestry; to provide for licensing
9 requirements; to provide relative to crawfish gear; to provide for daily take limits;
10 to provide relative to the operation of commercial fishing vessels; to provide for the
11 requirements for possession, purchase, sale, and transport of wild caught crawfish;
12 to provide relative to commercial receipt forms; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 3:556.7 is hereby enacted to read as follows:

15 §556.7. Harvest of wild crawfish

16 The commissioner may require that any person who wishes to harvest wild
17 crawfish from the waters of the state for commercial purposes first obtain a license
18 to do so from the Department of Agriculture and Forestry.

19 Section 2. R.S. 56:8(40), 304.2(A) and (B), 306.1(A), 306.4(A)(1) and (C)(1),
20 306.5(B)(1), 307(B), 322(Section heading) and (H), 330(Section heading), (A), and (B), and

1 415 are hereby amended and reenacted and R.S. 56:26, 301.1(E), 303(H), 306(A)(2),
2 306.6(E), and 327(C)(3) are hereby enacted to read as follows:

3 §8. Definitions

4 For purposes of this Chapter, the following words and phrases have the
5 meaning ascribed to them in this Section, unless the context clearly shows a different
6 meaning:

7 * * *

8 (40) "Crawfish trap" means any device constructed of coated wire with the
9 opening of the throats or flues not exceeding two inches and which is used for the
10 sole purpose of taking crawfish. ~~The minimum mesh size for crawfish traps shall be~~
11 ~~in accordance with R.S. 56:322(I).~~

12 * * *

13 §26. Harvesting of wild crawfish exempt

14 The harvest or taking of wild crawfish is not subject to the jurisdiction of the
15 commission or the department and shall not be subject to statutory or administrative
16 regulations regarding licensing, permits, fees, method of harvest, gear, transport,
17 sale, receipts, seasons, or other restrictions, requirements, or control of the
18 commission or department.

19 * * *

20 §301.1. License requirements; possession; nontransferability

21 * * *

22 E. Notwithstanding Subsection A of this Section, crawfish harvesters shall
23 not be subject to licensing pursuant to this Part.

24 * * *

25 §303. Commercial fisherman's license; charter boat fishing guide's license
26 certification; fees; place of purchase; information

27 * * *

28 H. Crawfish harvesters shall not be subject to the provisions of this Subpart.

29 * * *

1 §304.2. Operation by person not holding a commercial fisherman's license

2 A. It is unlawful for the owner of a commercial fishing vessel licensed under
3 this Subpart to permit any person other than a crawfish harvester not holding a valid,
4 original commercial fisherman's license to operate such licensed vessel while the
5 vessel is engaged in commercial fishing or while the vessel is possessing fish for sale
6 in the waters of the state.

7 B. A vessel engaged in commercial fishing and operated by a person other
8 than a crawfish harvester not possessing a valid, original commercial fisherman's
9 license subjects the vessel owner to revocation of the vessel license and seizure of
10 the vessel and all fish and equipment thereon.

11 * * *

12 §306. Wholesale/retail seafood dealer's license; place of business; employees;
13 exemptions; wholesale out-of-state crab shipping license

14 A.

15 * * *

16 (2) This Section shall not apply to wild crawfish harvested in the state.

17 * * *

18 §306.1. Retail seafood dealer's license; place of business; employees; retail
19 out-of-state crab shipping license

20 A.(1) Any person buying, acquiring, or handling by any means whatsoever,
21 from a Louisiana wholesale/retail seafood dealer, any species of fish whether fresh,
22 frozen, processed, or unprocessed, that sells to the consumer for personal or
23 household use and any person who ships fish out of or within the state of Louisiana
24 to the consumer for personal or household use shall purchase a retail seafood dealer's
25 license.

26 (2) This Section shall not apply to wild crawfish harvested in the state.

27 * * *

1 §306.4. Restrictions on buying and selling and transportation by wholesale/retail
2 seafood dealers; retail seafood dealer's license; restaurants and retail grocers

3 A.(1) Wholesale/retail seafood dealers shall buy directly from commercial
4 fishermen validly licensed in Louisiana or crawfish harvesters, and when purchasing
5 fish for which a permit is required of the commercial fisherman, such dealers shall
6 purchase only from those commercial fishermen possessing a valid permit.
7 Wholesale/retail seafood dealers validly licensed in Louisiana, and in the case of
8 wholesale/retail seafood dealers purchasing fish from out-of-state sellers and
9 bringing the fish into Louisiana, shall purchase only from those persons from whom
10 a wholesale/retail seafood dealer can legally purchase fish in the state of purchase,
11 and from no one else.

12 * * *

13 C.(1) Retail seafood dealers, restaurants, and retail grocers shall buy directly
14 only from wholesale/retail seafood dealers licensed in Louisiana or crawfish
15 harvesters. When a restaurant or retail grocer purchases fish from an out-of-state
16 seller and brings the fish into the state, he shall buy directly from those persons from
17 whom he can legally purchase fish in the state of purchase. When a retail seafood
18 dealer, restaurant, or retail grocer buys fish from an out-of-state seller and brings the
19 fish into the state, the restaurant or retail grocer shall be licensed in accordance with
20 the provisions of R.S. 56:306 or 306.1 and shall possess a valid transport license
21 when bringing such fish into the state.

22 * * *

23 §306.5. Records

24 * * *

25 B.(1) Wholesale/retail seafood dealers purchasing or acquiring fish from
26 commercial fisherman shall complete a commercial receipt form unless the
27 commercial fisherman is a crawfish harvester. The commercial receipt form shall
28 be a three-part form signed by both the commercial fisherman and the
29 wholesale/retail seafood dealer or his designee, attesting to that the information

1 required to be provided by each is correct. One part of the receipt form shall be
2 retained by the wholesale/retail seafood dealer, one part shall be given to the
3 commercial fisherman at the time of the transaction, and one part shall be transmitted
4 to the secretary of the Department of Wildlife and Fisheries as provided for in R.S.
5 56:306.6.

6 * * *

7 §306.6. Monthly returns to the department by wholesale/retail seafood dealers

8 * * *

9 E. The provisions of this Section shall not apply to wild crawfish.

10 * * *

11 §307. Transporter; license required

12 * * *

13 B.(1) ~~Persons who produce and or harvest crawfish in private ponds or who~~
14 ~~produce and harvest catfish in private ponds~~ shall not be required to obtain, maintain,
15 or exhibit any license, permit, or certificate in order to transport crawfish from the
16 place where they were produced or harvested ~~in private ponds or catfish from the~~
17 ~~private pond~~ to the first point of sale.

18 (2) Persons who produce and harvest catfish in private ponds shall not be
19 required to obtain, maintain, or exhibit any license, permit, or certificate in order to
20 transport catfish from the private pond to the first point of sale.

21 * * *

22 §322. Seines or nets; size of mesh; classification as to salt or fresh water; ~~crawfish~~
23 ~~traps~~

24 * * *

25 H. The provisions of this Section shall not apply to shrimp, wild crawfish,
26 or menhaden fishing, and nothing contained herein is intended or shall be construed
27 to repeal, amend, or otherwise modify the provisions of law applicable to shrimp or
28 menhaden fishing.

29 * * *

1 §327. Sale or purchase of freshwater or saltwater game fish prohibited; commercial
2 sales and purchases, commercial license required; commercial fingerlings
3 and certified mariculture and aquaculture fish excepted; penalties

4 * * *

5 C.

6 * * *

7 (3) The provisions of Subsection B of this Section shall not apply to wild
8 crawfish.

9 * * *

10 §330. ~~Crawfish harvesters; crawfish traps~~

11 A. Crawfish harvesters shall not be subject to the jurisdiction and rules and
12 regulations of the Department of Wildlife and Fisheries and the Louisiana Wildlife
13 and Fisheries Commission.

14 B. ~~Crawfish may be taken by properly licensed individuals with approved~~
15 ~~crawfish traps. The openings of the flues or throats on crawfish traps shall not~~
16 ~~exceed two inches. The Department of Agriculture and Forestry shall have~~
17 jurisdiction over crawfish harvesters.

18 * * *

19 §415. Exemption; crawfish harvesters and aquatic livestock farmers

20 A. The provisions of this Subpart shall not apply to the harvesting of wild
21 crawfish or the production and harvesting of aquatic livestock in private ponds;~~or~~
22 ~~to the transporting of wild caught crawfish from the place where it was harvested or~~
23 ~~aquatic livestock from a private pond to the first point of sale;~~ or to the sale to the
24 first purchaser of wild crawfish from the person who harvested them or aquatic
25 livestock which are produced and harvested in private ponds.

26 B. The Wildlife and Fisheries Commission and the Department of Wildlife
27 and Fisheries shall not have jurisdiction over any activities or transactions exempted
28 by this Section. The Department of Agriculture and Forestry shall have jurisdiction
29 over the activities and transactions exempted by this Section.

1 Section 3. R.S. 56:305(B)(5), 322(I), 325(A)(12), and 330(C) are hereby repealed
2 in their 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 920 Original

2024 Regular Session

Brown

Abstract: Transfers jurisdiction over and regulation of wild crawfish and crawfish harvesters from the Dept. of Wildlife and Fisheries to the Dept. of Agriculture and Forestry.

Present law provides that crawfish harvesters are subject to the jurisdiction of the Dept. of Wildlife and Fisheries and the Wildlife and Fisheries Commission. Proposed law provides that crawfish harvesters are not subject to the jurisdiction of the Dept. of Wildlife and Fisheries or the Wildlife and Fisheries Commission and that they are subject to the jurisdiction of the Dept. of Agriculture and Forestry instead. Proposed law further provides that the harvest of wild crawfish is not subject to the jurisdiction of the Dept. of Wildlife and Fisheries and the Wildlife and Fisheries Commission.

Proposed law specifies that the commissioner of agriculture may require that any person who wishes to harvest wild crawfish from the waters of the state for commercial purposes obtain a license from the commissioner to do so.

Present law requires commercial fishermen to have a commercial fisherman's license in order to take fish from state waters. Proposed law exempts from this requirement a person who harvests wild crawfish for commercial purposes.

Present law requires a gear license for the use of crawfish traps. Proposed law repeals this requirement.

Present law provides relative to minimum mesh size for traps for harvest of wild crawfish for commercial purposes. Proposed law repeals present law.

Present law prohibits anyone not holding a commercial fisherman's license from operating a commercial fishing vessel and provides that a violation of this provision subjects the vessel owner to revocation of the vessel license and seizure of the vessel and all fish and equipment on the vessel. Proposed law allows crawfish harvesters to operate such vessels.

Present law requires wholesale/retail dealers, retail dealers, restaurants, and retail grocers to buy seafood from licensed commercial fisherman only. Proposed law allows these entities to also purchase wild crawfish from crawfish harvesters.

Present law requires wholesale/retail dealers to complete commercial receipt forms and submit information from these forms to the Dept. of Wildlife and Fisheries monthly. Proposed law exempts wild crawfish from present law.

Present law exempts crawfish and catfish farmers for transporter license requirements. Proposed law also exempts crawfish harvesters from transporter license requirements.

Present law prohibits the sale of any seafood without a commercial fishing, retail, or wholesale license. Proposed law exempts wild crawfish from this prohibition.

Present law limits the daily take of crawfish to one hundred fifty pounds per person.

Proposed law repeals this limit.

(Amends R.S. 56: 8(40), 304.2(A) and (B), 306.1(A), 306.4(A)(1) and (C)(1), 306.5(B)(1), 307(B), 322(Section heading) and (H), 330(Section heading), (A), and (B), and 415; Adds R.S. 3:556.7, R.S. 56:26, 301.1(E), 303(H), 306(A)(2), 306.6(E), and 327(C)(3); Repeals R.S. 56:305(B)(5), 322(I), 325(A)(12), and 330(C))