

1 HB344
2 198279-1
3 By Representatives Marques, Simpson, Brown (C), Sorrells,
4 Stringer, McMillan, Shiver, Wilcox, Clarke, Drummond, Allen,
5 Lee, Faust, Pringle, Bracy and Clouse
6 RFD: Agriculture and Forestry
7 First Read: 03-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.