

1 HB302
2 114912-2
3 By Representative Jackson
4 RFD: Agriculture and Forestry
5 First Read: 14-JAN-10

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the Department of
9 Conservation and Natural Resources issues annual
10 licenses for commercial hunting preserves where
11 released birds may be hunted. The annual license
12 fee is \$25 for the first 100 acres and \$5 for each
13 additional 100 acres. Also, the preserve is
14 required to be inspected prior to licensure by the
15 department.

16 This bill would provide for an alternate
17 commercial bird hunting license for a license fee
18 of \$500 per year which would authorize a hunter to
19 hunt on the preserve without a regular hunting
20 license. The bill would also delete the
21 requirements that the preserve be inspected prior
22 to licensure.

23 Also, under existing law, commercial bird
24 hunting preserves are required to meet certain
25 minimum requirements as to acreage, fencing, set
26 backs, signage, and numbers of artificially
27 propagated birds to be released; may not harvest

1 more than 80 percent of each species of birds
2 released onto the preserve; are required to tag any
3 birds that are released; and are required to
4 maintain certain records.

5 This bill would repeal the above provisions.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to commercial bird hunting preserves; to
12 amend Sections 9-11-410, 9-11-412, 9-11-413, 9-11-414, and
13 9-11-417 of the Code of Alabama 1975, to further provide for
14 the licensure and regulation of the preserves; to authorize an
15 additional form of license and fee for preserves where hunters
16 would not be required to be licensed to hunt on the preserve;
17 and to repeal Sections 9-11-411, 9-11-415, and 9-11-416 of the
18 Code of Alabama 1975, providing additional requirements for
19 the operation of the preserves.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 9-11-410, 9-11-412, 9-11-413,
22 9-11-414, and 9-11-417 of the Code of Alabama 1975, are
23 amended to read as follows:

24 "§9-11-410.

25 "Any person, firm, or corporation desiring to
26 operate a bird hunting ~~or shooting~~ preserve commercially on
27 which artificially propagated birds may be hunted, taken,

1 captured, killed, harvested, or otherwise recovered, ~~may do so~~
2 ~~upon obtaining~~ shall obtain a bird hunting preserve license
3 and ~~complying~~ comply with the provisions of this article and
4 all rules and ~~regulations~~ promulgated by the Commissioner of
5 Conservation and Natural Resources governing the operation of
6 hunting preserves.

7 "§9-11-412.

8 "Game which may be hunted on a preserve licensed
9 under this article shall be artificially propagated or
10 "pen-raised" bob-white quail, pheasants, chukar partridge, and
11 such other species of ~~fowl~~ birds, except for artificially
12 propagated or "pen-raised" turkeys, as the Commissioner of
13 Conservation and Natural Resources shall designate. ~~A minimum~~
14 ~~stock of at least 1,000 bob-white quail, if bob-white quail~~
15 ~~are to be hunted on the preserve, or a minimum stock of 200 of~~
16 ~~each of the other species of birds, listed above, to be hunted~~
17 ~~on a licensed preserve shall be released on the licensed~~
18 ~~hunting area during each hunting period.~~

19 "§9-11-413.

20 "~~The~~ (a) Except as provided in subsection (b), the
21 privilege license or permit fee for operating a hunting
22 preserve shall be ~~\$25.00~~ twenty-five dollars (\$25) per year
23 for the first 100 acres of hunting preserve area plus ~~\$5.00~~
24 five dollars (\$5) per year for each additional 100 acres or
25 part thereof. ~~Any person who desires to operate such a hunting~~
26 ~~preserve shall first file a request with a local state game~~
27 ~~warden, or with the state Department of Conservation and~~

1 Natural Resources, to have the tract which he proposes to use
2 as a hunting preserve inspected, and if it meets the
3 requirements of this article and the rules and regulations of
4 the Department of Conservation and Natural Resources he shall
5 have a permit issued to him to procure a license to operate
6 such hunting preserve. The applicant shall be advised of any
7 discrepancies in writing for remedial action and a date shall
8 be set for reinspection. Upon presentation application to the
9 judge of probate of the county in which the preserve is
10 located of a permit from the Department of Conservation and
11 Natural Resources, dated not more than thirty days prior to
12 its presentation, accompanied by the proper and payment of the
13 license fee prescribed required in this section, subsection
14 and an issuance fee of ~~\$.50~~ two dollars (\$2), the judge of
15 probate shall issue a privilege license to operate a hunting
16 preserve to the applicant. Privilege licenses to operate
17 hunting preserves shall be issued on forms prescribed by the
18 Commissioner of Conservation and Natural Resources furnished
19 by him to the judge of probate. All fees collected by the
20 judge of probate for issuing hunting preserve licenses shall
21 be remitted at the same time and in the same manner that
22 hunting and fishing license fees are remitted and shall be
23 paid into the Game and Fish Fund of the state Department of
24 Conservation and Natural Resources.

25 "(b) In lieu of the license fee provided for in
26 subsection (a), the operator of a commercial bird hunting
27 preserve may purchase a license which entitles the licensee to

1 operate a commercial bird hunting preserve and exempts the
2 patrons of the preserve from the license requirement of
3 Section 9-11-417. The fee for the license shall be five
4 hundred dollars (\$500), plus a two dollar (\$2) issuance fee.
5 The license shall be issued in the same manner as the license
6 provided for in subsection (a). The license or a copy thereof
7 shall be in the possession of at least one person in each
8 hunting party.

9 "§9-11-414.

10 ~~"The holder of a license issued pursuant to this~~
11 ~~article, his guest and patrons may hunt, take, capture, kill,~~
12 ~~harvest or otherwise recover during the year no more than 80~~
13 ~~percent of the total number of each species of birds released~~
14 ~~on the preserve during such year. Since said bob-white are~~
15 ~~artificially propagated or "pen-raised quail" and may~~
16 ~~otherwise be commercially sold under the provisions of~~
17 ~~Sections 9-11-340 through 9-11-351, without restriction as to~~
18 ~~daily limit or any hunting season applicable to wild quail,~~
19 ~~there~~ There shall be no daily commercial limit as to the
20 number of released "pen-raised quail birds" commercially taken
21 or recovered by patrons under ~~the provisions of~~ this article
22 ~~and the~~ . The period during which ~~each species of~~ "pen-raised
23 birds" may be hunted, taken, captured, killed, or otherwise
24 recovered on ~~such preserve~~ preserves shall begin on October 1
25 each year and extend through March 31 of the following
26 calendar year.

27 "§9-11-417.

1 "(a) Except for patrons hunting artificially
2 propagated or "pen-raised" birds on preserves licensed
3 pursuant to subsection (b) of Section 9-11-413, Alabama
4 hunting licenses shall be required of all persons hunting on
5 licensed hunting preserves. Alabama residents shall be
6 licensed under the regularly established game laws. Each
7 non-resident hunting on a licensed preserve shall be required
8 to possess a regular non-resident annual hunting license or a
9 non-resident trip hunting license.

10 "(b) In lieu of a regular hunting license as
11 provided in subsection (a), either a resident or a
12 non-resident may purchase a seven-day commercial ~~fowl~~ bird
13 hunting preserve license that allows that person the privilege
14 of hunting only artificially propagated or pen-raised ~~fowl~~
15 birds as designated by the Commissioner of Conservation and
16 Natural Resources as legal to hunt on a licensed commercial
17 ~~fowl~~ bird hunting preserve. The cost of a seven-day commercial
18 ~~fowl~~ bird hunting preserve license shall be ~~\$8.00~~ eight
19 dollars (\$8), plus a ~~\$2.00~~ two dollar (\$2) issuance fee. The
20 license shall be valid for seven consecutive days from the
21 date of issuance.

22 "(c) To better serve the public and in order that
23 the state will not lose revenue from the loss of sale of
24 licenses to out-of-state visitors arriving on weekends, each
25 hunting preserve operator licensed pursuant to this article
26 shall be an agent vendor of all non-resident and resident
27 hunting licenses with any issuance fees collected therefor to

1 be remitted to the judge of probate of the county in which the
2 preserve is located."

3 Section 2. Sections 9-11-411, 9-11-415, and 9-11-416
4 of the Code of Alabama 1975, are repealed.

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