

1 SB123
2 164948-1
3 By Senators Whatley and Dial
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under existing law, by regulation of the
9 Department of Conservation and Natural Resources,
10 as it relates to hunting deer on private lands,
11 there is a rebuttable presumption that any bait or
12 feed located beyond 100 yards from the hunter and
13 not within the line of sight of the hunter is not a
14 lure, attraction, or enticement to, on, or over the
15 areas where the hunter is attempting to kill or
16 take the deer.

17 This bill would provide for the voluntary
18 feeding of game by spincast, broadcast, or any
19 other container feeder at any time during the year
20 and would require permits for use of each feeder.
21 This bill would not affect the ability of a person
22 to operate a feeder for purposes other than hunting
23 game.

24 The bill would set the amount of the fee for
25 a permit for each feeder and provide for the
26 disposition of the funds.

1 The bill would also provide penalties for
2 violations.

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

13 The purpose or effect of this bill would be
14 to require a new or increased expenditure of local
15 funds within the meaning of Amendment 621. However,
16 the bill does not require approval of a local
17 governmental entity or enactment by a 2/3 vote to
18 become effective because it comes within one of the
19 specified exceptions contained in Amendment 621.

20
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24
25 To provide for the feeding of game by spincast,
26 broadcast, or any container feeders; to require a permit for
27 each spincast, broadcast, or container feeder; to prescribe

1 the fees for each permit; to prescribe penalties for violation
2 of the act; to supersede Sections 9-11-244 and 9-11-245 of the
3 Code of Alabama 1975, and Rule 220-2-.157 of the Alabama
4 Administrative Code, for any activity in compliance with this
5 act; and in connection therewith to have as its purpose or
6 effect the requirement of a new or increased expenditure of
7 local funds within the meaning of Amendment 621 of the
8 Constitution of Alabama of 1901.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. The Department of Conservation and
11 Natural Resources shall allow the feeding of game by spincast,
12 broadcast, or container feeders and shall issue permits for
13 spincast, broadcast, or container feeders each year for the
14 entire year. For the purposes of this act, the term "game
15 feeder" shall mean only a spincast, broadcast, or container
16 game feeder.

17 Section 2. The judge of probate, license
18 commissioner, or other county official who issues licenses in
19 the county may be duly appointed by the Commissioner of
20 Conservation and Natural Resources to issue permits pursuant
21 to this act. All permits issued shall be dated when issued and
22 shall authorize the individual named on the permit to operate
23 a game feeder for the feeding of game during hunting season or
24 for one calendar year. The permits shall be numbered
25 consecutively at the time they are printed and shall be
26 furnished by the Commissioner of Conservation and Natural
27 Resources. The issuing official shall sign the permit and the

1 individual requesting the permit shall also sign on the margin
2 of the permit. The official issuing the permit shall keep in a
3 book or on specially prepared sheets furnished by the
4 Commissioner of Conservation and Natural Resources a correct
5 and complete record of all permits issued, which record shall
6 remain in the office of the issuing official and shall be open
7 to inspection by the public at all reasonable times.

8 Section 3. (a) An individual may procure a separate
9 permit to operate each game feeder by filing an application
10 with the county license issuing official in the county in
11 which the feeder will be located, stating his or her name,
12 age, place of residence, and mailing address. The individual
13 receiving a permit shall be issued a numbered decal to be
14 placed on the game feeder to correspond with the number of the
15 permit. The cost for issuance of a permit to operate a game
16 feeder effective for one year shall be fifty dollars (\$50).
17 Initially, a permit may be purchased August 1, following the
18 effective date of this act, through October 15, following the
19 effective date of this act. Thereafter, a permit may be
20 purchased in each subsequent year from February 1st through
21 March 15th.

22 (b) (1) Seventy-five percent of the fees collected
23 pursuant to this act shall be forwarded by the issuing
24 official to the Commissioner of Conservation and Natural
25 Resources on the first day of each month and shall be
26 deposited into the Game and Fish Fund of the Department of
27 Conservation and Natural Resources.

1 (2) Twenty-five percent of the fees collected
2 pursuant to this act shall be forwarded by the issuing
3 official to the Alabama Department of Finance on the first day
4 of each month and shall be deposited into the state General
5 Fund.

6 Section 4. A violation of this act constitutes a
7 misdemeanor, and upon conviction, an individual shall be fined
8 not less than three hundred dollars (\$300) nor more than five
9 hundred dollars (\$500) for each violation.

10 Section 5. The Commissioner of Conservation and
11 Natural Resources may promulgate rules to carry out this act.
12 In addition to this authority, the State Veterinarian, in
13 agreement with the Commissioner of Agriculture and Industries
14 and the Commissioner of Conservation and Natural Resources,
15 may declare an emergency because of disease or other outbreak
16 and suspend this feeding program.

17 Section 6. This act is voluntary for hunters.
18 Hunters not wanting to participate are under no obligations or
19 restrictions of this act.

20 Section 7. All laws or parts of laws which conflict
21 with this act are repealed. Sections 9-11-244 and 9-11-245 of
22 the Code of Alabama 1975, and Rule 220-2-.157 of the Alabama
23 Administrative Code, may not apply to any activity in
24 compliance with this act.

25 Section 8. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621 because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

4 Section 9. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.