

Regular Session, 2012

HOUSE BILL NO. 538

BY REPRESENTATIVE HARRISON

FISHING/CRABS: Authorizes the WLF Commission to set crab season

1 AN ACT

2 To amend and reenact R.S. 49:953(H) and R.S. 56:332(A), relative to the taking of crabs;  
3 to provide for the promulgation of rules and regulations relative to blue crab season;  
4 to provide for the authority to close the harvest of crabs; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:953(H) is hereby amended and reenacted to read as follows:

8 §953. Procedure for adoption of rules

9 \* \* \*

10 H. The Department of Wildlife and Fisheries and the Louisiana Wildlife and  
11 Fisheries Commission may employ the timetables and provisions of Subsection B  
12 of this Section in promulgating rules and regulations relative to hunting seasons,  
13 trapping seasons, alligator seasons, shrimp seasons, oysters seasons, blue crab  
14 season, and finfish seasons and size limits, and all rules and regulations pursuant  
15 thereto. Rules adopted annually pursuant to this Subsection which open and close  
16 the offshore and fall shrimp seasons, the oyster seasons, the blue crab season, the  
17 marine finfish seasons, the webless migratory game bird hunting season, and the  
18 trapping season shall be effective for the duration of the respective season.  
19 Notwithstanding the provisions of Paragraph (B)(4) of this Section, any legislative  
20 oversight hearing held on a rule proposed under the provisions of this Subsection

1 shall be held no earlier than five days and no later than thirty days following the date  
2 of adoption of the rule.

3 Section 2. R.S. 56:332(A) is hereby amended and reenacted to read as follows:

4 §332. Crabs; release of crabs in berry stage; method of taking crabs; time  
5 limitations; by-catch; penalties; abandoned crab trap removal program

6 A.(1) The commission shall have the authority to close all or parts of inside  
7 and outside waters as it deems appropriate upon inspection of and based upon  
8 technical and biological data which indicates that such action is necessary to  
9 maintain crabs in sufficient quantities for future harvest. In making this  
10 determination, the commission shall consider biological sustainability as identified  
11 in the most current assessment for crabs in Louisiana and shall consider  
12 recommendations from the department.

13 (2) Crabs of legal size may be taken using any gear identified in R.S.  
14 56:320(B)(3); however, the taking of crabs by means of trawls in inside waters is  
15 permitted only during the open season for shrimp. In no event, however, shall a  
16 person use a trawl with a mesh size less than that of commercial shrimp trawls for  
17 the purpose of taking crabs during the open season for shrimp.

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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. 538

**Abstract:** Authorizes the WLF Commission to set the crab season.

Present law in APA authorized agencies to adopt emergency rules because of imminent peril to the public health, safety, or welfare, or to the extent necessary to avoid sanctions or penalties from the U.S., or to avoid a budget deficit in the case of medical assistance programs or to secure new or enhanced federal funding in medical assistance programs.

Present law authorizes the department and commission to employ the timetables and provisions of present law (R.S. 49:953(B)) in promulgating rules and regulations relative to hunting seasons, trapping seasons, alligator seasons, shrimp seasons, oyster seasons, finfish seasons and size limits, and all rules and regulations pursuant thereto. Further provides that rules adopted annually which open and close the offshore and fall shrimp seasons, the oyster seasons, the marine finfish seasons, the webless migratory game bird hunting season, and

the trapping season shall be effective for the duration of the respective season. Provides that any legislative oversight hearing held on a rule proposed under present law shall be held no earlier than five days and not later than 30 days following the date of adoption of the rule.

Proposed law retains present law and adds blue crab season.

Proposed law authorizes the commission to close all or parts of inside and outside waters as it deems appropriate upon inspection of and based upon technical and biological data to maintain crabs in sufficient quantities for future harvest.

Proposed law requires the commission to consider biological sustainability as identified in the most current assessment for crabs in La. and to consider recommendations from the department.

Present law provides for gear used to harvest crabs. Proposed law retains present law.

(Amends R.S. 49:953(H) and R.S. 56:332(A))