

1 HB322  
2 127933-2  
3 By Representatives Boman and Givan  
4 RFD: Agriculture and Forestry  
5 First Read: 14-FEB-12

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, by regulation of the  
9 Department of Conservation and Natural Resources,  
10 hunting of game may not take place where feeding  
11 has taken place until all feed has been removed or  
12 consumed for at least 10 days prior to hunting.

13 This bill would provide for the voluntary  
14 feeding of game by spincast, broadcast, or any  
15 other container feeder at any time during the year  
16 and would require permits for use of each feeder.  
17 This bill would not affect the ability of a person  
18 to operate a feeder for purposes other than hunting  
19 game.

20 The bill would set the amount of the fee for  
21 a permit for each feeder and provide for the  
22 deposit of the funds in the Game and Fish Fund of  
23 the Department of Conservation and Natural  
24 Resources.

25 The bill would also provide penalties for  
26 violations.

1 Amendment 621 of the Constitution of Alabama  
2 of 1901 prohibits a general law whose purpose or  
3 effect would be to require a new or increased  
4 expenditure of local funds from becoming effective  
5 with regard to a local governmental entity without  
6 enactment by a 2/3 vote unless: it comes within one  
7 of a number of specified exceptions; it is approved  
8 by the affected entity; or the Legislature  
9 appropriates funds, or provides a local source of  
10 revenue, to the entity for the purpose.

11 The purpose or effect of this bill would be  
12 to require a new or increased expenditure of local  
13 funds within the meaning of Amendment 621. However,  
14 the bill does not require approval of a local  
15 governmental entity or enactment by a 2/3 vote to  
16 become effective because it comes within one of the  
17 specified exceptions contained in Amendment 621.

18  
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22  
23 To provide for the feeding of game by spincast,  
24 broadcast, or any container feeders; to require a permit for  
25 each spincast, broadcast, or container feeder; to prescribe  
26 the fees for each permit; and to prescribe penalties for  
27 violation of the act; to supersede Sections 9-11-244 and

1 9-11-245, Code of Alabama 1975, for any activity in compliance  
2 with this act; and in connection therewith would have as its  
3 purpose or effect the requirement of a new or increased  
4 expenditure of local funds within the meaning of Amendment 621  
5 of the Constitution of Alabama of 1901.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. The Department of Conservation and  
8 Natural Resources shall allow the feeding of game by spincast,  
9 broadcast, or container feeders and shall issue permits for  
10 spincast, broadcast, or container feeders each year for the  
11 entire year. For the purposes of this act, the term "game  
12 feeder" shall mean only a spincast, broadcast, or container  
13 game feeder.

14 Section 2. The judge of probate, license  
15 commissioner, or other county official who issues licenses in  
16 the county may be duly appointed by the Commissioner of  
17 Conservation and Natural Resources to issue permits pursuant  
18 to this act. All permits issued shall be dated when issued and  
19 shall authorize the individual named on the permit to operate  
20 a game feeder for the feeding of game during hunting season or  
21 for one calendar year. The permits shall be numbered  
22 consecutively at the time they are printed and shall be  
23 furnished by the Commissioner of Conservation and Natural  
24 Resources. The issuing official shall sign the permit and the  
25 individual requesting the permit shall also sign on the margin  
26 of the permit. The official issuing the permit shall keep in a  
27 book or on specially prepared sheets furnished by the

1 Commissioner of Conservation and Natural Resources a correct  
2 and complete record of all permits issued, which record shall  
3 remain in the office of the issuing official and shall be open  
4 to inspection by the public at all reasonable times.

5 Section 3. (a) An individual may procure a separate  
6 permit to operate each game feeder by filing an application  
7 with the county license issuing official in the county in  
8 which the feeder will be located, stating his or her name,  
9 age, place of residence, and mailing address. The individual  
10 receiving a permit shall be issued a numbered decal to be  
11 placed on the game feeder to correspond with the number of the  
12 permit. The cost for issuance of a permit to operate a game  
13 feeder effective for one year shall be twenty dollars (\$20).  
14 Initially, a permit may be purchased August 1, following the  
15 effective date of this act, through October 15, following the  
16 effective date of this act. Thereafter, a permit may be  
17 purchased in each subsequent year from February 1st through  
18 March 15th.

19 (b) In addition to the prescribed cost of each  
20 permit in subsection (a), there shall be a five dollar (\$5)  
21 issuance fee for each permit issued, to be collected by the  
22 issuing official and retained by the official to be paid into  
23 the general fund of the county issuing the permit.

24 Section 4. The use of each feeder permitted pursuant  
25 to this act shall be subject to all of the following:

26 (1) The contents of a game feeder shall contain at  
27 least 15 percent protein.

1           (2) No game feeder permit shall be issued to be  
2 operated upon any privately owned land without the written  
3 consent of the owner or individual in lawful possession of the  
4 land.

5           (3) No male whitetail deer harvested using this  
6 feeding program may have less than three one-inch points above  
7 the hairline on one side. However, this restriction does not  
8 apply to hunters under the age of 16 or a licensed hunter who  
9 is legally handicapped.

10          (4) No feeder may be placed within 500 feet of a  
11 public road.

12          (5) The requirements of this act are for hunting  
13 purposes only and shall be a part of an overall deer  
14 management program. This act does not affect or place  
15 obligations on any person that desires to feed game for any  
16 reason other than hunting.

17          (6) Each feeder shall be located within 200 yards of  
18 a prepared seedbed wildlife food plot or green field during  
19 the deer hunting season and the field shall be at least 1 acre  
20 in size. A waiver of this requirement may be applied for with  
21 the Department of Conservation and Natural Resources on leased  
22 property that has a written prohibition on the clearing of  
23 land.

24          (7) Each feeder shall be located at least 300 feet  
25 from any adjacent property line.

26          (8) Feeders used on property during deer or turkey  
27 season may be hunted over if the hunter is 100 yards or more

1 from the feeder and the feeder is out of the hunter's line of  
2 sight.

3 Section 5. A violation of this act constitutes a  
4 misdemeanor, and upon conviction, an individual shall be fined  
5 not less than three hundred dollars (\$300) nor more than five  
6 hundred dollars (\$500) for each violation.

7 Section 6. All revenue received from fees except the  
8 issuance fees under this act shall be forwarded by the issuing  
9 official to the Commissioner of Conservation and Natural  
10 Resources on the first day of each month and shall be  
11 deposited into the Game and Fish Fund of the Department of  
12 Conservation and Natural Resources. All revenue received from  
13 fines and penalties for violations of this act shall be  
14 forwarded to the Commissioner of Conservation and Natural  
15 Resources by the trial court on the first day of each month to  
16 be deposited into the Game and Fish Fund of the Department of  
17 Conservation and Natural Resources.

18 Section 7. The Commissioner of Conservation and  
19 Natural Resources may promulgate rules and regulations to  
20 carry out this act. In addition to this authority, the State  
21 Veterinarian in agreement with the Commissioner of Agriculture  
22 and Industries and the Commissioner of Conservation and  
23 Natural Resources may declare an emergency because of disease  
24 or other outbreak and suspend this feeding program.

25 Section 8. This act is voluntary for hunters.  
26 Hunters not wanting to participate are under no obligations or  
27 restrictions of this act.

1           Section 9. Although this bill would have as its  
2 purpose or effect the requirement of a new or increased  
3 expenditure of local funds, the bill is excluded from further  
4 requirements and application under Amendment 621 because the  
5 bill defines a new crime or amends the definition of an  
6 existing crime.

7           Section 10. All laws or parts of laws which conflict  
8 with this act are repealed. Sections 9-11-244 and 9-11-245,  
9 Code of Alabama 1975, shall not apply to any activity in  
10 compliance with this act.

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