

1 HB578
2 211654-1
3 By Representatives Hanes, Easterbrook, Dismukes, Wadsworth,
4 Mooney, Stringer, Greer and Sells
5 RFD: Agriculture and Forestry
6 First Read: 01-APR-21

8 SYNOPSIS: This bill would require the Department of
9 Conservation and Natural Resources to issue not
10 less than 40 licenses for paddlefishing on the
11 Tennessee River, the Alabama River, and the
12 Tombigbee River for a season to run from December 1
13 to April 30.

14 The bill would provide for the cost of the
15 licenses, for the regulation of fishing for
16 paddlefish by nets, for the processing of
17 paddlefish roe, and for criminal penalties.

18 Although this bill would have as its purpose
19 or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded
21 from further requirements and application under
22 Amendment 621, as amended by Amendment 890, now
23 appearing as Section 111.05 of the Official
24 Recompilation of the Constitution of Alabama of
25 1901, as amended, because the bill defines a new
26 crime or amends the definition of an existing
27 crime.

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 Relating to commercial fishing; to provide for the
14 issuance of licenses to fish for paddlefish on the Tennessee
15 River, the Alabama River, and the Tombigbee River and for the
16 fishing season; to regulate the fishing for paddlefish on the
17 Tennessee River, the Alabama River, and the Tombigbee River
18 and for the processing of paddlefish roe by the fisherman; and
19 in connection therewith would have as its purpose or effect
20 the requirement of a new or increased expenditure of local
21 funds within the meaning of Amendment 621 of the Constitution
22 of Alabama of 1901, as amended by Amendment 890, now appearing
23 as Section 111.05 of the Official Recompilation of the
24 Constitution of Alabama of 1901 as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) There shall be an open season for the
2 fishing for paddlefish from December 1 to April 30 on the
3 Tennessee River, the Alabama River, and the Tombigbee River.

4 (b) The Department of Conservation and Natural
5 Resources may not issue more than 40 licenses for the
6 paddlefish season to residents and nonresidents. The cost of a
7 license for a resident shall be one thousand dollars (\$1,000)
8 per season. A license may be issued to a nonresident only if a
9 nonresident is the resident of a state that allows an Alabama
10 resident to purchase a paddlefish license and the cost of the
11 nonresident license shall be the same as the cost of a license
12 in that state to an Alabama resident. Any applicant for a
13 paddlefish fishing license who has participated in the
14 paddlefish management program of the department shall have
15 first option to purchase a paddlefish license. Any licenses
16 remaining available after licenses have been issued to
17 fishermen eligible to purchase the licenses based on the above
18 priority shall be issued on a first come, first served basis.

19 Section 2. A paddlefish licensee may fish for
20 paddlefish subject to the following rules:

21 (1) The licensee may fish only with gill nets having
22 a webbing mesh size not less than six inches in mesh size.

23 (2) Nets may be tied or hobbled down or may be
24 fished without being tied or hobbled down.

25 (3) Nets may not exceed 100 yards in length.

26 (4) Nets may not be used within 25 feet of the bank
27 from a boat except nets may be anchored or tied to the bank

1 and may be straightened using a boat provided the mesh does
2 not start within 25 feet from the bank.

3 (5) Not more than 10 nets may be fished at any time.

4 (6) Nets used for fishing shall be maintained and
5 checked not less than every 24 hours.

6 (7) The licensee shall be allowed one unlicensed
7 helper on the boat while fishing and processing roe.

8 Section 3. The Department of Conservation and
9 Natural Resources shall issue 100 tags to each licensee, which
10 shall be placed on any paddlefish removed from the water. The
11 licensee shall be limited to 100 female paddlefish with roe.
12 Female paddlefish of any length may be taken and any fish
13 taken shall be tagged within a reasonable time after being
14 taken. The roe shall be removed only on the boat and within 50
15 yards of the dock. The roe from each paddlefish shall be
16 placed in a separate container for each fish and the tag shall
17 be attached to the container. The fish from which the roe was
18 harvested shall remain on the boat while being processed and
19 during transport to the buyer. The licensee may keep up to 10
20 fish that do not have roe and are not capable of swimming.

21 Section 4. A person who violates this act shall be
22 guilty of a misdemeanor punishable by a fine not to exceed
23 five hundred dollars (\$500).

24 Section 5. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, as amended

1 by Amendment 890, now appearing as Section 111.05 of the
2 Official Recompilation of the Constitution of Alabama of 1901,
3 as amended, because the bill defines a new crime or amends the
4 definition of an existing crime.

5 Section 6. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.