

RÉSUMÉ DIGEST

ACT 416 (HB 668)

2015 Regular Session

Hill

New law provides that the La. Wildlife and Fisheries Commission may promulgate rules and regulations in accordance with the Administrative Procedure Act relative to the use, possession, and configuration of devices designed to exclude the take of certain fish and other aquatic life from fishing gear within the territorial waters of the state and in the federal exclusive economic zone.

Prior law prohibited the enforcement in state waters of federal regulations that require the use of turtle excluder devices in shrimp trawls until certain conditions and data can be determined and verified.

New law repeals prior law.

New law requires that during the time period from June 1, 2016, through Dec. 31, 2018, at all times while enforcing turtle excluder device requirements, a wildlife agent must wear an electronic device capable of recording video and audio data. Further provides that in the event that the electronic device is broken, malfunctioning, powered off, absent, or otherwise unavailable, new law will not prohibit a wildlife agent from making a case, a district attorney or federal prosecutor from prosecuting a violation, or a court from considering all applicable evidence when adjudicating such an offense.

Prior law prohibited the department from enforcing any rules relative to the use of fish excluder devices by commercial fishermen.

New law repeals prior law.

New law requires the La. Shrimp Task Force to submit a written report to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources by Feb. 1, 2018, with recommendations for whether or not the use of turtle excluder devices should be enforced in state waters and any rules and regulations under which such devices should be enforced in state waters.

Effective Aug. 1, 2015.

(Adds R.S. 56:492.1; Repeals R.S. 56:57.2 as enacted by Act 283 of the 1987 R.S., R.S. 56:57.2 as enacted by Act 891 of the 1987 R.S. as amended, and R.S. 56:57.4)