

1 HB631  
2 213324-4  
3 By Representatives Crawford and Whitt  
4 RFD: Agriculture and Forestry  
5 First Read: 15-APR-21

1  
2 ENROLLED, An Act,

3           Relating to public waterways; to establish the  
4 Alabama State Reservoir Management Development Program within  
5 the Department of Conservation and Natural Resources; to  
6 provide for the award of grants to qualified local entities;  
7 to amend Sections 33-5-6, 33-5-10, and 33-5-17, Code of  
8 Alabama 1975, relating to the registration and operation of  
9 vessels, to provide for an additional registration fee and the  
10 distribution of those fees; and to make nonsubstantive,  
11 technical revisions to update the existing code language to  
12 current style.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14           Section 1. (a) This section shall be known and may  
15 be cited as the Alabama State Reservoir Management Development  
16 Act.

17           (b) For the purposes of this act, the following  
18 words have the following meanings:

19           (1) DEPARTMENT. The Department of Conservation and  
20 Natural Resources.

21           (2) LOCAL ENTITY. One or more of the following:

22           a. A county.

23           b. An incorporated municipality.

24           c. An unincorporated municipality.

25           d. A public entity of a county or municipality.

1 e. A local public-private partnership.

2 (3) LOCAL PUBLIC-PRIVATE PARTNERSHIP. Any  
3 partnership between a county, incorporated municipality,  
4 unincorporated municipality, or any other public entity of a  
5 county or municipality and a private organization.

6 (4) QUALIFIED LOCAL ENTITY. Local entity with an  
7 existing reservoir and reservoir debris management plan.

8 (5) STATE RESERVOIR. A quantity of any public  
9 spring, brook, creek, stream, river, pond, swamp, lake,  
10 reservoir, impoundment, sound, tidal estuary, bay, waterway,  
11 aquifer, or any other body or accumulation of water, surface  
12 water, or ground water, natural or artificial, that does any  
13 of the following:

14 a. Is contained within the borders of this state.

15 b. Flows through or to this state or any portion  
16 thereof.

17 c. Borders upon this state or any portion thereof,  
18 including those portions of the Gulf of Mexico over which this  
19 state has jurisdiction.

20 (c) (1) The Commissioner of the Department of  
21 Conservation and Natural Resources shall establish and  
22 administer the state reservoir management grant program for  
23 the purpose of addressing short-term and long-term projects  
24 outlined in reservoir management and reservoir debris  
25 management plans.

1           (2) The Commissioner shall adopt rules necessary to  
2 administer the program and meet the future needs of the grant  
3 program. Initial rules to implement the program shall be  
4 adopted not later than April 1, 2022.

5           (d) The state reservoir management grant program  
6 shall be administered pursuant to policies developed by the  
7 department in compliance with this section. The policies shall  
8 provide for the awarding of grants to qualified local  
9 entities.

10           (e) There is created the State Reservoir Management  
11 Grant Fund in the State Treasury. The fund is subject to  
12 appropriations by the Legislature and gifts, grants, and other  
13 donations received by the department for the state reservoir  
14 management grant program or fund. The department may not spend  
15 appropriations for the program for purposes other than those  
16 listed in this section. Any monies appropriated to the  
17 department for reservoir management grants that are unspent at  
18 the end of a fiscal year shall be carried over for use by the  
19 program in the next fiscal year. The department is prohibited  
20 from expending more than three percent of the total amount  
21 appropriated for the program on administrative expenses in any  
22 fiscal year. Monies in the fund shall be invested by the State  
23 Treasurer for the sole benefit of the fund.

24           (f) Individual grants awarded by the department  
25 under this section may only be awarded for projects included

1 in reservoir management and reservoir debris management plans.  
2 Grants may be awarded to a qualified local entity based on  
3 criteria developed by the department for projects for any of  
4 the following purposes:

5 (1) To control invasive aquatic species in state  
6 reservoirs.

7 (2) To remove debris from navigable waters within  
8 state reservoirs primarily after declared natural disasters.

9 (3) To install, maintain, and repair navigational  
10 aids or regulatory signs that are officially designated by the  
11 Alabama State Law Enforcement Agency.

12 (g) Prior to awarding a grant under this section,  
13 the qualified local entity shall obtain written concurrence  
14 from the owner or operator, or both, of the applicable state  
15 reservoir and submit it to the department. No project that  
16 receives a grant under this section shall conflict or  
17 interfere with any right or obligation of an owner or operator  
18 of such state reservoir or otherwise create any duty or  
19 liability for such owner or operator with respect to a project  
20 for which a grant is awarded.

21 ~~(g)~~ (h) Beginning October 1, 2022, and each October  
22 1 thereafter, applicants may submit grant applications.  
23 Applications for eligible projects shall be evaluated  
24 according to a system developed by the department. The  
25 department shall announce grant awards by February 1 of the

1 following year. Grant applications shall be published by the  
2 department online at the time of the award announcement.  
3 Grants issued by the department shall be conditioned upon  
4 compliance with the terms of the grant, but shall not  
5 otherwise be revocable. Grant awards shall be paid within 60  
6 days upon the department receiving written certification of  
7 the completion of the project and evidence of compliance with  
8 the terms of the grant as prescribed by the department.

9 ~~(h)~~ (i) Any grant shall be conditioned on the  
10 completion of the project within two years of the awarding of  
11 the grant. If the grant is not completed, the applicant may  
12 not apply for additional grants within the two-year period.

13 ~~(i)~~ (j) Each qualified state or local entity shall  
14 contribute matching funds equal to 50 percent of the total  
15 amount of the grant award. Grant funds may also be used as  
16 matching funds for any state or federal program that addresses  
17 the purposes of this section.

18 ~~(j)~~ (k) If grant funds are returned for any reason,  
19 the funds shall be deposited in the Alabama State Reservoir  
20 Management Grant Fund and shall be available for award the  
21 next grant year.

22 Section 2. Sections 33-5-6, 33-5-10, and 33-5-17,  
23 Code of Alabama 1975, are amended to read as follows:

24 "§33-5-6.

1           " This article shall be enforced by the ~~Department of~~  
2 ~~Conservation and Natural Resources~~ Alabama State Law  
3 Enforcement Agency, Division of Marine Police, by all  
4 ~~law-enforcement~~ law enforcement officers of the state and by  
5 ~~such~~ other agents and employees of the ~~Department of~~  
6 ~~Conservation and Natural Resources~~ agency as ~~may be~~ designated  
7 and required by the ~~commissioner~~ Secretary of the Alabama  
8 State Law Enforcement Agency.

9           "§33-5-10.

10           "(a) The ~~Department of Conservation and Natural~~  
11 ~~Resources will~~ agency shall issue annual certificates of  
12 registration directly and shall authorize all ~~probate~~ judges  
13 of probate in the state or any other official in the state who  
14 is presently authorized to issue automobile license plates to  
15 issue annual certificates of registration and numbers in  
16 connection therewith. In conformity with this article and any  
17 ~~rules and regulations which may be validly issued~~ adopted by  
18 the ~~Department of Conservation and Natural Resources~~ agency,  
19 the ~~Department of Conservation and Natural Resources~~ agency  
20 shall assign to each issuing officer in the county a block of  
21 numbers and certificates therefor which upon issue, the  
22 issuing officer shall be allowed a fee of two dollars (\$2) for  
23 each certificate issued by him or her. In counties where the  
24 ~~probate~~ judge of probate or issuing officer is on the fee  
25 system, the issuing fee shall be retained by the ~~probate~~ judge

1 of probate, and, in counties where the issuing officer or  
2 ~~probate~~ judge of probate is on a salary basis, the fee shall  
3 be paid to the county treasury. The issuance fee provided for  
4 herein shall be in addition to the amount of the boat  
5 registration fee.

6 "(b) All registration money, except the two dollar  
7 (\$2) fee allowed ~~as aforesaid~~ under subsection (a), shall be  
8 remitted monthly to the ~~Department of Conservation and Natural~~  
9 ~~Resources~~ agency not later than 10 days after the first of  
10 each month. The ~~Department of Conservation and Natural~~  
11 ~~Resources~~ agency shall ~~transmit~~ remit the registration money  
12 ~~all money received by it~~ to the State Treasurer, ~~there~~ to be  
13 deposited in ~~a fund to be known as~~ the "State Water Safety  
14 Fund."

15 "(c) All ~~moneys~~ monies received out of the sale of  
16 licenses under ~~the provisions of~~ this article may be used by  
17 the ~~Commissioner of the Department of Conservation and Natural~~  
18 ~~Resources~~ agency for all purposes reasonably necessary in the  
19 cost of administration of this article, including the printing  
20 of certificates of registration, postage and transportation  
21 charges, clerical, personnel, equipment purchases, salaries,  
22 and other expenses for each year; except, that no funds  
23 collected under ~~the provisions of~~ this article may be used to  
24 supplement or pay the salaries of any law enforcement officers  
25 other than those hired specifically for the purposes of



1 administering ~~the provisions of~~ this article. The ~~Commissioner~~  
2 ~~of the Department of Conservation and Natural Resources~~  
3 secretary shall expend ~~such moneys as may be~~ the monies  
4 appropriated to the Marine Police Division, ~~in such manner~~ as  
5 the ~~Commissioner of Conservation and Natural Resources~~  
6 secretary ~~may deem~~ deems necessary and appropriate; provided,  
7 however, that ~~such~~ the appropriations may be expended only for  
8 the purposes designated by the Legislature and in the amounts  
9 provided therefor in the general appropriation bill and shall  
10 be budgeted and allotted in accordance with the provisions of  
11 Article 4 of Chapter 4 of Title 41. It is the intent of the  
12 Legislature that the ~~Department of Conservation and Natural~~  
13 ~~Resources~~ agency utilize existing personnel and equipment of  
14 ~~that department~~ the agency and of the sheriffs of this state  
15 to the maximum possible extent in enforcing and administering  
16 this article, to the end that there be no costly duplication  
17 of services.

18 "§33-5-17.

19 "(a) Vessels subject to the provisions of this  
20 article shall be classified according to the following  
21 schedule and annual fees charged by the ~~Department of~~  
22 ~~Conservation and Natural Resources~~ Alabama State Law  
23 Enforcement Agency for registration shall be in the following  
24 amounts:

1           "CLASS 1. Less than 16 feet in length, eighteen  
2 dollars (\$18) plus a two dollar (\$2) issuance fee.

3           "CLASS 2. Sixteen feet or over and less than 26 feet  
4 in length, twenty-three dollars (\$23) plus a two dollar (\$2)  
5 issuance fee.

6           "CLASS 3. Twenty-six feet or over and less than 40  
7 feet in length, seventy-three dollars (\$73) plus a two dollar  
8 (\$2) issuance fee.

9           "CLASS 4. Forty feet or over in length, ninety-eight  
10 dollars (\$98) plus a two dollar (\$2) issuance fee.

11           "The above stated fees shall also apply to livery  
12 boats.

13           "CLASS 5. Dealer or manufacturer; temporary license,  
14 twenty-three dollars (\$23) plus a two dollar (\$2) issuance fee  
15 for each license.

16           "(b) In addition to the foregoing fees, there shall  
17 be an inspection fee of twenty-five dollars (\$25) for all  
18 homemade boats which require a hull identification number.

19           "(c) In addition to the foregoing fees, there shall  
20 be an additional registration fee of five dollars (\$5) for  
21 every Class 1 through 4 vessel registered. All monies received  
22 from the additional registration fee provided under this  
23 subsection shall be remitted monthly to the State Treasurer to  
24 be deposited into the State Reservoir Management Grant Fund  
25 not later than 10 days after the first of each month."

1                   Section 3. This act shall become effective January  
2           1, 2022, following its passage and approval by the Governor,  
3           or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 22-APR-21.

Jeff Woodard  
Clerk

Senate	04-MAY-21	Amended and Passed
House	06-MAY-21	Concurred in Senate Amendment