

1 SB209  
2 198279-1  
3 By Senator Holley  
4 RFD: Agriculture, Conservation and Forestry  
5 First Read: 02-APR-19

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8 SYNOPSIS: Under existing law, the Department of  
9 Conservation and Natural Resources may issue  
10 military veterans appreciation freshwater fishing  
11 licenses for military veterans who are 20 percent  
12 or more disabled for a nominal fee, and may  
13 sanction a disabled three-day freshwater fishing  
14 license for up to 20 disabled residents or  
15 nonresidents and their assistants, per event.

16 This bill would authorize the Department of  
17 Conservation and Natural Resources to issue  
18 military veterans appreciation saltwater fishing  
19 licenses to veterans who are 20 percent or more  
20 disabled for a nominal fee, would authorize a  
21 check-off option for persons obtaining the  
22 saltwater fishing licenses to donate an additional  
23 one dollar to the Division of Marine Resources for  
24 the purposes of research on fisheries and aquatic  
25 habitat, and would authorize the department to  
26 issue three-day saltwater fishing event licenses to  
27 disabled persons.

1                   Amendment 621 of the Constitution of Alabama  
2                   of 1901, now appearing as Section 111.05 of the  
3                   Official Recompilation of the Constitution of  
4                   Alabama of 1901, as amended, prohibits a general  
5                   law whose purpose or effect would be to require a  
6                   new or increased expenditure of local funds from  
7                   becoming effective with regard to a local  
8                   governmental entity without enactment by a 2/3 vote  
9                   unless: it comes within one of a number of  
10                  specified exceptions; it is approved by the  
11                  affected entity; or the Legislature appropriates  
12                  funds, or provides a local source of revenue, to  
13                  the entity for the purpose.

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

21  
22                                   A BILL  
23                                   TO BE ENTITLED  
24                                   AN ACT

25  
26                   To amend Section 9-11-53.1, Code of Alabama 1975,  
27                   relating to saltwater fishing licenses; to authorize the

1 Department of Conservation and Natural Resources to issue  
2 military veterans appreciation saltwater fishing licenses to  
3 certain veterans for a nominal fee; to add Section 9-11-56.5  
4 to the Code of Alabama 1975, to authorize the Department of  
5 Conservation and Natural Resources to issue three-day  
6 saltwater fishing event licenses to disabled persons; and in  
7 connection therewith to have as its purpose or effect the  
8 requirement of a new or increased expenditure of local funds  
9 within the meaning of Amendment 621 of the Constitution of  
10 Alabama of 1901, now appearing as Section 111.05 of the  
11 Official Recompilation of the Constitution of Alabama of 1901,  
12 as amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 9-11-53.1, Code of Alabama 1975,  
15 is amended to read as follows:

16 "§9-11-53.1.

17 "(a) (1) Any person who has been a bona fide resident  
18 of this state for a period of not less than 90 days next  
19 preceding and who is age 16 or older, but has not yet reached  
20 the age of 65, shall not take, catch, kill, possess, or  
21 attempt to take, catch, kill, or possess, any fish in any of  
22 the waters of this state, ~~except those waters for which a~~  
23 license is required by Section 9-11-53~~),~~ below that line  
24 defined in Rule 220-2-.42(1) of the Department of Conservation  
25 and Natural Resources as published in the Alabama  
26 Administrative Code, by angling with rod and reel or by use of  
27 any artificial bait, fly, lure, gig, cast net, bow, crab traps

1 that are not required to be licensed by Section 9-12-124, or  
2 by spear fishing, as defined by Section 9-11-170, without  
3 first procuring an annual resident saltwater fishing license  
4 for twenty dollars (\$20), plus a one dollar (\$1) issuance fee,  
5 which fees shall be subject to adjustment as provided for in  
6 Section 9-11-69.

7 "(2) A United States military veteran otherwise  
8 meeting the requirements of this section who is certified by  
9 the United States Veterans Administration as 20 percent or  
10 more disabled may purchase an alternative license to the  
11 annual resident saltwater fishing license, to be known as the  
12 disabled military veterans appreciation saltwater fishing  
13 license, for a license fee and issuance fee equivalent to that  
14 charged for a disabled military veterans appreciation  
15 freshwater fishing license pursuant to Section 9-11-53,  
16 subject to the cost adjustments provided for in Section  
17 9-11-69.

18 "(3)a. All persons making application for the  
19 license provided for in this section shall present an Alabama  
20 driver license, or, in the case of nondrivers, proof of  
21 permanent residence.

22 "b. All licenses required by this section shall bear  
23 the driver license number of the licensee, except in the case  
24 of nondrivers, and all licenses shall bear proof of residence  
25 as required by the Commissioner of Conservation and Natural  
26 Resources.

1           "c. Notwithstanding the foregoing, a member of the  
2 United States military stationed in Alabama on active duty,  
3 and his or her spouse and their dependents who reside with  
4 them, shall be deemed to be Alabama residents for the purposes  
5 of procuring this license.

6           "(4)a. ~~This~~ A saltwater fishing license shall not be  
7 required of any person who has been issued and is the holder  
8 of any valid lifetime fishing license that is provided for in  
9 Section 9-11-65, provided that such license was issued on or  
10 before March 31, 1992, or any valid lifetime saltwater fishing  
11 license that is provided for in Section 9-11-65.2.

12           "b. ~~This~~ A saltwater fishing license shall not be  
13 required of permanent Alabama residents under 16 years of age  
14 or age 65 years or over, provided, however, that residents age  
15 65 years or older shall be required to have in their actual  
16 possession, while fishing, an Alabama driver license, or in  
17 the case of nondrivers, proof of permanent Alabama residence  
18 and age.

19           "(5) The revenue derived from the sale of the  
20 license provided for in this section shall be remitted to the  
21 Department of Conservation and Natural Resources on the first  
22 day of each month by the issuing officer and shall be covered  
23 into the State Treasury to the credit of the Marine Resources  
24 Fund and shall be used in the research, management, and  
25 development of saltwater fisheries. It shall be unlawful to  
26 provide false information in the process of obtaining the  
27 license.

1           "(b) (1) Notwithstanding any other ~~provision of~~ law,  
2 any resident 64 years of age who procures a resident saltwater  
3 fishing license pursuant to this section shall be issued the  
4 license on a lifetime basis. The license fees from the sale of  
5 a lifetime license pursuant to this subsection shall be  
6 deposited to the credit of the Alabama Marine Resources  
7 Endowment Fund within the Marine Resources Fund.

8           "~~(c)~~ (2) Any person who violates ~~any of the~~  
9 ~~provisions of~~ this section shall be guilty of a misdemeanor  
10 and, upon conviction thereof, shall be punished by a fine of  
11 not less than fifty dollars (\$50) nor more than two hundred  
12 fifty dollars (\$250) for each offense.

13           "(c) There shall be provided on the license form for  
14 the licenses provided for in this section a check-off option  
15 whereby the licensee may voluntarily choose to donate an  
16 additional one dollar (\$1) to the Division of Marine Resources  
17 for the purpose of research on fisheries and aquatic habitat  
18 as approved by the Advisory Board of Conservation and Natural  
19 Resources."

20           Section 2. Section 9-11-56.5 is added to the Code of  
21 Alabama 1975, to read as follows:

22           §9-11-56.5.

23           (a) Effective with the license year beginning  
24 September 1, 2019, there shall be a disabled three-day  
25 saltwater fishing event license, for events sanctioned by the  
26 Commissioner of the Department of Conservation and Natural  
27 Resources.

1           (b) Except as otherwise provided in this section for  
2 additional persons, the license shall permit up to 20 disabled  
3 residents or nonresidents, plus up to 20 resident and  
4 nonresident assistants, in the numbers as determined to be  
5 reasonably necessary by the Department of Conservation and  
6 Natural Resources, to purchase the license as an alternative  
7 to any recreational saltwater fishing license otherwise  
8 applicable under this chapter, which shall permit the persons,  
9 for a period not to exceed 72 consecutive hours, to engage in  
10 those same activities as the holders of the annual saltwater  
11 fishing license in Section 9-11-53.1.

12           (c) The license fee shall be one hundred dollars  
13 (\$100).

14           (d) Notwithstanding subsections (b) and (c), any  
15 additional disabled persons over the 20-person limit shall be  
16 charged an additional five dollars (\$5) per person, which  
17 amount, subject to the approval of the Department of  
18 Conservation and Natural Resources, may include an additional  
19 assistant.

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



1                   Section 4. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.