

1 HB334
2 211654-3
3 By Representatives Hanes and Whorton
4 RFD: Agriculture and Forestry
5 First Read: 10-FEB-22

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8 SYNOPSIS: This bill would require the Department of
9 Conservation and Natural Resources to issue not
10 less than 40 licenses for paddlefishing on the
11 Tennessee River, the Alabama River, and the
12 Tombigbee River for a season to run from December 1
13 to April 30.

14 The bill would provide for the cost of the
15 licenses, for the regulation of fishing for
16 paddlefish by nets, for the processing of
17 paddlefish roe, and for criminal penalties.

18 Although this bill would have as its purpose
19 or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded
21 from further requirements and application under
22 Amendment 621, as amended by Amendment 890, now
23 appearing as Section 111.05 of the Official
24 Recompilation of the Constitution of Alabama of
25 1901, as amended, because the bill defines a new
26 crime or amends the definition of an existing
27 crime.

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 Relating to commercial fishing; to provide for the
14 issuance of licenses to fish for paddlefish on the Tennessee
15 River, the Alabama River, and the Tombigbee River and for the
16 fishing season; to regulate the fishing for paddlefish on the
17 Tennessee River, the Alabama River, and the Tombigbee River
18 and for the processing of paddlefish roe by the fisherman; to
19 provide penalties; and in connection therewith would have as
20 its purpose or effect the requirement of a new or increased
21 expenditure of local funds within the meaning of Amendment 621
22 of the Constitution of Alabama of 1901, as amended by
23 Amendment 890, now appearing as Section 111.05 of the Official
24 Recompilation of the Constitution of Alabama of 1901, as
25 amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) There shall be an open season for the
2 fishing for paddlefish from December 1 to April 30 on the
3 Tennessee River, the Alabama River, and the Tombigbee River.

4 (b) (1) The Department of Conservation and Natural
5 Resources may not issue more than 40 licenses for the
6 paddlefish season to residents and nonresidents. The cost of a
7 license for a resident shall be one thousand five hundred
8 dollars (\$1,500) per season. A license may be issued to a
9 nonresident only if a nonresident is the resident of a state
10 that allows an Alabama resident to purchase a paddlefish
11 license and the cost of the nonresident license shall be the
12 same as the cost of a license in that state to an Alabama
13 resident. Any applicant for a paddlefish fishing license who
14 has participated in the paddlefish management program of the
15 department shall have first option to purchase a paddlefish
16 license. Any licenses remaining available after licenses have
17 been issued to fishermen eligible to purchase the licenses
18 based on the above priority shall be issued on a first come,
19 first served basis.

20 (2) The proceeds from the fees collected from the
21 issuance of paddlefish licenses pursuant to this section shall
22 be deposited in a special account in the Game and Fish Fund of
23 the Department of Conservation and Natural Resources and shall
24 be continuously appropriated to the department for the
25 purchase of paddlefish fry, fingerlings, or paddlefish to be
26 used for the restocking of the waters where paddlefish are

1 harvested to assure the paddlefish population does not decline
2 as a result of the harvesting.

3 Section 2. A paddlefish licensee may fish for
4 paddlefish subject to the following rules:

5 (1) The licensee may fish only with gill nets having
6 a webbing mesh size not less than six inches in mesh size.

7 (2) Nets may be tied or hobbled down or may be
8 fished without being tied or hobbled down.

9 (3) Nets may not exceed 100 yards in length.

10 (4) Nets may not be used within 25 feet of the bank
11 from a boat, except nets may be anchored or tied to the bank
12 and may be straightened using a boat, provided the mesh does
13 not start within 25 feet from the bank.

14 (5) Not more than 10 nets may be fished at any time.

15 (6) Nets used for fishing shall be maintained and
16 checked not less than every 24 hours.

17 (7) The licensee shall be allowed one unlicensed
18 helper on the boat while fishing and processing roe.

19 Section 3. The Department of Conservation and
20 Natural Resources shall issue 100 tags to each licensee, which
21 shall be placed on any female paddlefish removed from the
22 water. The licensee shall be limited to 100 female paddlefish
23 with roe. Female paddlefish of any length may be taken and any
24 fish taken shall be tagged within a reasonable time after
25 being taken. The roe shall be removed only on the boat and
26 within 50 yards of the dock. The roe from each paddlefish
27 shall be placed in a separate container for each fish and the

1 tag shall be attached to the container. The fish from which
2 the roe was harvested shall remain on the boat while being
3 processed and during transport to the buyer. The licensee may
4 keep up to 10 fish that do not have roe and are not capable of
5 swimming.

6 Section 4. (a) A person who violates this act shall
7 be guilty of a misdemeanor punishable by a fine not to exceed
8 five hundred dollars (\$500).

9 (b) Any licensee who takes more than 100 female
10 paddlefish with roe or takes female paddlefish with roe in
11 excess of the number of tags issued to the licensee, in
12 addition to the penalty provided in subsection (a), may be
13 prohibited from applying for or receiving a paddlefish license
14 under this act for five years.

15 Section 5. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621, as amended
19 by Amendment 890, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of Alabama of 1901,
21 as amended, because the bill defines a new crime or amends the
22 definition of an existing crime.

23 Section 6. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.