

HB313 INTRODUCED



1 HB313
2 KLNCAU5-1
3 By Representative Easterbrook
4 RFD: Agriculture and Forestry
5 First Read: 07-Mar-24



4 SYNOPSIS:

5 Under existing law, the Department of
6 Conservation and Natural Resources is responsible for
7 regulating hunting.

8 This bill would further provide for the season
9 during which dogs may be used to hunt deer in certain
10 counties in this state.

11 This bill would provide penalties for violations
12 relating to hunting deer with dogs.

13 This bill would require the Commissioner of the
14 Department of Conservation and Natural Resources to
15 provide a semiannual report detailing all citations and
16 warnings issued by game wardens to the Legislature,
17 advisory board of the department, and public.

18 This bill would also make nonsubstantive,
19 technical revisions to update the existing code
20 language to current style

21 Section 111.05 of the Constitution of Alabama of
22 2022, prohibits a general law whose purpose or effect
23 would be to require a new or increased expenditure of
24 local funds from becoming effective with regard to a
25 local governmental entity without enactment by a 2/3
26 vote unless: it comes within one of a number of
27 specified exceptions; it is approved by the affected
28 entity; or the Legislature appropriates funds, or



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provides a local source of revenue, to the entity for the purpose.

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

A BILL TO BE ENTITLED AN ACT

Relating to deer hunting; to further provide for the hunting of deer using dogs in certain counties; to provide penalties for violations; to amend Section 9-2-14, Code of Alabama 1975, to require the Commissioner of the Department of Conservation and Natural Resources to provide a semiannual report detailing the citations and warnings issued by game wardens; and to make nonsubstantive, technical revisions to update the existing code language to current style; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.



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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) All dogs used for taking or attempting to take, trailing, pursuing, or disturbing deer or blood tracking must wear a collar or tag legibly displaying the name and phone number of the owner of the dog.

(b) (1) No individual shall remove, tamper, or otherwise interfere with any collar or tag, including a remote tracking and behavior correction device, of a dog used for hunting without the owner's permission.

(2) A violation of subsection (b) shall be punishable by a fine of one thousand dollar (\$1,000) to be collected by the Department of Conservation and Natural Resources.

Section 2. Game wardens employed by the Department of Conservation and Natural Resources shall investigate any reported incident of a dog being intentionally killed or injured while engaged in hunting activities to determine if the crime of cruelty to animals has been committed as provided in Section 13A-11-14, Code of Alabama 1975.

Section 3. (a) This section shall only apply to a county, or portion thereof, in which hunting deer with dogs was prohibited prior to the 2022-2023 deer hunting season based on an action taken by the Advisory Board of Conservation and Natural Resources or through a limitation of season dates by the Commissioner of Conservation and Natural Resources.

(b) Commencing on July 1, 2025, hunting deer using dogs shall be allowed in those counties, or portions thereof, as provided in subsection (a). The 2025-2026 deer hunting season shall have a minimum of 21 days on which hunting deer with



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85 dogs is allowed. The 2026-2027 deer hunting season shall have
86 a minimum of 30 days on which hunting deer with dogs is
87 allowed. The 2027-2028 deer hunting season, and every deer
88 hunting season thereafter, shall have a minimum of 45 days on
89 which hunting deer with dogs is allowed.

90 Section 4. (a) No hunter using dogs to hunt deer may
91 knowingly or negligently cast the dogs onto any property, nor
92 allow the dogs to trail or pursue game onto any property,
93 without the prior written consent of the landowner or being
94 accompanied by the landowner or person in possession or
95 control of the land.

96 (b) A first violation of this section shall result in a
97 one hundred dollar (\$100) fine. A second violation within the
98 same deer hunting season shall result in a two hundred fifty
99 dollar (\$250) fine. A third or subsequent violation within the
100 same deer hunting season shall result in a five hundred dollar
101 (\$500) fine.

102 Section 5. (a) A hunter using dogs to hunt deer shall
103 equip each dog with an electronic tracking and correction
104 collar. The collar shall be in use any time a dog is on the
105 ground and participating in a hunt. The collar shall not be
106 required to be worn when a dog is kenneled or in a transport
107 dog box.

108 (b) A first violation of this section shall result in a
109 warning. A second violation within the same deer hunting
110 season shall result in a two hundred fifty dollar (\$250) fine.
111 A third or subsequent violation within the same deer hunting
112 season shall result in a five hundred dollar (\$500) fine.



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Section 6. Section 9-2-14, Code of Alabama 1975, is amended to read as follows:

"§9-2-14

(a) There shall be an Advisory Board of Conservation and Natural Resources. The board shall consist of the Governor, the Commissioner of Agriculture and Industries, the Director of the Agricultural Extension System ex officio, and 10 other members to be appointed by the Governor, one of whom the Governor shall designate as ~~chair~~ Chair of the Advisory Board of Conservation and Natural Resources. The appointed members of the board shall be selected with special reference to training and experience along one or more of the principal lines of activity vested in the Department of Conservation and Natural Resources. The Governor shall coordinate his or her appointments to assure the board's membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of this state. The term of office of each appointed member of the board shall be six years. Of members first appointed, however, two members shall be appointed for two years, three members shall be appointed for four years, two members shall be appointed for five years, and three members shall be appointed for six years. The members of the board shall receive no salary or compensation as members of the board, but shall be reimbursed for expenses of travel, meals, and lodging while in the performance of their duties as members of the board, pursuant to Article 2 of Chapter 7 of Title 36.

(b) After July 1, 1998, the members of the ~~advisory~~



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board appointed by the Governor shall be appointed so that one member of the board is a resident of each congressional district as the districts are constituted on January 1, 1998, and no more than two members are residents of the same congressional district. If a member appointed from a congressional district ceases to be a resident of the district from which appointed, the member shall vacate his or her office. This subsection shall not affect the term or reappointment of any current member of the board.

(c) (1) The board shall hold semiannual regular meetings at the time and place designated by the chair of the board or the Commissioner of Conservation and Natural Resources. The chair of the board or the ~~Commissioner of Conservation and Natural Resources~~ commissioner may call special meetings as may be necessary.

(2) Prior to each semiannual meeting of the board, the commissioner shall provide a report detailing all citations and warnings issued by game wardens for violations of fish and game laws and rules within this state during the period of time following the previous semiannual meeting. The report shall be structured in a manner that provides the law or rule violated for each citation or warning and the county in which the violation occurred. The report shall also be provided to the Chair of the House of Representatives State Agriculture and Forestry Committee, the Chair of the Senate Agriculture, Conservation, and Forestry Committee, and be made public record when it is provided to the board.

(d) The Commissioner of Conservation and Natural



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Resources shall be ex officio secretary of the board and shall keep minutes of all meetings and a record of all proceedings of the board. The commissioner shall receive no additional compensation for the services.

(e) On a transitional basis, one additional transitional member of the ~~Advisory Board of Conservation and Natural Resources~~ board shall be appointed by the Governor from each congressional district as constituted on January 1, 1998, which is not currently represented on the board. A transitional member shall serve a term of six years or until a permanent member of the ~~advisory~~ board is appointed to represent the congressional district where the transitional member resides. A transitional member may be appointed a permanent member to a full term of office. Transitional members of the board shall have the same powers, rights, and duties, and shall be reimbursed for expenses in the same manner as other members of the ~~advisory~~ board during their service on the board.

(f) Notwithstanding any other law to the contrary, any action taken by the commissioner or the board that results in the closure or diminishment of the ability of a private landowner to hunt deer with dogs or to allow the hunting of deer with dogs on his or her owned land shall be subject to the Alabama Administrative Procedure Act, Chapter 22 of Title 41. This includes the establishment of dates for a season during which deer may be hunted using dogs.

(g) The department shall adopt rules to implement this section."



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197 Section 7. Although this bill would have as its purpose
198 or effect the requirement of a new or increased expenditure of
199 local funds, the bill is excluded from further requirements
200 and application under Section 111.05 of the Constitution of
201 Alabama of 2022, because the bill defines a new crime or
202 amends the definition of an existing crime.

203 Section 8. This act shall become effective on October
204 1, 2024.