

1 SB97
2 197143-1
3 By Senators Sessions, Williams and Price
4 RFD: Agriculture, Conservation and Forestry
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, a violation of a law or
9 rule adopted by the Department of Conservation and
10 Natural Resources relating to wildlife management
11 areas is an unclassified misdemeanor offense.

12 This bill would classify the offense as a
13 Class C misdemeanor and update the fines and
14 sentencing ranges.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

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.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 To amend Section 9-11-307, Code of Alabama 1975,
14 relating to penalties for violating laws or rules adopted by
15 the Department of Conservation and Natural Resources relating
16 to wildlife management areas; to classify the offense as a
17 Class C misdemeanor and update the fines and sentencing
18 ranges; and in connection therewith to have as its purpose or
19 effect the requirement of a new or increased expenditure of
20 local funds within the meaning of Amendment 621 of the
21 Constitution of Alabama of 1901, now appearing as Section
22 111.05 of the Official Recompilation of the Constitution of
23 Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 9-11-307, Code of Alabama 1975,
26 is amended to read as follows:

27 "§9-11-307.

1 "Any person violating ~~any of the provisions of this~~
2 article or any rule ~~or regulation promulgated~~ adopted by the
3 Commissioner of the Department of Conservation and Natural
4 Resources under the authority of this article shall be guilty
5 of a Class C misdemeanor ~~and, upon conviction, shall be fined~~
6 ~~not less than \$25.00 nor more than \$100.00 or imprisoned for~~
7 ~~not less than 30 days nor more than 12 months, or both,~~
8 punishable as provided by law, except that the minimum fine
9 shall not be less than one hundred dollars (\$100)."

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

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