

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.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
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.