

1 HB511  
2 197143-1  
3 By Representatives Stringer and Brown (C)  
4 RFD: Agriculture and Forestry  
5 First Read: 25-APR-19

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8 SYNOPSIS: Under existing law, a violation of a law or  
9 rule adopted by the Department of Conservation and  
10 Natural Resources relating to wildlife management  
11 areas is an unclassified misdemeanor offense.

12 This bill would classify the offense as a  
13 Class C misdemeanor and update the fines and  
14 sentencing ranges.

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

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

9   A BILL  
10    TO BE ENTITLED  
11    AN ACT  
12

13                   To amend Section 9-11-307, Code of Alabama 1975,  
14                   relating to penalties for violating laws or rules adopted by  
15                   the Department of Conservation and Natural Resources relating  
16                   to wildlife management areas; to classify the offense as a  
17                   Class C misdemeanor and update the fines and sentencing  
18                   ranges; and in connection therewith to have as its purpose or  
19                   effect the requirement of a new or increased expenditure of  
20                   local funds within the meaning of Amendment 621 of the  
21                   Constitution of Alabama of 1901, now appearing as Section  
22                   111.05 of the Official Recompilation of the Constitution of  
23                   Alabama of 1901, as amended.

24                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25                                       Section 1. Section 9-11-307, Code of Alabama 1975,  
26                   is amended to read as follows:

27                                       "§9-11-307.

1           "Any person violating ~~any of the provisions of this~~  
2 article or any rule ~~or regulation promulgated~~ adopted by the  
3 Commissioner of the Department of Conservation and Natural  
4 Resources under the authority of this article shall be guilty  
5 of a Class C misdemeanor ~~and, upon conviction, shall be fined~~  
6 ~~not less than \$25.00 nor more than \$100.00 or imprisoned for~~  
7 ~~not less than 30 days nor more than 12 months, or both,~~  
8 punishable as provided by law, except that the minimum fine  
9 shall not be less than one hundred dollars (\$100)."

10           Section 2. Although this bill would have as its  
11 purpose or effect the requirement of a new or increased  
12 expenditure of local funds, the bill is excluded from further  
13 requirements and application under Amendment 621, now  
14 appearing as Section 111.05 of the Official Recompilation of  
15 the Constitution of Alabama of 1901, as amended, because the  
16 bill defines a new crime or amends the definition of an  
17 existing crime.

18           Section 3. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.