

1 HB152
2 189489-1
3 By Representative Weaver
4 RFD: Agriculture and Forestry
5 First Read: 11-JAN-18

2
3
4
5
6
7
8 SYNOPSIS: Existing law provides for a game breeder's
9 license that authorizes the license holder to
10 engage in the business of raising certain protected
11 game animals native to the state and provides for a
12 nonindigenous game breeder option to the game
13 breeder license that authorizes the license holder
14 to breed certain non-native animals.

15 Existing law also provides criminal
16 penalties for violating the game breeder's
17 licensing requirements.

18 This bill would further provide for the
19 issuance of a game breeder's license and would
20 alter the criminal penalties to apply only to
21 persons who intentionally violate the game
22 breeder's licensing requirements, such as through
23 willfully failing to file for a license or
24 falsifying records.

25 Amendment 621 of the Constitution of Alabama
26 of 1901, now appearing as Section 111.05 of the
27 Official ReCompilation of the Constitution of

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

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

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Sections 9-11-30 and 9-11-31.1 of the Code
24 of Alabama 1975, relating to game breeder's licenses; to
25 further provide for the issuance of a license; to apply
26 criminal penalties only to those who intentionally violate the
27 licensing requirements; and in connection therewith to have as

1 its purpose or effect the requirement of a new or increased
2 expenditure of local funds within the meaning of Amendment 621
3 of the Constitution of Alabama of 1901, now appearing as
4 Section 111.05 of the Official ReCompilation of the
5 Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 9-11-30 and 9-11-31.1 of the
8 Code of Alabama 1975, are amended to read as follows:

9 "§9-11-30.

10 "(a) For the purposes of this section, Section
11 9-11-31, and Section 9-11-31.1, the term "protected game
12 animals and game birds" means any species of bird or animal
13 designated by the Commissioner of Conservation and Natural
14 Resources by regulation pursuant to Section 9-2-7, species of
15 the family Cervidae documented by the department to exist in
16 the wild in this state prior to May 1, 2006, which are
17 whitetail deer, elk, and fallow deer, or species of
18 nonindigenous animals lawfully brought into this state prior
19 to May 1, 2006, and their offspring.

20 "(b) (1) Pursuant to the requirements and
21 restrictions of subdivisions (2) and (3), the Commissioner of
22 Conservation and Natural Resources ~~may~~ shall issue an annual
23 game breeder's license to any properly accredited person,
24 firm, corporation, or association authorizing a game breeder
25 to engage in the business of raising protected game birds,
26 game animals, or fur-bearing animals, for propagating purposes
27 in this state.

1 "(2) Before a license is issued, the Commissioner of
2 Conservation and Natural Resources shall make or cause to be
3 made a thorough investigation and therefrom determine the
4 qualifications, responsibility, and equipment of the applicant
5 for entering upon the business of breeding, raising, and
6 handling of game birds and game or fur-bearing animals.

7 "(3) No license shall be issued or renewed for any
8 person, firm, corporation, or association or any principal
9 officer or partner in a firm, corporation, or association
10 which is convicted of violating subsection (c) of Section
11 9-2-13 after May 1, 2006, or for the premises of any person,
12 firm, corporation, or association whose license privileges are
13 revoked after May 1, 2006.

14 "(4) A game breeder's license shall expire on
15 September 30 of the year in which issued, unless renewed,
16 except that any license issued pursuant to this section
17 between May 1, 2006, and September 30, 2006, shall expire on
18 September 30, 2006.

19 "(5) The commissioner shall promulgate rules for
20 engaging in the business of breeding, raising, producing, and
21 handling of protected game birds and game animals or
22 fur-bearing animals or their eggs, embryos, or semen.

23 "(c) (1) The fees for issuance of licenses pursuant
24 to this section shall be two hundred fifty dollars (\$250) for
25 all species, except members of the family Cervidae.

26 "(2) The license fee for breeding members of the
27 family Cervidae shall be two hundred fifty dollars (\$250) for

1 the first 50 animals, five hundred dollars (\$500) for 51 to
2 100 animals, and one thousand dollars (\$1,000) for any number
3 of animals in excess of 100.

4 "(3) License fees under this section shall be based
5 on the number of animals on hand as of the immediately
6 preceding April 1 of each year.

7 "§9-11-31.1.

8 "(a) Any person, firm, corporation, or association
9 who intentionally violates Section 9-11-30 or 9-11-31, or any
10 rules promulgated pursuant to Section 9-11-30 or 9-11-31,
11 including, but not limited to, willfully failing to obtain a
12 license or falsifying records, shall be guilty of a
13 misdemeanor and, upon conviction, shall be fined no less than
14 five hundred dollars (\$500) nor more than two thousand dollars
15 (\$2,000) for each offense and in addition, may have all game
16 breeder's license privileges revoked for a period of up to two
17 years from the date of conviction.

18 "(b) Any second offense within five years shall be
19 punishable, upon conviction, by a fine of not less than one
20 thousand dollars (\$1,000) nor more than two thousand dollars
21 (\$2,000) for each offense and shall have all game breeder's
22 license privileges revoked for a period of up to two years
23 from the date of conviction.

24 "(c) Any third or subsequent offenses within five
25 years shall be punishable, upon conviction, by a fine of not
26 less than two thousand dollars (\$2,000) for each offense and
27 shall have all game breeder's license privileges revoked

1 permanently and all stock be disposed of as directed by the
2 Commissioner of Conservation and Natural Resources, and, in
3 addition, the principal officers or partners of the firm,
4 corporation, or association shall not be eligible for
5 licensing pursuant to Section 9-11-30 or eligible to serve as
6 an officer of any firm, corporation, or association licensed
7 pursuant to Section 9-11-30."

8 Section 2. Although this bill would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds, the bill is excluded from further
11 requirements and application under Amendment 621, now
12 appearing as Section 111.05 of the Official Recompilation of
13 the Constitution of Alabama of 1901, as amended, because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

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