

1 SB367
2 136431-2
3 By Senator McGill
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 23-FEB-12

1 SB367

2
3
4 ENROLLED, An Act,

5 To amend Section 9-11-153 of the Code of Alabama
6 1975, relating to wholesale and retail freshwater nongame fish
7 dealers' licenses; to provide for a commercial paddlefish
8 dealer's license and to provide penalties for commercial
9 activity without a license; and in connection therewith would
10 have as its purpose or effect the requirement of a new or
11 increased expenditure of local funds within the meaning of
12 Amendment 621 of the Constitution of Alabama of 1901, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 9-11-153 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§9-11-153.

19 "(a) Every person, firm, association or corporation
20 engaged in the buying, selling or handling of freshwater
21 nongame fish for the purpose of resale, whether handled on a
22 commission basis or otherwise, and every person, firm,
23 association or corporation shipping freshwater nongame fish
24 out of the State of Alabama on consignment or order shall be
25 considered a wholesale dealer of freshwater nongame fish, and

1 shall be required to pay a license of \$25.00 per annum. Any
2 person, firm, association or corporation handling freshwater
3 nongame, uncooked fish strictly at retail to the consumer
4 shall be considered a retailer and must purchase a license and
5 pay \$10.00 per annum for the same. The revenue to be derived
6 from such licenses shall be covered into the State Treasury to
7 the credit of the Game and Fish Fund of the Department of
8 Conservation and Natural Resources. Wholesale and retail
9 licenses as prescribed in this section shall be issued in the
10 same manner and under the same provisions as provided for
11 other licenses in this article.

12 "(b) In addition to the above licenses, every
13 resident person, firm, association, or corporation who buys,
14 processes, sells, or ships paddlefish roe, flesh, or parts,
15 other than a licensed paddlefish fisherman selling or shipping
16 within the state fish or roe that the fisherman has caught to
17 an Alabama licensed commercial paddlefish dealer, shall
18 purchase a commercial paddlefish dealer's license and pay a
19 license fee of seven hundred fifty dollars (\$750) per license
20 year. The Department of Conservation and Natural Resources or
21 duly authorized designees of the department shall sell and
22 issue commercial paddlefish licenses to residents of another
23 state if the other state by reciprocal agreement or otherwise
24 provides for the sale and issuance of a similar commercial
25 paddlefish license to residents of this state to buy, process,

1 sell, or ship paddlefish roe, flesh, or parts from the waters
2 of the other state. The amount to be charged for a nonresident
3 commercial paddlefish dealer's license shall be the same as
4 the license fee charged a resident of this state for a license
5 in the state of the nonresident, but in no event shall the
6 amount be less than the license fee charged by the department
7 for commercial fishing licenses for a resident of this state.
8 Any person, firm, association, or corporation who engages in
9 any activity without a license, for which the paddlefish
10 dealer's license as provided in this subsection is required,
11 upon conviction, shall be guilty of a Class A misdemeanor,
12 except the minimum fine for the first offense shall be one
13 thousand five hundred dollars (\$1,500), and for the second or
14 any subsequent violation, the fine shall be not less than two
15 thousand dollars (\$2,000) nor more than ten thousand dollars
16 (\$10,000)."

17 Section 2. Although this bill would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds, the bill is excluded from further
20 requirements and application under Amendment 621, now
21 appearing as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, as amended, because the
23 bill defines a new crime or amends the definition of an
24 existing crime.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB367

Senate 12-APR-12

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 09-MAY-12

By: Senator McGill