

1 HB197
2 197599-1
3 By Representatives Crawford, Warren, Shiver, Standridge,
4 Lovvorn, Whitt, Shedd, Greer, Wilcox, Faust, McMillan,
5 Wadsworth, South, Kitchens and Sullivan
6 RFD: Agriculture and Forestry
7 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law and by rule of the
9 Department of Conservation and Natural Resources,
10 as it relates to hunting deer on private lands,
11 there is a rebuttable presumption that any bait or
12 feed located beyond 100 yards from the hunter and
13 not within the line of sight of the hunter is not a
14 lure, attraction, or enticement to, on, or over the
15 areas where the hunter is attempting to kill or
16 take the deer.

17 This bill would allow the taking of
18 whitetail deer or feral swine by means of bait when
19 a person purchases a baiting privilege license from
20 the Department of Conservation and Natural
21 Resources.

22 This bill would also provide the
23 Commissioner of the Department of Conservation and
24 Natural Resources with the authority to suspend the
25 use of a baiting privilege license to prevent the
26 spread of diseases among wildlife under certain
27 conditions.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To amend Section 9-11-244 of the Code of Alabama
7 1975, relating to hunting; to allow the taking of whitetail
8 deer or feral swine by means of bait when a person purchases a
9 baiting privilege license from the Department of Conservation
10 and Natural Resources; and to provide for the suspension of
11 the use of a baiting privilege license to prevent the spread
12 of diseases among wildlife under certain conditions.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 9-11-244 of the Code of Alabama
15 1975, is amended to read as follows:

16 "§9-11-244.

17 "(a) No Except as provided in subsection (b), no
18 person at any time shall take, catch, kill, or attempt to
19 take, catch, or kill any bird or animal protected by law or
20 ~~regulation~~ rule of the State of Alabama by means, aid, or use,
21 directly or indirectly, of any bait, such as shelled, shucked,
22 or unshucked corn or of wheat or other grain, salt, or any
23 other feed whatsoever that has been so deposited, placed,
24 distributed, or scattered as to constitute for ~~such~~ the birds
25 or animals a lure, attraction, or enticement to, on, or over
26 the area where ~~such~~ a hunter or hunters are attempting to kill
27 or take them; provided, that ~~such~~ the birds or animals may be

1 taken under properly shocked corn and standing crops of corn,
2 wheat, or other grain or feed and grains scattered solely as a
3 result of normal agricultural harvesting; and provided
4 further, migratory birds may be hunted under the most recent
5 ~~provisions~~ regulations established by the U.S. Fish and
6 Wildlife Service or ~~regulations~~ rules promulgated adopted by
7 the Commissioner of the Department of Conservation and Natural
8 Resources within the limits of the federal regulations.

9 "(b) (1) This section shall not apply to a person
10 hunting whitetail deer or feral swine with the aid of bait on
11 privately owned or leased lands; provided, that the person has
12 purchased, and is in possession of, a bait privilege license
13 issued by the Department of Conservation and Natural Resources
14 as follows:

15 "a. The annual resident bait privilege license fee
16 shall be fourteen dollars (\$14), plus an issuance fee of one
17 dollar (\$1).

18 "b. The annual nonresident bait privilege license
19 fee shall be fifty dollars (\$50), plus an issuance fee of one
20 dollar (\$1).

21 "(2) The fees provided for by this section shall be
22 subject to adjustment as provided in Section 9-11-68.

23 "(3) A bait privilege license required by this
24 section shall be procured in the same manner as an annual
25 hunting license, with the issuance fee for the bait privilege
26 license paid to and retained by the issuing office or agency.

1 "(4) A person who is exempt from purchasing a
2 hunting license shall not be exempt from the requirement to
3 purchase a bait privilege license pursuant to this section.

4 "(c) The commissioner may, without refund, suspend
5 the use of a baiting privilege license on a county, regional,
6 or statewide basis to prevent the spread of diseases among
7 wildlife by announcing the suspension in a news release.

8 "(d) The Department of Conservation and Natural
9 Resources may adopt rules to implement the act adding this
10 amendatory language."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.