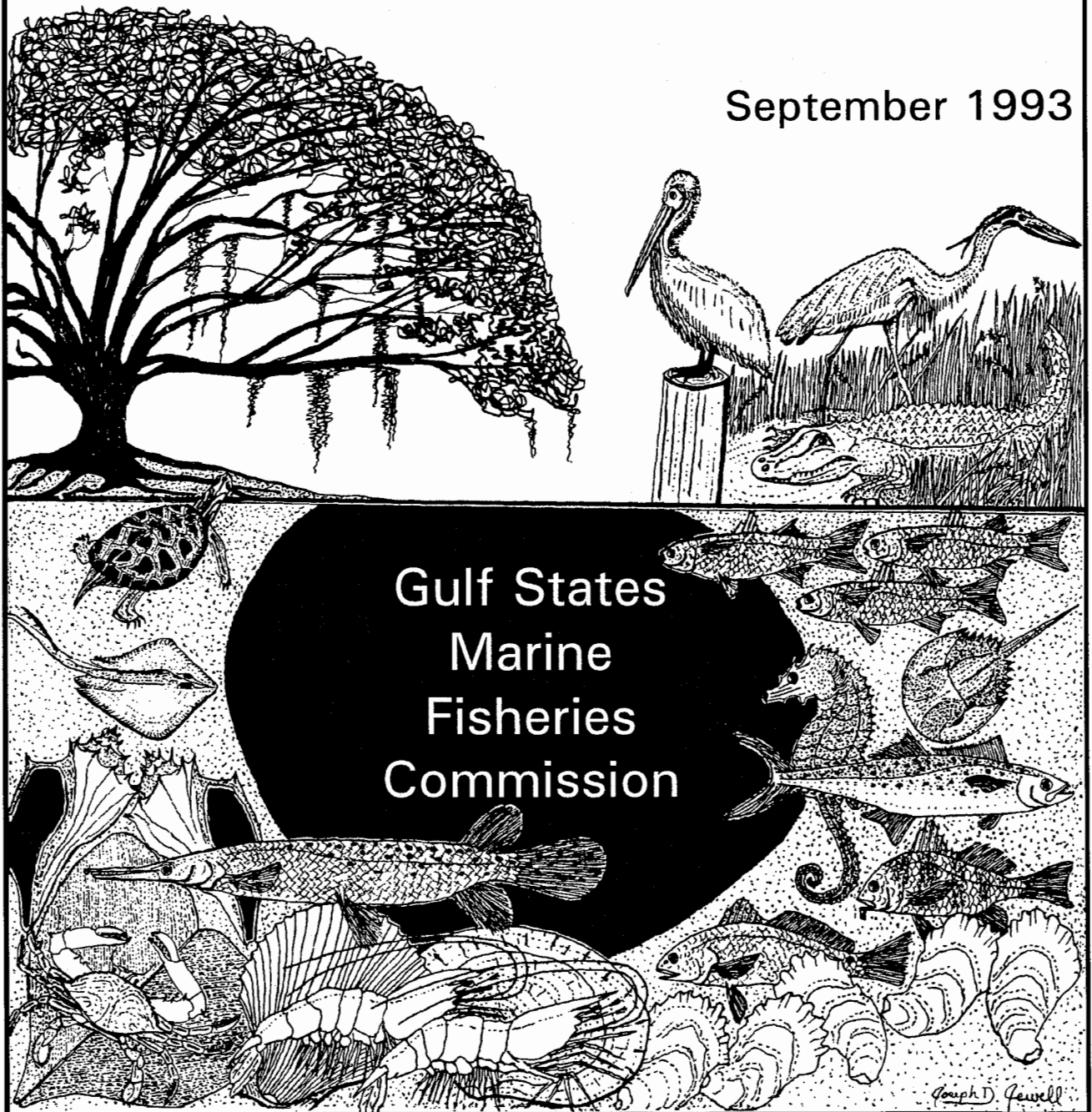


# STATE LEGISLATION AFFECTING MARINE FISHERIES IN THE GULF OF MEXICO

September 1993



## **LEGISLATION AFFECTING MARINE FISHERIES**

**1993**

### **INTRODUCTION**

During its spring meeting held on March 15 and 16, 1990 in Orange Beach, Alabama, the Gulf States Marine Fisheries Commission (GSMFC) elected to begin the production of an annual report which provides a listing and brief summary of all bills affecting marine fisheries which became law in a given year in the five Gulf States. This represents the fourth such report and constitutes a compilation of all measures affecting marine fisheries which became law in 1993. Copies are available from GSMFC, (601) 875-5912 until supplies are exhausted.

### **STATE CONTACT PERSONS**

The details of any given piece of legislation are not provided in this report. In the event anyone is particularly interested in a particular piece of legislation, the following contact persons are provided:

|                     |   |
|---------------------|---|
| <b>Texas:</b>       | Ralph Rayburn, Executive Office<br>Texas Parks and Wildlife Department<br>(512) 389-4604  |
| <b>Louisiana:</b>   | John Rousell<br>Louisiana Department of Wildlife and Fisheries<br>(504) 765-2383  |
| <b>Mississippi:</b> | Joe Gill, Deputy Director<br>Mississippi Department of Wildlife, Fisheries and<br>Parks, Bureau of Marine Resources<br>(601) 385-5860 |
| <b>Alabama:</b>     | David Dean, Legislative Liaison<br>Alabama Department of Conservation and Natural Resources<br>(205) 242-3165                         |
| <b>Florida:</b>     | Anna Marie Hartman, Director of Legislative Affairs<br>Florida Department of Environmental Protection<br>(904) 487-2916               |



## TEXAS

The Texas State Legislature met in 1993, beginning January 12 and lasted 90 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

**HB 578      Danburg**

Allows the Texas Parks and Wildlife Commission to determine the requirements and conditions for, and exemption from, certain fishing licenses or stamps.

**HB 1146      Erickson**

Allows the Texas Parks and Wildlife Department (TPWD) to prescribe the method or methods used to gather information on reporting harvest of aquatic products.

**HB 1659      Cuellar, R.**

Modifies the license term and licensing requirements, clarifies the license transfer procedures and changes the fees for bay (\$170 resident; \$500 non-resident), bait (\$170 resident; \$500 non-resident) and Gulf (\$250 resident; \$1000 non-resident) shrimp licenses.

**HB 1945      Hightower**

Related to the definition and operation of personal watercraft.

**HB 1970      Saunders**

Related to the registration and titling of vessels and outboard motors.

**HB 2024      Alexander**

Related to the offense of harassment of hunters, trappers and fishermen by recognizing freedom of speech as an affirmative defense.

**HB 2052      Yost**

Related to licensing of the sale and purchase of mussels and clams.

**SB 440      Brown**

Related to the TPWD's enforcement powers concerning the seizure and disposal of certain aquatic life and wildlife, and the disposition of fines.

**SB 441      Brown**

Related to the issuance of tags for certain finfish species and to the purchase of aquatic products.

**SB 556      Armbrister**

Related to regulating the take of crab, molluscan shellfish, and other aquatic life.



## LOUISIANA

The Louisiana State Legislature met in 1993, beginning on March 30 and lasted 96 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

**HB 76            Theriot, S.**

Makes technical changes in certain penalty provisions relative to methods of taking freshwater or saltwater fish. Effective date: 08/15/93

**HB 77            Theriot, S.**

Removes the open water and open season restriction on recreational possession limits on shrimp taken by castnets. Effective date: 08/15/93

**HB 79            Theriot, S.**

Enacts penalties for violations of provisions relative to taking of clams. Effective date: 08/15/93

**HB 81            Theriot, S.**

Allows for closure or restriction of a fishing season by secretary of Louisiana Department of Wildlife and Fisheries (LDWF) by publication of intent in the official parish journal one time instead of three times. Effective date: 08/15/93

**HB 85            Theriot, S.**

Enacts provisions relative to the fraudulent acquisition of hunting and fishing licenses. Effective date: 08/15/93

**HB 116          Theriot, S.**

Provides for the Artificial Reef Development Program. Effective date: 08/15/93

**HB 147          Theriot, S.**

Allows the use of global positioning satellite (GPS) navigational instrument reading to determine if shrimping is in inside or outside waters. Effective date: 08/15/93

**HB 157          Farrar**

Repeals prohibition against the use of mud boats on Catahoula Lake. Effective date: 08/15/93

**HB 171          Theunissen**

Exempts White Lake and Grand Lake from restrictions on use of trot-lines. Effective date: 08/15/93

**HB 300        Odinet**

Requires landing of oysters taken from natural reefs of the state. Effective date: 8/15/93

**HB 308        Roach**

Provides for limitations on claims, fees and penalties under the Fishermen's Gear Compensation Fund. Effective date: 08/15/93

**HB 322        Theriot, S.**

Requires non-residents to have license in their immediate possession when recreational fishing and provides for penalties. Effective date: 08/15/93

**HB 359        Barro**

Allows the LDWF to issue fishing licenses to recognized rehabilitation programs. Effective date: 08/15/93

**HB 403        Odinet**

Provides for mounting of skimmer and butterfly nets. Effective date: 08/15/93

**HB 411        Theriot, S.**

Provides for criminal penalties for dredging and permit violations; provides that mandamus proceedings to compel the issuance of dredging permits shall be brought against LDWF. Effective date: 08/15/93

**HB 412        Theriot, S.**

Specifies that "saltwater angling" licenses is included in the universal hunting and fishing license. Effective date: 07/01/93

**HB 594        Salter**

Prohibits damaging or removing state buoys placed in state waters. Effective date: 8/15/93

**HB 603        Riddle**

Authorizes federal agents to enforce state wildlife & fisheries laws. Effective date: 08/15/93

**HB 644        Alexander, A.**

Requires state health officer to cause seafood inspection to include testing of water source and environment in cases of contamination or spoilage. Effective date: 08/15/93

**HB 655      Hammett**

Authorizes the Louisiana Wildlife and Fisheries Commission (LDWF) to set, by rule, the fees for non-resident recreational hunting and fishing licenses. Effective date: 08/15/93

**HB 681      Landrieu**

Increases non-resident hunting and recreational fishing license fees by \$10.50. Effective date: 07/01/93

**HB 785      Durand**

Provides for size limits and deletes season for taking bowfin in the Atchafalaya Basin. Effective date: 08/15/93

**HB 789      Ellington**

Requires freshwater mussels harvesting permit fees to be less than \$1000 for non-residents. Effective date: 06/01/93

**HB 968      Roach**

Provides for posting of notices and rates for Wild Louisiana Stamps. Effective date: 08/15/93

**HB 988      Siracusa**

Repeals the designation of Bayou Penchant as a natural and scenic river. Effective date: Upon signature of governor.

**HB 1024      Roach**

Provides for mesh size for trawls and nets in inside waters during the fall inshore shrimp season. Effective date: 01/01/95

**HB 1026      Roach**

Provides for method of counting saltwater white shrimp; defines "cargo lot"; provides for 100 count on saltwater white shrimp except during the spring open season. Effective date: Upon signature of the governor

**HB 1065      Hines**

Authorizes the Avoyelles Parish School Board to sell certain lands in Avoyelles Parish to the LDWF. Effective date: Upon signature of the governor.

**HB 1133      Odinet**

Allows the LWFC to extend the season for taking oysters from natural oyster reefs. Effective date: 08/15/93

**HB 1169      Theriot, S.**

Changes heading of Subpart regarding shrimp. Effective date: 08/15/93



**HB 1176      Siracusa**

Restricts the use of butterfly and bottom nets for shrimping in Oyster Bayou and Grand Pass to vessels which are motor propelled and underway. Effective date: 08/15/93

**HB 1282      Patti**

Requires oyster tags to contain information required by the National Shellfish Sanitation Plan Manual of Operations. Effective date: 08/15/93

**HB 1287      Riddle**

Provides that the white perch is the Louisiana state fish. Effective date: 08/15/93

**HB 1305      Roach**

Requires the LWFC to set seasons and the places for setting crab traps in Sabine Lake. Effective date: 08/15/93

**HB 1443      Theriot, M.**

Exempts single amputees from fee for fishing license. Effective date: 08/15/93

**HB 1464      Hopkins**

Limits number of yo-yos in Caddo Lake and prohibits leaving yo-yos unattended during the day. Effective date: 08/15/93

**HB 1637      Roach**

Provides for collection of alligator shipping label and tag fees and dedication of revenues. Effective date: 09/01/93

**HB 1725      Odinet**

Requires procedures for advisory committees relative to the LDWF. Effective date: 08/15/93

**HB 1974      Theriot, S.**

Authorizes the creation of a system of administrative fines for violations of coastal zone restrictions. Effective date: 08/15/93

**HB 1986      Theriot, S.**

Increases size of Louisiana Marine Recreational Board and deletes "marine" from provisions. Effective date: 08/15/93

**HB 2066      Odinet**

Provides for a surcharge on water discharge permits issued by Department of Environmental Quality for the purpose of improving oyster water quality. Effective date: Upon signature of the governor

**SB 63            McPherson**

Authorizes the Department of Transportation and Development to transfer certain lands in Rapides Parish to the LDWF. Effective date: Upon signature of the governor

**SB 858           McPherson**

Provides that the LDWF shall have sole authority to control and regulate all aspects of hunting, fishing and boating in all water conservation districts. Effective date: 08/15/93

**SB 868           McPherson**

Allows public waterworks districts to perform essential operations at certain facilities located on natural and scenic rivers. Effective date: 08/15/93

**HCR 24          Long**

Authorizes late introduction of a bill designating the secretary of the LDWF as the final authority to open dams Black Lake, Clear Lake and Saline Lake in Natchitoches Parish.

**HCR 95          Odinet**

Urges and requests the secretary of the LDWF to allow bimonthly meetings of the Marine Finfish Panel.

**HCR 105        Roach**

Requests the LDWF and the Department of Labor to develop and facilitate the implementation of a job training program for displaced oyster fishermen.

**HCR 113        Adley**

Urges LDWF to permit the use of triploid grass carp in Champion Lake in Bossier Parish for aquatic plant control.

**HCR 140        Anding**

Directs the LDWF to study the feasibility of acquiring lower Chenier Lake for a state park.

**HCR 155        Deano**

Authorizes late introduction of a bill that designates Bayou Chinchuba as a natural and scenic river.

**HCR 252        Patti**

Directs the LWFC to open the spring inshore shrimp season in zone 2 on May 24, 1993.

**HCR 296     John**

Authorizes and requests a joint study of the financial structure and funding of the LDWF.

**HCR 315     Deano**

Nominates Cypress Bayou, Big Branch, and Bayou Rouville in St. Tammany Parish to be scenic rivers.

**HR 1         Odinet**

Directs LDWF to study feasibility of allowing oyster fishermen to purchase preprinted oyster tags.

**HR 15        Theriot, S.**

Approves the Louisiana Coastal Wetlands Conservation and Restoration Plan for 1993-94.

**HR 17        Theriot, S.**

Approves the Louisiana Wetlands Conservation and Restoration Plan for FY 1993-94.

**HR 42        Roach**

Creates the Cameron Parish Shrimp Task Force.

**HSR 24       Patti**

Provides for a committee to study the purchase of recreational hunting and fishing licenses with credit cards.

**HSR 25       Roach**

Provides for a committee to study all aspects of prohibiting commercial harvest of saltwater fish and shellfish in certain manmade coastal water impoundments without a permit.

**HSR 27       Theriot, S.**

Provides for a committee to study the feasibility of increasing certain commercial fishing license and related license fees in order to fund the Seafood Promotion and Marketing Board.

**HSR 29       Hudson**

Provides for a committee to study the feasibility of limiting the number of biologist and specialist positions within the LDWF.

**HSR 54       Ackal**

Provides for committee study of the operation of the LDWF.

**SCR 11      Uilo**

Provides for special committee to study the problem of underwater obstructions in coastal and marine waters of the state.

**SCR 155      Nunez**

Directs the LWFC to open the inshore brown shrimp season in Zone 2 by May 20, 1993.

**SCR 185      Cain**

Requests the LDWF to study the feasibility of charging a fee for the taking of fish and game on leased land.

**SR 20      McPherson**

Approves the Coastal Wetlands Conservation and Restoration Plan.



## MISSISSIPPI

The Mississippi State Legislature met in 1993, beginning January 5 and lasted 90 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

**HB 622        Endt**

Provides for the modification of fisheries regulations such as opening of oyster season, oyster refrigeration requirements, requirement to replant oysters, deletion of a shell retention fee, deletion of current length of lead lines requirements and establishment of lead line lengths by the Bureau of Marine Resources (BMR), description of permanently closed waters, authorization of sanitation program, provision of water testing for oyster reef requirements, clarification of forfeiture proceedings, and modification of the law regarding lack of boat registration.

**HB 800        Ellington**

Deletes the mandatory seizure of seafood and nets for seafood violations and clarifies the manner of forfeiture of confiscated nets.

**SB 2507        Hewes, Posey, Robertson, Lott**

Requires a fishing license to fish in the marine waters of the state and provide an alternative license for charter boats. It also removes certain restrictions on the sale of live bait shrimp or other live bait.

**SB 2530        Johnson**

Authorizes the BMR to remove derelict vessels from the coastal wetlands of the state and sue the owners of such vessels to recover cost of removal. It also provides for notification procedures, violation penalties and creates a special fund for fines and damages collected.

**SB 3110        Huggins, Burton, Posey, Jackson, Stogner, Thames, Turner, Woodfield**

Makes an appropriation for the support and maintenance of the Department of Wildlife, Fisheries and Parks for the fiscal year 1994.



## ALABAMA

The Alabama State Legislature met in 1993, beginning February 4 and lasted 102 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

**HB 424        Penry, McMillan**

Provides for certain resident and non-resident saltwater and freshwater fishing licenses and authorizes the costs and fees associated with these licenses.

**HB 806        McMillan, Penry, Kvalheim, Gaston, Turner, Harper**

Provides for the taking, killing, or harvesting of the tarpon *Megalops atlanticus* from the waters of the state and requires the purchase of tags for each tarpon harvested. It also provides for the Marine Resources Division of the Department of Conservation and Natural Resources to regulate the sale of the tags and provide penalties for violations.





## **FLORIDA**

The Florida State Legislature met in 1993, beginning February 2 and lasted 60 days. The following legislation affecting marine fisheries which resulted from that session was signed into law:

**HB 77 Mitchell**

Regulates activities with respect to animal and fish life by providing for certain requirements and exemptions of a variety of recreational licenses. It also modifies the number of trap certificates that may be issued and other requirements pertaining to the trap certificate program.

**HB 993 Posey**

Authorizes the enactment of ordinances prohibiting the taking of fish from any residential, manmade saltwater canal in Brevard County with certain exceptions.

**HB 1061 Hawkins**

Prohibits the taking of saltwater fish, except by hook and line, handheld cast nets, or with no more than five (5) crab traps, in the residential, manmade saltwater canals in unincorporated areas of Collier County.

**HB 1259 Ascherl**

Provides for certain violations with respect to manatees such as uniform boating citations and manatee-related speed limits.

**HB 1311 Rules and Calendar Committee**

Deletes provisions regarding marine issues which have become obsolete, have had their effect, have served their purpose or have been impliedly repealed or superseded.

**HB 1751 Wallace**

Creates the Department of Environmental Protection by combining the Department of Natural Resources and Department of Environmental Regulation.

**HB 1765 Gay**

Prohibits the taking of saltwater fish, except by hook and line, handheld cast nets, or use of five or fewer blue crab traps, from specified manmade canals and waterways within Lee County.

**SB 2390 McKay**

Postpones the expiration of ch. 90-420, Laws of Florida, relating to the licensing of gill nets in Manatee County saltwaters.