HLS 22RS-2016 ORIGINAL

2022 Regular Session

1

HOUSE CONCURRENT RESOLUTION NO. 55

BY REPRESENTATIVE ROBERT OWEN

FISHING/COMMERCIAL: Provides relative to charter fishing guides and commercial fishing

A CONCURRENT RESOLUTION

2	To amend the Louisiana Department of Natural Resources rule LAC 43:I.1501(B), which
3	provides for statutory authorization and definitions relative to the Fisherman's Gear
4	Compensation Fund; to include charter fishing guides in the definition of commercial
5	fishermen; to direct the office of the state register to print the amendments in the
6	Louisiana Administrative Code; and to provide for related matters.
7	WHEREAS, the Department of Natural Resources (DNR) regulates and administers
8	the Fishermen's Gear Compensation Fund; and
9	WHEREAS, commercial fishermen are eligible to participate in the Fishermen's Gear
0	Compensation Fund; and
1	WHEREAS, the Department of Wildlife and Fisheries (LDWF) provides for a
12	certified endorsement for charter fishing guides who operate as commercial fishermen; and
13	WHEREAS, the DNR regulations do not currently reflect the LDWF certified
4	endorsement for charter fishermen.
15	THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
16	43:I.1501(B) is hereby amended to read as follows:
17	§1501. Statutory Authorization and Definitions
18	* * *
19	B. Definitions. As used in these regulations the following terms and phrases
20	shall have the definition ascribed to them.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

Claimant - any vessel owner who files a claim under the provisions of these regulations and R.S. 56:700.1-700.5.

Commercial Fisherman - any citizen of the state of Louisiana who possesses a valid Louisiana residential commercial fishing license or a valid charter boat fishing guide license as defined in R.S. 56:302.9 or a certified endorsement as defined in R.S. 56:303 and who derives a primary source of his or her income from the harvesting of living marine resources for commercial purposes.

Department - the Louisiana Department of Natural Resources and regulatory authority means the secretary thereof and the personnel appointed or employed thereby who administer the commercial Fishermen's Gear Compensation Fund.

Fishing Gear - any licensed marine vessel and any equipment, whether or not attached to a vessel, in which are used in the handling or harvesting of commercial marine resources. Crab traps are expressly excluded from the definition.

Fund - the Fisherman's Gear Compensation Fund.

Hearing Examiner - the person(s) employed or appointed by the regulatory authority to conduct hearings, take oral and written testimony from claimants and other witnesses, and make recommendations to the regulatory authority on the validity and payment of claims.

Obstruction - any object, obstacle, equipment or device located in state water within the geographical boundary of the fund, set forth in R.S. 49:214.24 whether natural or manmade; provided that this definition shall not be applied to obstructions floating on the surface which could be avoided by a reasonably prudent fisherman.

Primary Source of Income - that source of revenue earned by a claimant from commercial fishing endeavors which is deemed by the regulatory authority to constitute a fundamental source of such claimant's annual earned income. Annual earned income shall be income earned from all sources reportable on state and federal income tax returns. Any claimant who presents satisfactory proof that at least 50 percent of his or her annual income in the year preceding the year of the

1 claim was earned from commercial fishing endeavors shall be deemed to derive a 2 primary source of his or her income therefrom. 3 Satisfactory Proof - as it relates to demonstrating a primary source of income, 4 a certified copy of state and federal income tax returns together with related financial 5 data. In the case of a claimant being a corporation, a certified copy of the state and 6 federal corporate tax return shall be submitted. 7 8 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the 9 office of the state register and the Louisiana Department of Natural Resources. 10 BE IT FURTHER RESOLVED that the office of the state register is hereby directed 11 to have the amendments to LAC 43:I.1501(B) printed and incorporated into the Louisiana 12 Administrative Code.

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)]

HCR 55 Original

2022 Regular Session

Robert Owen

Abstract: Includes charter fishing guides in the definition of "commercial fisherman".

<u>Present LAC</u> (43:I.1501(B)) defines "commercial fisherman", as it pertains to the Fisherman's Gear Compensation Fund, as any citizen of the state of La. who possesses a valid La. residential commercial fishing license and who derives a primary source of his or her income from the harvesting of living marine resources for commercial purposes.

<u>Proposed LAC</u> (43:I.1501(B)) adds any citizen of La. who possesses a valid charter boat fishing guide license as defined in R.S. 56:302.9 or a certified endorsement as defined in R.S. 56:303 to the definition of "commercial fisherman" as it pertains to the Fisherman's Gear Compensation Fund.

(Amends LAC 43:I.1501(B))