

1 SB455  
2 166439-2  
3 By Senator Dial  
4 RFD: *Agriculture, Conservation, and Forestry*  
5 First Read: 05-MAY-15

8 SYNOPSIS: Under existing law, the Commissioner of the  
9 Department of Conservation and Natural Resources  
10 sets the minimum weight requirement of shrimp which  
11 are caught or taken in the territorial waters of  
12 Alabama.

13 This bill would repeal that authority and  
14 would authorize the commissioner to establish areas  
15 that are closed for commercial and recreational  
16 harvesting of shrimp subject to certain  
17 restrictions.

18 This bill would also allow the commissioner  
19 to provide for emergency open or closed seasons for  
20 the harvesting of shrimp.

21 Amendment 621 of the Constitution of Alabama  
22 of 1901, now appearing as Section 111.05 of the  
23 Official Recompilation of the Constitution of  
24 Alabama of 1901, as amended, prohibits a general  
25 law whose purpose or effect would be to require a  
26 new or increased expenditure of local funds from  
27 becoming effective with regard to a local

1           governmental entity without enactment by a 2/3 vote  
2           unless: it comes within one of a number of  
3           specified exceptions; it is approved by the  
4           affected entity; or the Legislature appropriates  
5           funds, or provides a local source of revenue, to  
6           the entity for the purpose.

7           The purpose or effect of this bill would be  
8           to require a new or increased expenditure of local  
9           funds within the meaning of the amendment. However,  
10           the bill does not require approval of a local  
11           governmental entity or enactment by a 2/3 vote to  
12           become effective because it comes within one of the  
13           specified exceptions contained in the amendment.

14

15           A BILL

16           TO BE ENTITLED

17           AN ACT

18

19           To amend Section 9-12-46, Code of Alabama 1975,  
20           relating to the commercial harvesting of shrimp, to authorize  
21           the Commissioner of the Department of Conservation and Natural  
22           Resources to establish areas that are closed for commercial  
23           and recreational harvesting of shrimp; to allow the  
24           commissioner to provide for emergency open and closed seasons  
25           for the harvesting of shrimp; and in connection therewith  
26           would have as its purpose or effect the requirement of a new  
27           or increased expenditure of local funds within the meaning of

1 Amendment 621 of the Constitution of Alabama of 1901, now  
2 appearing as Section 111.05 of the Official Recompilation of  
3 the Constitution of Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 9-12-46, Code of Alabama 1975, is  
6 amended to read as follows:

7 "§9-12-46.

8 "(a) The Commissioner of Conservation and Natural  
9 ~~Resources shall set by regulation the minimum weight~~  
10 ~~requirement of shrimp which are caught or taken from the~~  
11 ~~territorial waters of Alabama for commercial purposes or which~~  
12 ~~are brought into Alabama from waters beyond the territorial~~  
13 ~~jurisdiction of Alabama for commercial purposes; provided,~~  
14 ~~however, that such minimum weight requirement as set by~~  
15 ~~regulation of said Commissioner of Conservation and Natural~~  
16 ~~Resources shall require not more than 68 shrimp with heads~~  
17 ~~attached to weigh one pound and shall require not more than~~  
18 ~~114 headless shrimp to the pound rule areas that are closed~~  
19 ~~for commercial and recreational shrimping subject to the~~  
20 ~~restrictions provided in subsection (b).~~

21 ~~"It shall be unlawful for any person, firm,~~  
22 ~~corporation or association to sell, offer for sale or have in~~  
23 ~~possession for sale for commercial purposes any shrimp which~~  
24 ~~require more in number to weigh one pound than the number per~~  
25 ~~pound as set by regulation of the Commissioner of Conservation~~  
26 ~~and Natural Resources.~~

1                         "(b) (1) All inside waters, as defined by rules  
2                         adopted by the Commissioner of the Department of Conservation  
3                         and Natural Resources, shall be closed to all commercial and  
4                         recreational shrimping from 6:00 a.m., May 1, to 6:00 a.m.,  
5                         June 1 of each year.

6                         "(2) The portion of Mobile Bay that lies within the  
7                         described area from Mayday Park to Great Point Clear, as  
8                         defined by rule, shall be closed to commercial and  
9                         recreational shrimping from 6:00 a.m., August 15, until 6:00  
10                         a.m. October 1 of each year.

11                         "(c) The commissioner may provide for emergency open  
12                         or closed seasons for the taking of shrimp due to biological,  
13                         technical, or environmental factors or for the protection of  
14                         public health and welfare.

15                         "(d) Any person, firm, corporation or association  
16                         who or which violates ~~any of the provisions of this section~~  
17                         shall be guilty of a Class C misdemeanor and, upon conviction,  
18                         shall be punished by a fine of not less than \$25.00 nor more  
19                         than \$100.00 for each offense, punishable as provided by law.

20                         "(e) Nothing in this section shall be construed to  
21                         apply to shrimp which are used solely as bait."

22                         Section 2. Although this bill would have as its  
23                         purpose or effect the requirement of a new or increased  
24                         expenditure of local funds, the bill is excluded from further  
25                         requirements and application under Amendment 621, now  
26                         appearing as Section 111.05 of the Official Recompilation of  
27                         the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

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