

Regular Session, 2009
HOUSE BILL NO. 587
BY REPRESENTATIVES HARRISON AND BALDONE

ACT No. 376

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

1 AN ACT

2 To amend and reenact R.S. 56:424.1(A) and 433.1(A) and (B), relative to the Oyster Seed
3 Ground Vessel Permit; to provide relative to the requirements which must be met to
4 qualify for the permit; to provide penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

8 §424.1. Illegal taking of oysters; penalties

9 A. In addition to the penalties contained in R.S. 56:424, 431, ~~or 433~~, or
10 433.1, for any person convicted of a first offense for any violation of the provisions
11 of R.S. 56:424, 431, ~~or 433~~, or 433.1, the court may order the offender, for one year
12 after the date of such conviction, to harvest oysters only from a vessel that employs
13 a vessel monitoring system. For any person convicted of a second offense of the
14 provisions of R.S. 56:424, 431, ~~or 433~~, or 433.1, the court shall require the offender,
15 for three years after the date of such conviction, to harvest oysters only from a vessel
16 that employs a vessel monitoring system. For any person convicted of a third or
17 subsequent offense, the court shall require the offender, for ten years after the date
18 of such conviction, to harvest only from a vessel that employs a vessel monitoring
19 system.

20 * * *

21 §433.1. Oyster seed ground vessel permit; Oyster Seed Ground Vessel Permit
22 Appeals Board

23 A.(1) Any oysters taken for commercial purposes from the public natural
24 reefs or the oyster seed grounds or reservations, except those in Calcasieu Lake or

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

16 (2) Vessel owners, as listed in the official record of the department at the
17 time of application, who meet the requirements of Subsection B of this Section shall
18 have the right to submit to the department a new application for an oyster seed
19 ground vessel permit. No new applications for such vessel permits shall be accepted
20 after December 31, 2009. A vessel owner shall be eligible for a permit only for each
21 vessel which can be used to meet the qualifications for a permit under the provisions
22 of Subsection B of this Section.

23 (3) The taking of oysters from the public natural reefs or the oyster seed
24 grounds or reservations without an oyster seed ground vessel permit shall be a class
25 two violation subject to the penalties provided in R.S. 56:32 and to the requirements
26 of R.S. 56:424.1.

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

1 (1) Any person who owned a vessel that was licensed at any time ~~during~~
 2 ~~license years 2004, 2005, 2006, or before May 31 in license year 2007~~ between
 3 January 1, 2004, and May 1, 2009, and can demonstrate through trip ticket
 4 submissions that ~~his~~ that vessel had oyster landings in the state of Louisiana between
 5 January 1, 2004, and May 31, ~~2007~~ 1, 2009.

6 (2) Any person who purchased or constructed a vessel and licensed that
 7 vessel in the state of Louisiana between January 1, 2004, and ~~April 30, 2008,~~ May
 8 1, 2009, and who can demonstrate through trip ticket submissions that oysters were
 9 landed on that vessel in the state of Louisiana between the time of the vessel's
 10 purchase or construction and ~~July 1, 2008~~ May 1, 2009.

11 (3) Any person who can provide evidence that he has a vessel that is under
 12 construction in the state of Louisiana that is at least fifty percent complete on ~~July~~
 13 ~~1, 2008~~ May 1, 2009.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____