

1 SB209
2 198279-2
3 By Senator Holley
4 RFD: Agriculture, Conservation and Forestry
5 First Read: 02-APR-19

1 SB209

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4 ENROLLED, An Act,

5 To amend Section 9-11-53.1, Code of Alabama 1975,
6 relating to saltwater fishing licenses; to authorize the
7 Department of Conservation and Natural Resources to issue
8 military veterans appreciation saltwater fishing licenses to
9 certain veterans for a nominal fee; to add Section 9-11-56.5
10 to the Code of Alabama 1975, to authorize the Department of
11 Conservation and Natural Resources to issue three-day
12 saltwater fishing event licenses to disabled persons; and in
13 connection therewith to have as its purpose or effect the
14 requirement of a new or increased expenditure of local funds
15 within the meaning of Amendment 621 of the Constitution of
16 Alabama of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of Alabama of 1901,
18 as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 9-11-53.1, Code of Alabama 1975,
21 is amended to read as follows:

22 "§9-11-53.1.

23 "(a) (1) Any person who has been a bona fide resident
24 of this state for a period of not less than 90 days next
25 preceding and who is age 16 or older, but has not yet reached

1 the age of 65, shall not take, catch, kill, possess, or
2 attempt to take, catch, kill, or possess, any fish in any of
3 the waters of this state, ~~except those waters for which a~~
4 ~~license is required by Section 9-11-53~~, below that line
5 defined in Rule 220-2-.42(1) of the Department of Conservation
6 and Natural Resources as published in the Alabama
7 Administrative Code, by angling with rod and reel or by use of
8 any artificial bait, fly, lure, gig, cast net, bow, crab traps
9 that are not required to be licensed by Section 9-12-124, or
10 by spear fishing, as defined by Section 9-11-170, without
11 first procuring an annual resident saltwater fishing license
12 for twenty dollars (\$20), plus a one dollar (\$1) issuance fee,
13 which fees shall be subject to adjustment as provided for in
14 Section 9-11-69.

15 "(2) A United States military veteran otherwise
16 meeting the requirements of this section who is certified by
17 the United States Veterans Administration as 20 percent or
18 more disabled may purchase an alternative license to the
19 annual resident saltwater fishing license, to be known as the
20 disabled military veterans appreciation saltwater fishing
21 license, for a license fee and issuance fee equivalent to that
22 charged for a disabled military veterans appreciation
23 freshwater fishing license pursuant to Section 9-11-53,
24 subject to the cost adjustments provided for in Section
25 9-11-69.

1 "(3)a. All persons making application for the
2 license provided for in this section shall present an Alabama
3 driver license, or, in the case of nondrivers, proof of
4 permanent residence.

5 "b. All licenses required by this section shall bear
6 the driver license number of the licensee, except in the case
7 of nondrivers, and all licenses shall bear proof of residence
8 as required by the Commissioner of Conservation and Natural
9 Resources.

10 "c. Notwithstanding the foregoing, a member of the
11 United States military stationed in Alabama on active duty,
12 and his or her spouse and their dependents who reside with
13 them, shall be deemed to be Alabama residents for the purposes
14 of procuring this license.

15 "(4)a. ~~This~~ A saltwater fishing license shall not be
16 required of any person who has been issued and is the holder
17 of any valid lifetime fishing license that is provided for in
18 Section 9-11-65, provided that such license was issued on or
19 before March 31, 1992, or any valid lifetime saltwater fishing
20 license that is provided for in Section 9-11-65.2.

21 "b. ~~This~~ A saltwater fishing license shall not be
22 required of permanent Alabama residents under 16 years of age
23 or age 65 years or over, provided, however, that residents age
24 65 years or older shall be required to have in their actual
25 possession, while fishing, an Alabama driver license, or in

1 the case of nondrivers, proof of permanent Alabama residence
2 and age.

3 "(5) The revenue derived from the sale of the
4 license provided for in this section shall be remitted to the
5 Department of Conservation and Natural Resources on the first
6 day of each month by the issuing officer and shall be covered
7 into the State Treasury to the credit of the Marine Resources
8 Fund and shall be used in the research, management, and
9 development of saltwater fisheries. It shall be unlawful to
10 provide false information in the process of obtaining the
11 license.

12 "(b) (1) Notwithstanding any other ~~provision of~~ law,
13 any resident 64 years of age who procures a resident saltwater
14 fishing license pursuant to this section shall be issued the
15 license on a lifetime basis. The license fees from the sale of
16 a lifetime license pursuant to this subsection shall be
17 deposited to the credit of the Alabama Marine Resources
18 Endowment Fund within the Marine Resources Fund.

19 "~~(c)~~ (2) Any person who violates ~~any of the~~
20 ~~provisions of~~ this section shall be guilty of a misdemeanor
21 and, upon conviction thereof, shall be punished by a fine of
22 not less than fifty dollars (\$50) nor more than two hundred
23 fifty dollars (\$250) for each offense.

24 "(c) There shall be provided on the license form for
25 the licenses provided for in this section a check-off option

1 whereby the licensee may voluntarily choose to donate an
2 additional one dollar (\$1) to the Division of Marine Resources
3 for the purpose of research on fisheries and aquatic habitat
4 as approved by the Advisory Board of Conservation and Natural
5 Resources."

6 Section 2. Section 9-11-56.5 is added to the Code of
7 Alabama 1975, to read as follows:

8 §9-11-56.5.

9 (a) Effective with the license year beginning
10 September 1, 2019, there shall be a disabled three-day
11 saltwater fishing event license, for events sanctioned by the
12 Commissioner of the Department of Conservation and Natural
13 Resources.

14 (b) Except as otherwise provided in this section for
15 additional persons, the license shall permit up to 20 disabled
16 residents or nonresidents, plus up to 20 resident and
17 nonresident assistants, in the numbers as determined to be
18 reasonably necessary by the Department of Conservation and
19 Natural Resources, to purchase the license as an alternative
20 to any recreational saltwater fishing license otherwise
21 applicable under this chapter, which shall permit the persons,
22 for a period not to exceed 72 consecutive hours, to engage in
23 those same activities as the holders of the annual saltwater
24 fishing license in Section 9-11-53.1.

1 (c) The license fee shall be one hundred dollars
2 (\$100).

3 (d) Notwithstanding subsections (b) and (c), any
4 additional disabled persons over the 20-person limit shall be
5 charged an additional five dollars (\$5) per person, which
6 amount, subject to the approval of the Department of
7 Conservation and Natural Resources, may include an additional
8 assistant.

9 Section 3. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB209

Senate 09-APR-19

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

Patrick Harris,
Secretary.

House of Representatives
Passed: 30-APR-19

By: Senator Holley