

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

1 SB455

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 9-12-46, Code of Alabama 1975,
12 relating to the commercial harvesting of shrimp, to authorize
13 the Commissioner of the Department of Conservation and Natural
14 Resources to establish areas that are closed for commercial
15 and recreational harvesting of shrimp; to allow the
16 commissioner to provide for emergency open and closed seasons
17 for the harvesting of shrimp; and in connection therewith
18 would have as its purpose or effect the requirement of a new
19 or increased expenditure of local funds within the meaning of
20 Amendment 621 of the Constitution of Alabama of 1901, now
21 appearing as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 "§9-12-46.

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

14 ~~"It shall be unlawful for any person, firm,~~
15 ~~corporation or association to sell, offer for sale or have in~~
16 ~~possession for sale for commercial purposes any shrimp which~~
17 ~~require more in number to weigh one pound than the number per~~
18 ~~pound as set by regulation of the Commissioner of Conservation~~
19 ~~and Natural Resources.~~

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

25 "(2) The portion of Mobile Bay that lies within the
26 described area from Mayday Park to Great Point Clear, as
27 defined by rule, shall be closed to commercial and

1 recreational shrimping from 6:00 a.m., August 15, until 6:00
2 a.m. October 1 of each year.

3 "(c) The commissioner may provide for emergency open
4 or closed seasons for the taking of shrimp due to biological,
5 technical, or environmental factors or for the protection of
6 public health and welfare.

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

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

14 Section 2. An inland shrimper may process harvested
15 shrimp at the site where the harvesting occurs pursuant to
16 rules adopted by the Alabama Department of Public Health.

17 Section 3. 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.

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

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Senate

Read for the first time and referred to
the Senate committee on Agriculture, Conservation,
and Forestry..... 05-MAY-15

Read for the second time and placed on
the calendar..... 21-MAY-15

Read for the third time and passed as
amended 26-MAY-15

Yeas 22
Nays 0

Patrick Harris
Secretary