

1 SB172
2 155239-1
3 By Senator Sanford
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, a person who violates a
9 rule of the Department of Conservation and Natural
10 Resources is guilty of a Class C misdemeanor,
11 unless a different penalty is provided. The penalty
12 for a Class C misdemeanor is a fine not to exceed
13 \$500 or imprisonment for up to three months, or
14 both fine and imprisonment.

15 This bill would specify that the penalty for
16 a violation of Department of Conservation and
17 Natural Resources Rule 220-2-.146, "Antlered Buck
18 and Turkey Harvest Record," would be a fine of not
19 less than \$50 nor more than \$200.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to hunting; to provide for the penalty for
19 a violation of Department of Conservation and Natural
20 Resources Rule 220-2-.146, "Antlered Buck and Turkey Harvest
21 Record"; and in connection therewith would have as its purpose
22 or effect the requirement of a new or increased expenditure of
23 local funds within the meaning of Amendment 621 of the
24 Constitution of Alabama of 1901, now appearing as Section
25 111.05 of the Official Recompilation of the Constitution of
26 Alabama of 1901, as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) The penalty for a violation of the
2 Department of Conservation and Natural Resources Rule
3 220-2-.146, "Antlered Buck and Turkey Harvest Record," as
4 amended from time to time, or any other rule containing a
5 harvest record requirement, shall be a fine of not less than
6 fifty dollars (\$50) nor more than two hundred dollars (\$200).

7 (b) The Administrative Office of Courts shall
8 provide a procedure for a person charged with a violation of
9 the rule to enter a guilty plea before a magistrate or court
10 clerk and pay a recommended fine without the need for an
11 appearance in court.

12 Section 2. All laws or parts of laws which conflict
13 with this act are repealed.

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

22 Section 4. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.