

1 HB259
2 164650-4
3 By Representatives Greer, Nordgren, Whorton (R), Pettus,
4 Sanderford, Rich, Collins, Patterson, Ledbetter and
5 Williams (P)
6 RFD: Agriculture and Forestry
7 First Read: 12-MAR-15

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8 SYNOPSIS: Under existing law, the Department of
9 Conservation and Natural Resources regulates the
10 harvesting of paddlefish (spoonbill) in this state.
11 Under department rules, paddlefish harvesting has
12 been limited, with only 15 commercial paddlefish
13 licenses issued for harvesting from February 1,
14 2015, to March 21, 2015.

15 This bill would require the department to
16 establish a commercial paddlefish harvesting season
17 in the Tennessee River and all of its tributaries,
18 beginning November 20 and continuing through April
19 7 of each year.

20 This bill would allow the department to
21 issue up to 60 resident licenses and five
22 nonresident licenses at any given time, with
23 current commercial paddlefish license holders
24 allowed to continue to harvest paddlefish.

25 This bill would also provide for license
26 fees, size limits, and other procedures for the

1 harvesting of paddlefish and would create criminal
2 penalties for violations.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

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

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to paddlefish; to require the Department of
2 Conservation and Natural Resources to establish a commercial
3 paddlefish harvesting season for the Tennessee River and its
4 tributaries; to specify the number of licenses issued; to
5 provide for a license fee; to specify size limits and other
6 procedures for the harvesting of paddlefish; to provide
7 criminal penalties for violations; and in connection therewith
8 would have as its purpose or effect the requirement of a new
9 or increased expenditure of local funds within the meaning of
10 Amendment 621 of the Constitution of Alabama of 1901, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) (1) Notwithstanding any other law to
15 the contrary, the Department of Conservation and Natural
16 Resources shall establish a commercial paddlefish harvesting
17 season in the Tennessee River, including all of its
18 tributaries, beginning November 20 continuing through April 7
19 each year.

20 (2) Commercial paddlefish harvesting may occur at
21 any time, day or night, during the season provided under
22 subdivision (1).

23 (b) (1) Except as provided in subdivision (2), the
24 department may issue up to 60 resident and five nonresident
25 commercial paddlefish licenses at any given time. A
26 nonresident commercial paddlefish license may only be issued

1 to a resident of a state that has a reciprocity agreement with
2 this state regarding commercial paddlefish harvesting.

3 (2) A person issued a commercial paddlefish license
4 by the department in the three years prior to the effective
5 date of this act, or a person who has invested significant
6 resources in equipment for commercial paddlefish harvesting
7 and was issued a permit to purchase and process paddlefish roe
8 in the three years prior to the effective date of this act,
9 shall be issued a commercial paddlefish license.

10 (3) A commercial paddlefish license issued pursuant
11 to subsection (a) shall be counted in the license limits
12 provided in subdivision (1).

13 (4)a. The license fee for a resident commercial
14 paddlefish license is one thousand dollars (\$1,000).

15 b. The license fee for a nonresident commercial
16 paddlefish license is the amount the state in which the
17 nonresident resides collects for a nonresident commercial
18 paddlefish license in that state.

19 (c) Roe from the paddlefish may be removed at the
20 time the fish is caught.

21 (d) A person fishing for paddlefish pursuant to this
22 section shall use up to 10 300-foot gill, hobble, or trammel
23 nets with nylon monofilament, multi-twist or multi-strand
24 netting. Nets may not exceed 24 feet in depth with mesh size
25 of not less than six inches square or 12 inches stretch.

26 (e) The size limit for a paddlefish is 34 inches,
27 measured from the eye to the fork of the caudal fin.

1 (f) A person in violation of this section shall be
2 guilty of a Class C misdemeanor.

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

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