

1 SB284
2 140026-1
3 By Senator Keahey
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 28-FEB-13

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8 SYNOPSIS: Under existing law, a person is not
9 permitted to collect protected wild animals or
10 birds or bird eggs for scientific purposes unless
11 the person has a permit from the Department of
12 Conservation and Natural Resources. The cost of the
13 permit is \$1 and a person who violates this
14 provision is subject to a fine of not less than \$10
15 nor more than \$25.

16 This bill would establish three types of
17 permits for the purposes of protection of wild
18 invertebrate or vertebrate species, or their eggs,
19 would increase the fees, and would provide that the
20 applicable fine would be three times the cost of
21 the appropriate permit.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Section 9-11-231 of the Code of Alabama
21 1975, relating to permits issued by the Department of
22 Conservation and Natural Resources for the collection of
23 protected wild animals or birds or bird eggs for propagation
24 or scientific purposes; to provide that the law will apply to
25 any wild invertebrate or vertebrate species, or their eggs; to
26 provide for different types of permits and the fees for the
27 permits; to further provide for the fines for violations; and

1 in connection therewith would have as its purpose or effect
2 the requirement of a new or increased expenditure of local
3 funds within the meaning of Amendment 621 of the Constitution
4 of Alabama of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of Alabama of 1901,
6 as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 9-11-231 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§9-11-231.

11 "(a) No person shall at any time collect any
12 protected wild ~~animal or bird or egg of any bird~~ invertebrate
13 or vertebrate species, or their eggs, in this state for
14 propagation or scientific purposes except under the direction,
15 supervision, and regulation of the Commissioner of
16 Conservation and Natural Resources, who, on the payment of
17 ~~\$1.00~~ the applicable fee, may issue ~~such~~ propagation or
18 scientific permits annually to properly accredited persons or
19 institutions, ~~as follows:~~

20 "(1) A general permit for individuals.....\$50.

21 "(2) An educational permit for professors or
22 teachers, which shall also allow their current students to
23 operate thereunder.....\$10.

24 "(3) A master collecting permit involving more than
25 one individual acting in the name of a public or private firm,
26 corporation, agency, organization, or other entity.....\$100.

1 "(b) Any person, firm, association or corporation
2 being or having in possession at any time ~~such animal or bird~~
3 ~~or the eggs of such bird~~ a protected wild invertebrate or
4 vertebrate species, or their eggs, without a permit as
5 ~~provided~~ required in this section shall be guilty of a
6 misdemeanor and, upon conviction therefor, shall be punished
7 by a fine of ~~not less than \$10.00 nor more than \$25.00 for~~
8 ~~each offense~~ three times the amount of the applicable permit."

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

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