

1 HB631
2 213324-2
3 By Representatives Crawford and Whitt
4 RFD: Agriculture and Forestry
5 First Read: 15-APR-21

8 SYNOPSIS: This bill would establish the Alabama State
9 Reservoir Management Development Program to provide
10 grants to qualified local entities for reservoir
11 management development.

12 This bill would increase vessel registration
13 fees and provide for the distribution of the vessel
14 registration.

15 This bill would also make nonsubstantive,
16 technical revisions to update the existing code
17 language to current style.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 Relating to public waterways; to establish the
24 Alabama State Reservoir Management Development Program within
25 the Department of Conservation and Natural Resources; to
26 provide for the award of grants to qualified local entities;
27 to amend Sections 33-5-6, 33-5-10, and 33-5-17, Code of

1 Alabama 1975, relating to the registration and operation of
2 vessels, to provide for an additional registration fee and the
3 distribution of those fees; and to make nonsubstantive,
4 technical revisions to update the existing code language to
5 current style.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) This section shall be known and may
8 be cited as the Alabama State Reservoir Management Development
9 Act.

10 (b) For the purposes of this act, the following
11 words have the following meanings:

12 (1) DEPARTMENT. The Department of Conservation and
13 Natural Resources.

14 (2) LOCAL ENTITY. One or more of the following:

15 a. A county.

16 b. An incorporated municipality.

17 c. An unincorporated municipality.

18 d. A public entity of a county or municipality.

19 e. A local public-private partnership.

20 (3) LOCAL PUBLIC-PRIVATE PARTNERSHIP. Any
21 partnership between a county, incorporated municipality,
22 unincorporated municipality, or any other public entity of a
23 county or municipality and a private organization.

24 (4) QUALIFIED LOCAL ENTITY. Local entity with an
25 existing reservoir and reservoir debris management plan.

26 (5) STATE RESERVOIR. A quantity of any public
27 spring, brook, creek, stream, river, pond, swamp, lake,

1 reservoir, impoundment, sound, tidal estuary, bay, waterway,
2 aquifer, or any other body or accumulation of water, surface
3 water, or ground water, natural or artificial, that does any
4 of the following:

5 a. Is contained within the borders of this state.

6 b. Flows through or to this state or any portion
7 thereof.

8 c. Borders upon this state or any portion thereof,
9 including those portions of the Gulf of Mexico over which this
10 state has jurisdiction.

11 (c) (1) The Commissioner of the Department of
12 Conservation and Natural Resources shall establish and
13 administer the state reservoir management grant program for
14 the purpose of addressing short-term and long-term projects
15 outlined in reservoir management and reservoir debris
16 management plans.

17 (2) The Commissioner shall adopt rules necessary to
18 administer the program and meet the future needs of the grant
19 program. Initial rules to implement the program shall be
20 adopted not later than April 1, 2022.

21 (d) The state reservoir management grant program
22 shall be administered pursuant to policies developed by the
23 department in compliance with this section. The policies shall
24 provide for the awarding of grants to qualified local
25 entities.

26 (e) There is created the State Reservoir Management
27 Grant Fund in the State Treasury. The fund is subject to

1 appropriations by the Legislature and gifts, grants, and other
2 donations received by the department for the state reservoir
3 management grant program or fund. The department may not spend
4 appropriations for the program for purposes other than those
5 listed in this section. Any monies appropriated to the
6 department for reservoir management grants that are unspent at
7 the end of a fiscal year shall be carried over for use by the
8 program in the next fiscal year. The department is prohibited
9 from expending more than three percent of the total amount
10 appropriated for the program on administrative expenses in any
11 fiscal year. Monies in the fund shall be invested by the State
12 Treasurer for the sole benefit of the fund.

13 (f) Individual grants awarded by the department
14 under this section may only be awarded for projects included
15 in reservoir management and reservoir debris management plans.
16 Grants may be awarded to a qualified local entity based on
17 criteria developed by the department for projects for any of
18 the following purposes:

19 (1) To control invasive aquatic species in state
20 reservoirs.

21 (2) To remove debris from navigable waters within
22 state reservoirs primarily after declared natural disasters.

23 (3) To install, maintain, and repair navigational
24 aids or regulatory signs that are officially designated by the
25 Alabama State Law Enforcement Agency.

26 (g) Beginning October 1, 2022, and each October 1
27 thereafter, applicants may submit grant applications.

1 Applications for eligible projects shall be evaluated
2 according to a system developed by the department. The
3 department shall announce grant awards by February 1 of the
4 following year. Grant applications shall be published by the
5 department online at the time of the award announcement.
6 Grants issued by the department shall be conditioned upon
7 compliance with the terms of the grant, but shall not
8 otherwise be revocable. Grant awards shall be paid within 60
9 days upon the department receiving written certification of
10 the completion of the project and evidence of compliance with
11 the terms of the grant as prescribed by the department.

12 (h) Any grant shall be conditioned on the completion
13 of the project within two years of the awarding of the grant.
14 If the grant is not completed, the applicant may not apply for
15 additional grants within the two-year period.

16 (i) Each qualified state or local entity shall
17 contribute matching funds equal to 50 percent of the total
18 amount of the grant award. Grant funds may also be used as
19 matching funds for any state or federal program that addresses
20 the purposes of this section.

21 (j) If grant funds are returned for any reason, the
22 funds shall be deposited in the Alabama State Reservoir
23 Management Grant Fund and shall be available for award the
24 next grant year.

25 Section 2. Sections 33-5-6, 33-5-10, and 33-5-17,
26 Code of Alabama 1975, are amended to read as follows:

27 "§33-5-6.

1 " This article shall be enforced by the ~~Department of~~
2 ~~Conservation and Natural Resources~~ Alabama State Law
3 Enforcement Agency, Division of Marine Police, by all
4 ~~law-enforcement~~ law enforcement officers of the state and by
5 ~~such~~ other agents and employees of the ~~Department of~~
6 ~~Conservation and Natural Resources~~ agency as ~~may be~~ designated
7 and required by the ~~commissioner~~ Secretary of the Alabama
8 State Law Enforcement Agency.

9 "§33-5-10.

10 "(a) The ~~Department of Conservation and Natural~~
11 ~~Resources will~~ agency shall issue annual certificates of
12 registration directly and shall authorize all ~~probate~~ judges
13 of probate in the state or any other official in the state who
14 is presently authorized to issue automobile license plates to
15 issue annual certificates of registration and numbers in
16 connection therewith. In conformity with this article and any
17 rules ~~and regulations which may be validly issued~~ adopted by
18 the ~~Department of Conservation and Natural Resources~~ agency,
19 the ~~Department of Conservation and Natural Resources~~ agency
20 shall assign to each issuing officer in the county a block of
21 numbers and certificates therefor which upon issue, the
22 issuing officer shall be allowed a fee of two dollars (\$2) for
23 each certificate issued by him or her. In counties where the
24 ~~probate~~ judge of probate or issuing officer is on the fee
25 system, the issuing fee shall be retained by the ~~probate~~ judge
26 of probate, and, in counties where the issuing officer or
27 ~~probate~~ judge of probate is on a salary basis, the fee shall

1 be paid to the county treasury. The issuance fee provided for
2 herein shall be in addition to the amount of the boat
3 registration fee.

4 "(b) All registration money, except the two dollar
5 (\$2) fee allowed ~~as aforesaid~~ under subsection (a), shall be
6 remitted monthly to the ~~Department of Conservation and Natural~~
7 ~~Resources~~ agency not later than 10 days after the first of
8 each month. The ~~Department of Conservation and Natural~~
9 ~~Resources~~ agency shall ~~transmit~~ remit the registration money
10 ~~all money received by it~~ to the State Treasurer, ~~there~~ to be
11 deposited in ~~a fund to be known as~~ the "State Water Safety
12 Fund."

13 "(c) All ~~moneys~~ monies received out of the sale of
14 licenses under ~~the provisions of~~ this article may be used by
15 the ~~Commissioner of the Department of Conservation and Natural~~
16 ~~Resources~~ agency for all purposes reasonably necessary in the
17 cost of administration of this article, including the printing
18 of certificates of registration, postage and transportation
19 charges, clerical, personnel, equipment purchases, salaries,
20 and other expenses for each year; except, that no funds
21 collected under ~~the provisions of~~ this article may be used to
22 supplement or pay the salaries of any law enforcement officers
23 other than those hired specifically for the purposes of
24 administering ~~the provisions of~~ this article. The ~~Commissioner~~
25 ~~of the Department of Conservation and Natural Resources~~
26 secretary shall expend ~~such moneys as may be~~ the monies
27 appropriated to the Marine Police Division, ~~in such manner as~~

1 the ~~Commissioner of Conservation and Natural Resources~~
2 secretary ~~may deem~~ deems necessary and appropriate; provided,
3 however, that ~~such~~ the appropriations may be expended only for
4 the purposes designated by the Legislature and in the amounts
5 provided therefor in the general appropriation bill and shall
6 be budgeted and allotted in accordance with the provisions of
7 Article 4 of Chapter 4 of Title 41. It is the intent of the
8 Legislature that the ~~Department of Conservation and Natural~~
9 ~~Resources~~ agency utilize existing personnel and equipment of
10 ~~that department~~ the agency and of the sheriffs of this state
11 to the maximum possible extent in enforcing and administering
12 this article, to the end that there be no costly duplication
13 of services.

14 "§33-5-17.

15 "(a) Vessels subject to the provisions of this
16 article shall be classified according to the following
17 schedule and annual fees charged by the ~~Department of~~
18 ~~Conservation and Natural Resources~~ Alabama State Law
19 Enforcement Agency for registration shall be in the following
20 amounts:

21 "CLASS 1. Less than 16 feet in length, eighteen
22 dollars (\$18) plus a two dollar (\$2) issuance fee.

23 "CLASS 2. Sixteen feet or over and less than 26 feet
24 in length, twenty-three dollars (\$23) plus a two dollar (\$2)
25 issuance fee.

1 "CLASS 3. Twenty-six feet or over and less than 40
2 feet in length, seventy-three dollars (\$73) plus a two dollar
3 (\$2) issuance fee.

4 "CLASS 4. Forty feet or over in length, ninety-eight
5 dollars (\$98) plus a two dollar (\$2) issuance fee.

6 "The above stated fees shall also apply to livery
7 boats.

8 "CLASS 5. Dealer or manufacturer; temporary license,
9 twenty-three dollars (\$23) plus a two dollar (\$2) issuance fee
10 for each license.

11 "(b) In addition to the foregoing fees, there shall
12 be an inspection fee of twenty-five dollars (\$25) for all
13 homemade boats which require a hull identification number.

14 "(c) In addition to the foregoing fees, there shall
15 be an additional registration fee of five dollars (\$5) for
16 every Class 1 through 4 vessel registered. All monies received
17 from the additional registration fee provided under this
18 subsection shall be remitted monthly to the State Treasurer to
19 be deposited into the State Reservoir Management Grant Fund
20 not later than 10 days after the first of each month."

21 Section 3. This act shall become effective January
22 1, 2022, following its passage and approval by the Governor,
23 or its otherwise becoming law.