

1 SB12
2 196741-1
3 By Senator Williams
4 RFD: Agriculture, Conservation and Forestry
5 First Read: 05-MAR-19
6 PFD: 01/16/2019

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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 establish
25 Chronic Wasting Disease management zones and
26 disease management zones for other infectious or
27 contagious diseases, would allow for the suspension

1 of the use of a baiting privilege license in these
2 disease management zones under certain conditions,
3 and would prohibit the use of bait in any county
4 containing a portion of a disease management zone.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

9
10 To amend Section 9-11-244 of the Code of Alabama
11 1975, relating to hunting; to allow the taking of whitetail
12 deer or feral swine by means of bait when a person purchases a
13 baiting privilege license from the Department of Conservation
14 and Natural Resources; to provide for Chronic Wasting Disease
15 management zones and disease management zones for other
16 infectious or contagious diseases; to provide for the
17 suspension of the use of a baiting privilege license in
18 disease management zones; and to prohibit the use of bait in
19 any county containing a portion of a disease management zone.
20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 9-11-244 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§9-11-244.

24 "(a) No Except as provided in subsection (b), no
25 person at any time shall take, catch, kill, or attempt to
26 take, catch, or kill any bird or animal protected by law or
27 ~~regulation~~ rule of the State of Alabama by means, aid, or use,

1 directly or indirectly, of any bait, l such as shelled, shucked, l
2 or unshucked corn or of wheat or other grain, salt, l or any
3 other feed whatsoever that has been so deposited, placed,
4 distributed, l or scattered as to constitute for ~~such~~ the birds
5 or animals a lure, attraction, l or enticement to, on, l or over
6 the area where ~~such~~ a hunter or hunters are attempting to kill
7 or take them; provided, that ~~such~~ the birds or animals may be
8 taken under properly shocked corn and standing crops of corn,
9 wheat, l or other grain or feed and grains scattered solely as a
10 result of normal agricultural harvesting; l and provided
11 further, migratory birds may be hunted under the most recent
12 ~~provisions~~ regulations established by the U.S. Fish and
13 Wildlife Service or ~~regulations~~ rules ~~promulgated~~ adopted by
14 the Commissioner of the Department of Conservation and Natural
15 Resources within the limits of the federal regulations.

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

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

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

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

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

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

10 "(c) (1) To help prevent the spread of Chronic
11 Wasting Disease and other infectious or contagious diseases,
12 the commissioner may establish Chronic Wasting Disease
13 management zones and disease management zones for other
14 wildlife diseases if Chronic Wasting Disease or any other
15 infectious or contagious disease impacting any bird or animal
16 protected by law or rule of this state are found within this
17 state or within 25 miles of the state border.

18 "(2) Notwithstanding the baiting privilege license
19 provided in subsection (b), no person shall use bait in any
20 county containing any portion of a Chronic Wasting Disease
21 management zone or other disease management zone as provided
22 for in subdivision (1).

23 "(3) The commissioner may, without refund, suspend
24 the use of a baiting privilege license on a county, regional,
25 or statewide basis to prevent the spread of diseases among
26 wildlife by announcing the suspension in a news release.

1 "(d) The Department of Conservation and Natural
2 Resources may adopt rules to implement the act adding this
3 amendatory language."

4 Section 2. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.