- 1 HB107
- 2 196947-2
- 3 By Representatives Brown (C) and Simpson
- 4 RFD: Ways and Means Education
- 5 First Read: 05-MAR-19

1	ENGROSSED
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To provide for the Department of Public Health to
9	establish a permit to be issued without costs for persons
10	growing and harvesting oysters for personal use in the salt
11	and brackish waters of the state adjacent to his or her
12	residence; to require the applicant for a permit to submit
13	contact information in order for the permittee to receive
14	public health notices concerning the consumption of oysters
15	harvested by the permittee; and to provide an income tax
16	credit for the permittee on his or her individual income tax
17	return.
18	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
19	Section 1. (a) The Department of Public Health shall
20	establish a special permit in accordance with the National
21	Shellfish Sanitation Program for the recreational growing and
22	harvesting of oysters for personal use in the salt and
23	brackish waters of the state under the jurisdiction of the
24	Division of Marine Resources of the Department of Conservation
25	and Natural Resources that are not classified by the
26	Department of Public Health as prohibited, restricted, or

unclassified for the consumption of shellfish.

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(b) The person applying for the permit shall sign a statement under oath that he or she is engaged on a regular basis in the recreational growing and harvesting of oysters in the waters adjacent to his or her primary residence and that he or she purchases seed oyster or spats from a commercial grower based in this state or from a state college or university or a state agency. The application shall include an email address or telephone number and a mailing address where the permittee may be contacted by the Department of Public Health to receive public health notices when the consumption of oysters would be a public health risk.

(c) The permit shall be issued without costs to the applicant. Only one permit may be issued for any one location. The permit shall be valid for one year, but may be renewed upon the filing of a new statement each year that the permittee is continuing to engage in recreational growing and harvesting of oysters.

In order to purchase seed oysters or spats for recreational use, a participate shall present a permit issued pursuant to this section.

- (d) The holder of the permit shall be entitled to an income tax credit of two hundred dollars (\$200) one hundred twenty-five dollars (\$125) on his or her individual income tax return for each tax year the permittee participates in the program.
- (e) (d) In addition to the holders of permits as provided in subsection (a), any participant in an oyster

1	program authorized by a state agency, state college or
2	university, a county, or a municipality shall be entitled to
3	the income tax credit authorized in subsection (d) if the
4	taxpayer submits a sworn statement that the taxpayer is
5	participating in the authorized oyster program.
6	(e) (f) (e) The Department of Public Health may
7	adopt rules to administer this section.
8	Section 2. (a) For tax periods beginning on or after
9	January 1, 2020, the holder of the permit, issued pursuant to
10	Section 1 of this act, shall be entitled to an income tax
11	credit of one hundred twenty-five dollars (\$125) on his or her
12	individual income tax return for each tax year the permittee
13	participates in the program.
14	(b) The Department of Revenue may adopt rules to
15	administer this section.
16	Section 3. This act shall become effective on the
17	first day of the third month following its passage and
18	approval by the Governor, or its otherwise becoming law.

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3	House of Representatives
4 5 6 7 8	Read for the first time and referred to the House of Representatives committee on Ways and Means Education
9 10 11	Read for the second time and placed on the calendar 2 amendments 02-MAY-19
12 13 14	Read for the third time and passed as amended
15 16 17 18	Jeff Woodard Clerk