

HB248 INTRODUCED



1 ME5BHW-1

2 By Representatives Lipscomb, Kiel, Shaw, Butler, Robertson,
3 Underwood, Rigsby, Rehm, Sorrells, Marques, Woods, Stringer,
4 Hurst, Oliver, Wood (D), DuBose, Cole, Reynolds, Pringle,
5 Brown, Shedd, Lee, Whitt, Bolton, Easterbrook, Kirkland,
6 Ensler, Travis, Hollis, Givens, Holk-Jones, Shirey, Lamb,
7 Gidley, Lovvorn, Paramore, Hill, Standridge, Crawford,
8 Harbison, Estes, Kitchens, Colvin, Faulkner, Rafferty, Lomax,
9 Ellis, Smith

10 RFD: Ports, Waterways & Intermodal Transit

11 First Read: 04-Apr-23

12



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, the Commissioner of the Department of Conservation and Natural Resources may introduce desirable species of game fish into the waters of the state.

This bill would prohibit a person from introducing or placing any fish into the waters of the state without a permit issued by the Commissioner of the Department of Conservation and Natural Resources, and would provide exceptions.

This bill would require the commissioner to issue a permit to release black bass into the Coosa River under certain circumstances.

This bill would provide penalties for violations.

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



HB248 INTRODUCED

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

36

37

38

A BILL

39

TO BE ENTITLED

40

AN ACT

41

42

43

44

45

46

47

48

49

50

51

52

Relating to natural resources; to prohibit a person from introducing or placing fish into the waters of the state without a permit issued by the Commissioner of the Department of Conservation and Natural Resources; to provide exceptions; to require the commissioner to issue a permit for the introduction of black bass into the Coosa River in certain circumstances; to provide for penalties; 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.

53

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

54

55

56

Section 1. (a) No person shall introduce or place, or attempt to introduce or place, any fish into the waters of the state without a permit issued by the Commissioner of the



HB248 INTRODUCED

57 Department of Conservation and Natural Resources.

58 (b) Subsection (a) does not apply to wholly private
59 waters that have no connection to public waters of the state.
60 A person violates subsection (a) when fish the person has
61 placed into private waters escape into public waters of the
62 state and the person does not possess a permit.

63 (c) A permit shall be issued by the Commissioner of the
64 Department of Conservation and Natural Resources to a
65 municipality or private entity associated with fishing or
66 conservation allowing the introduction and placement of black
67 bass into the Coosa River if all of the following are
68 satisfied:

69 (1) The municipality or private entity obtains the
70 black bass from a fish hatchery located in this state that is
71 approved by the department.

72 (2) The only black bass being introduced or placed into
73 the Coosa River are the Northern Largemouth Bass (*Micropterus*
74 *salmoides*) subspecies, the Florida Bass (*Micropterus salmoides*
75 *floridanus*) subspecies, or a first generation offspring of
76 these two subspecies.

77 (3) The municipality or private entity bears all costs
78 associated with the purchase, transport, and introduction of
79 black bass.

80 (d) The Department of Conservation and Natural
81 Resources shall adopt rules as necessary to implement this
82 section.

83 (e) Any person who violates this section shall be
84 guilty of a misdemeanor and upon conviction shall be punished



HB248 INTRODUCED

85 by a fine of not less than two hundred fifty dollars (\$250)
86 nor more than five hundred dollars (\$500) for each offense.

87 Section 2. Although this bill would have as its purpose
88 or effect the requirement of a new or increased expenditure of
89 local funds, the bill is excluded from further requirements
90 and application under Section 111.05 of the Constitution of
91 Alabama of 2022, because the bill defines a new crime or
92 amends the definition of an existing crime.

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