

Regular Session, 2009

HOUSE BILL NO. 587

BY REPRESENTATIVE HARRISON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: Provides relative to the Oyster Seed Ground Vessel Permit

1 AN ACT

2 To amend and reenact R.S. 56:424.1(A) and 433.1(A) and (B) and to repeal R.S.  
3 56:433.1(C), (D), and (E) and Sections 525, 527, and 529 of Chapter 5 of Part VII  
4 of Title 76 of the Louisiana Administrative Code; relative to the Oyster Seed Ground  
5 Vessel Permit; to repeal the requirements which must be met to qualify for the  
6 permit; to provide penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:424.1(A) and 433.1(A) and (B) are hereby amended and  
9 reenacted to read as follows:

10 §424.1. Illegal taking of oysters; penalties

11 A. In addition to the penalties contained in R.S. 56:424, 431, ~~or 433~~, or  
12 433.1, for any person convicted of a first offense for any violation of the provisions  
13 of R.S. 56:424, 431, ~~or 433~~, or 433.1, the court may order the offender, for one year  
14 after the date of such conviction, to harvest oysters only from a vessel that employs  
15 a vessel monitoring system. For any person convicted of a second offense of the  
16 provisions of R.S. 56:424, 431, ~~or 433~~, or 433.1, the court shall require the offender,  
17 for three years after the date of such conviction, to harvest oysters only from a vessel  
18 that employs a vessel monitoring system. For any person convicted of a third or  
19 subsequent offense, the court shall require the offender, for ten years after the date

1 of such conviction, to harvest only from a vessel that employs a vessel monitoring  
2 system.

3 \* \* \*

4 §433.1. Oyster seed ground vessel permit; ~~Oyster Seed Ground Vessel Permit~~  
5 ~~Appeals Board~~

6 A.(1) Any oysters taken from the public natural reefs or the oyster seed  
7 grounds or reservations, except those in Calcasieu Lake or Sabine Lake, shall be  
8 placed only on a vessel which has an oyster seed ground vessel permit issued  
9 exclusively by the department pursuant to rules and regulations promulgated by the  
10 commission. Such permit shall be issued in the name of the vessel owner and shall  
11 identify the vessel permitted by including the state registration number or the United  
12 States Coast Guard documented number. The permit shall identify the vessel that  
13 may possess and transport oysters taken from the public natural reefs and oyster seed  
14 grounds. The permit does not grant any rights to the oyster resource or any rights to  
15 harvest oysters from the waters of the state and shall not be sold, exchanged, or  
16 otherwise transferred. The permit is valid for one year, beginning on January first  
17 of each calendar year and expiring on December thirty-first of the same calendar  
18 year, and permit holders who hold a valid permit during the prior year may renew the  
19 permit at any time of the year for the current license year and from November  
20 fifteenth for the immediately following license year. The cost of the permit shall be  
21 fifteen dollars for residents and sixty dollars for nonresidents.

22 (2) ~~Vessel owners, as listed in the official record of the department at the~~  
23 ~~time of application, who meet the requirements of Subsection B of this Section shall~~  
24 ~~have the right to submit to the department a new application for an oyster seed~~  
25 ~~ground vessel permit. No new applications for such vessel permits shall be accepted~~  
26 ~~after December 31, 2009.~~

27 (3) ~~The taking of~~ Taking oysters from the public natural reefs or the oyster  
28 seed grounds or reservations without an oyster seed ground vessel permit shall be a

1 class two violation subject to the penalties provided in R.S. 56:32 and to the  
2 requirements of R.S. 56:424.1.

3 B. ~~The following vessel owners, as listed in the official records of the~~  
4 ~~department at the time of application for the permit or who can, at the time of~~  
5 ~~application, demonstrate to the department that ownership of that vessel has~~  
6 ~~transferred to them, shall be eligible to receive an oyster seed ground vessel permit:~~

7 (1) ~~Any person who owned a vessel that was licensed at any time during~~  
8 ~~license years 2004, 2005, 2006, or before May 31 in license year 2007 and can~~  
9 ~~demonstrate through trip ticket submissions that his vessel had oyster landings in the~~  
10 ~~state of Louisiana between January 1, 2004, and May 31, 2007.~~

11 (2) ~~Any person who purchased or constructed a vessel and licensed that~~  
12 ~~vessel in the state of Louisiana between January 1, 2004, and April 30, 2008, and~~  
13 ~~who can demonstrate through trip ticket submissions that oysters were landed on that~~  
14 ~~vessel in the state of Louisiana between the time of the vessel's purchase or~~  
15 ~~construction and July 1, 2008.~~

16 (3) ~~Any person who can provide evidence that he has a vessel that is under~~  
17 ~~construction in the state of Louisiana that is at least fifty percent complete on July~~  
18 ~~1, 2008.~~

19 (1) A condition of the grant or issuance of an oyster seed ground vessel  
20 permit shall be that in addition to the persons on board the vessel being responsible  
21 for complying with statutory and regulatory provisions regarding the taking,  
22 harvesting, reporting of oysters, and the taking and harvesting of oysters from the  
23 public oyster seed grounds, the owner of the vessel shall be responsible for all  
24 activities which take place on that vessel under the authority of the oyster seed  
25 ground vessel permit. In addition to any consequences set forth for the individual  
26 found in violation of a particular statute or regulation, the vessel owner shall also be  
27 subject to the following oyster seed ground vessel permit suspensions:

28 (a) Upon an individual's conviction for violating statutory and regulatory  
29 provisions regarding the taking, harvesting, reporting of oysters, and the taking and

1 harvesting of oysters from the public oyster seed grounds, the oyster seed ground  
2 vessel permit for the vessel on which the violation took place shall be voided, and  
3 the vessel owner shall be prohibited from applying for a new permit for a period of  
4 six months from the date of conviction.

5 (b) Upon a second individual's conviction for violating statutory and  
6 regulatory provisions regarding the taking, harvesting, reporting of oysters, and the  
7 taking and harvesting of oysters from the public oyster seed grounds, the oyster seed  
8 ground vessel permit for the vessel on which the violation took place shall be voided,  
9 and the vessel owner shall be prohibited from applying for a new permit for a period  
10 of one year from the date of conviction.

11 (c) Upon a third or subsequent individual's conviction for violating statutory  
12 and regulatory provisions regarding the taking, harvesting, reporting of oysters, and  
13 the taking and harvesting of oysters from the public oyster seed grounds, the oyster  
14 seed ground vessel permit for the vessel on which the violation took place shall be  
15 voided, and the vessel owner shall be prohibited from applying for a new permit for  
16 a period of two years from the date of conviction.

17 (2) If there are three or more convictions within a single five-year period,  
18 the oyster seed ground vessel permit shall be suspended permanently, and the vessel  
19 owner shall not be eligible to apply for a new permit.

20 (3) In addition to the penalties contained in this Section, if any person is  
21 convicted of harvesting oysters in violation of the provisions of this Section, the  
22 vessel on which the violation occurred shall be required to employ a vessel  
23 monitoring system at all times for one year after the date of such conviction for a  
24 first violation. Upon a second conviction for a violation by any person on the same  
25 vessel, the vessel shall be required to employ a vessel monitoring system at all times  
26 for two years after the date of such conviction, Upon a third conviction for a  
27 violation by any person on the same vessel, the vessel shall be required to employ  
28 a vessel monitoring system at all times for three years after the date of conviction.

29 Section 2. R.S. 56:433.1(C),(D), and (E) are hereby repealed in their entirety.

1 Section 3. Sections 525, 527, and 529 of Chapter 5 of Part VII of Title 76 of the  
2 Louisiana Administrative Code are hereby repealed in their entirety.

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## 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)]

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Harrison

HB No. 587

**Abstract:** Repeals eligibility requirements to qualify for the oyster seed ground vessel permit and provides penalties for violations.

Present law provides for the oyster seed ground vessel permit which allows the holder to harvest oysters from the public seed grounds. Provides that in order to qualify to submit an application for such permit, the vessel owner must demonstrate to the Dept. of Wildlife and Fisheries that they (1) owned a vessel during license years 2004, 2005, 2006, or before May 31, 2007, and have trip tickets that demonstrate that vessel had oyster landings between Jan. 1, 2004, and May 31, 2007; or (2) purchased or constructed a vessel and licensed that vessel between Jan. 1, 2004, and April 30, 2008, and have trip tickets that demonstrate that vessel had oyster landings between the date of purchase or construction and July 1, 2008; or (3) can demonstrate that he has a vessel under construction that is at least 50% complete on July 1, 2008.

Proposed law repeals these qualifying requirements.

Proposed law further provides that a condition of the issuance of an oyster seed ground vessel permit is that the owner of the vessel (and holder of the permit) is responsible to the same degree and subject to the same penalties for any violations of oyster laws that are committed by an individual on that vessel. Provides that oyster harvest violations are subject to both the existing statutory penalties and suspension of the seed ground vessel permit for six months for a first conviction, one year for the second conviction, and two years for the third or subsequent conviction. Provides that if there are five or more convictions within a five-year period, the permit shall be permanently suspended, and the vessel owner shall not be eligible to apply for a new permit. Further requires use of a vessel monitoring system for an individual and the vessel owner upon conviction of oyster harvest violations. Such use shall be for one year for the first conviction, two years for the second conviction, and three years for a third conviction.

(Amends R.S. 56:424.1(A) and 433.1(A) and (B); Repeals R.S. 56:433.1(C), (D), and (E))