

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

1 SB455

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4 ENROLLED, An Act,

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§9-12-46.

21 "(a) The Commissioner of Conservation and Natural
22 Resources shall set by ~~regulation the minimum weight~~
23 ~~requirement of shrimp which are caught or taken from the~~
24 ~~territorial waters of Alabama for commercial purposes or which~~
25 ~~are brought into Alabama from waters beyond the territorial~~

1 ~~jurisdiction of Alabama for commercial purposes; provided,~~
2 ~~however, that such minimum weight requirement as set by~~
3 ~~regulation of said Commissioner of Conservation and Natural~~
4 ~~Resources shall require not more than 68 shrimp with heads~~
5 ~~attached to weigh one pound and shall require not more than~~
6 ~~114 headless shrimp to the pound rule areas that are closed~~
7 ~~for commercial and recreational shrimping subject to the~~
8 ~~restrictions provided in subsection (b).~~

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

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

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

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

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

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

12 Section 2. Any shrimp harvested from inland ponds or
13 farms may be processed at the site where the harvesting occurs
14 pursuant to rules adopted by the Alabama Department of Public
15 Health.

16 Section 3. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 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

SB455

Senate 26-MAY-15

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

Patrick Harris
Secretary

House of Representatives
Amended and passed 04-JUN-15

Senate concurred in House amendment 04-JUN-15

By: Senator Dial