

HB313 INTRODUCED



1 HB313
2 KLNCAU5-1
3 By Representative Easterbrook
4 RFD: Agriculture and Forestry
5 First Read: 07-Mar-24



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 Department of Conservation and Natural Resources is responsible for regulating hunting.

This bill would further provide for the season during which dogs may be used to hunt deer in certain counties in this state.

This bill would provide penalties for violations relating to hunting deer with dogs.

This bill would require the Commissioner of the Department of Conservation and Natural Resources to provide a semiannual report detailing all citations and warnings issued by game wardens to the Legislature, advisory board of the department, and public.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style

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



HB313 INTRODUCED

29 provides a local source of revenue, to the entity for
30 the purpose.

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

39

40

41

A BILL

42

TO BE ENTITLED

43

AN ACT

44

45 Relating to deer hunting; to further provide for the
46 hunting of deer using dogs in certain counties; to provide
47 penalties for violations; to amend Section 9-2-14, Code of
48 Alabama 1975, to require the Commissioner of the Department of
49 Conservation and Natural Resources to provide a semiannual
50 report detailing the citations and warnings issued by game
51 wardens; and to make nonsubstantive, technical revisions to
52 update the existing code language to current style; and in
53 connection therewith would have as its purpose or effect the
54 requirement of a new or increased expenditure of local funds
55 within the meaning of Section 111.05 of the Constitution of
56 Alabama of 2022.



HB313 INTRODUCED

57 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

58 Section 1. (a) All dogs used for taking or attempting
59 to take, trailing, pursuing, or disturbing deer or blood
60 tracking must wear a collar or tag legibly displaying the name
61 and phone number of the owner of the dog.

62 (b) (1) No individual shall remove, tamper, or otherwise
63 interfere with any collar or tag, including a remote tracking
64 and behavior correction device, of a dog used for hunting
65 without the owner's permission.

66 (2) A violation of subsection (b) shall be punishable
67 by a fine of one thousand dollar (\$1,000) to be collected by
68 the Department of Conservation and Natural Resources.

69 Section 2. Game wardens employed by the Department of
70 Conservation and Natural Resources shall investigate any
71 reported incident of a dog being intentionally killed or
72 injured while engaged in hunting activities to determine if
73 the crime of cruelty to animals has been committed as provided
74 in Section 13A-11-14, Code of Alabama 1975.

75 Section 3. (a) This section shall only apply to a
76 county, or portion thereof, in which hunting deer with dogs
77 was prohibited prior to the 2022-2023 deer hunting season
78 based on an action taken by the Advisory Board of Conservation
79 and Natural Resources or through a limitation of season dates
80 by the Commissioner of Conservation and Natural Resources.

81 (b) Commencing on July 1, 2025, hunting deer using dogs
82 shall be allowed in those counties, or portions thereof, as
83 provided in subsection (a). The 2025-2026 deer hunting season
84 shall have a minimum of 21 days on which hunting deer with



HB313 INTRODUCED

85 dogs is allowed. The 2026-2027 deer hunting season shall have
86 a minimum of 30 days on which hunting deer with dogs is
87 allowed. The 2027-2028 deer hunting season, and every deer
88 hunting season thereafter, shall have a minimum of 45 days on
89 which hunting deer with dogs is allowed.

90 Section 4. (a) No hunter using dogs to hunt deer may
91 knowingly or negligently cast the dogs onto any property, nor
92 allow the dogs to trail or pursue game onto any property,
93 without the prior written consent of the landowner or being
94 accompanied by the landowner or person in possession or
95 control of the land.

96 (b) A first violation of this section shall result in a
97 one hundred dollar (\$100) fine. A second violation within the
98 same deer hunting season shall result in a two hundred fifty
99 dollar (\$250) fine. A third or subsequent violation within the
100 same deer hunting season shall result in a five hundred dollar
101 (\$500) fine.

102 Section 5. (a) A hunter using dogs to hunt deer shall
103 equip each dog with an electronic tracking and correction
104 collar. The collar shall be in use any time a dog is on the
105 ground and participating in a hunt. The collar shall not be
106 required to be worn when a dog is kenneled or in a transport
107 dog box.

108 (b) A first violation of this section shall result in a
109 warning. A second violation within the same deer hunting
110 season shall result in a two hundred fifty dollar (\$250) fine.
111 A third or subsequent violation within the same deer hunting
112 season shall result in a five hundred dollar (\$500) fine.



HB313 INTRODUCED

113 Section 6. Section 9-2-14, Code of Alabama 1975, is
114 amended to read as follows:

115 "§9-2-14

116 (a) There shall be an Advisory Board of Conservation
117 and Natural Resources. The board shall consist of the
118 Governor, the Commissioner of Agriculture and Industries, the
119 Director of the Agricultural Extension System ex officio, and
120 10 other members to be appointed by the Governor, one of whom
121 the Governor shall designate as ~~chair~~ Chair of the Advisory
122 Board of Conservation and Natural Resources. The appointed
123 members of the board shall be selected with special reference
124 to training and experience along one or more of the principal
125 lines of activity vested in the Department of Conservation and
126 Natural Resources. The Governor shall coordinate his or her
127 appointments to assure the board's membership is inclusive and
128 reflects the racial, gender, geographic, urban, rural, and
129 economic diversity of this state. The term of office of each
130 appointed member of the board shall be six years. Of members
131 first appointed, however, two members shall be appointed for
132 two years, three members shall be appointed for four years,
133 two members shall be appointed for five years, and three
134 members shall be appointed for six years. The members of the
135 board shall receive no salary or compensation as members of
136 the board, but shall be reimbursed for expenses of travel,
137 meals, and lodging while in the performance of their duties as
138 members of the board, pursuant to Article 2 of Chapter 7 of
139 Title 36.

140 (b) After July 1, 1998, the members of the ~~advisory~~



HB313 INTRODUCED

141 board appointed by the Governor shall be appointed so that one
142 member of the board is a resident of each congressional
143 district as the districts are constituted on January 1, 1998,
144 and no more than two members are residents of the same
145 congressional district. If a member appointed from a
146 congressional district ceases to be a resident of the district
147 from which appointed, the member shall vacate his or her
148 office. This subsection shall not affect the term or
149 reappointment of any current member of the board.

150 (c) (1) The board shall hold semiannual regular meetings
151 at the time and place designated by the chair of the board or
152 the Commissioner of Conservation and Natural Resources. The
153 chair of the board or the ~~Commissioner of Conservation and~~
154 ~~Natural Resources~~ commissioner may call special meetings as
155 may be necessary.

156 (2) Prior to each semiannual meeting of the board, the
157 commissioner shall provide a report detailing all citations
158 and warnings issued by game wardens for violations of fish and
159 game laws and rules within this state during the period of
160 time following the previous semiannual meeting. The report
161 shall be structured in a manner that provides the law or rule
162 violated for each citation or warning and the county in which
163 the violation occurred. The report shall also be provided to
164 the Chair of the House of Representatives State Agriculture
165 and Forestry Committee, the Chair of the Senate Agriculture,
166 Conservation, and Forestry Committee, and be made public
167 record when it is provided to the board.

168 (d) The Commissioner of Conservation and Natural



HB313 INTRODUCED

169 Resources shall be ex officio secretary of the board and shall
170 keep minutes of all meetings and a record of all proceedings
171 of the board. The commissioner shall receive no additional
172 compensation for the services.

173 (e) On a transitional basis, one additional
174 transitional member of the ~~Advisory Board of Conservation and~~
175 ~~Natural Resources~~ board shall be appointed by the Governor
176 from each congressional district as constituted on January 1,
177 1998, which is not currently represented on the board. A
178 transitional member shall serve a term of six years or until a
179 permanent member of the ~~advisory~~ board is appointed to
180 represent the congressional district where the transitional
181 member resides. A transitional member may be appointed a
182 permanent member to a full term of office. Transitional
183 members of the board shall have the same powers, rights, and
184 duties, and shall be reimbursed for expenses in the same
185 manner as other members of the ~~advisory~~ board during their
186 service on the board.

187 (f) Notwithstanding any other law to the contrary, any
188 action taken by the commissioner or the board that results in
189 the closure or diminishment of the ability of a private
190 landowner to hunt deer with dogs or to allow the hunting of
191 deer with dogs on his or her owned land shall be subject to
192 the Alabama Administrative Procedure Act, Chapter 22 of Title
193 41. This includes the establishment of dates for a season
194 during which deer may be hunted using dogs.

195 (g) The department shall adopt rules to implement this
196 section."



HB313 INTRODUCED

197 Section 7. Although this bill would have as its purpose
198 or effect the requirement of a new or increased expenditure of
199 local funds, the bill is excluded from further requirements
200 and application under Section 111.05 of the Constitution of
201 Alabama of 2022, because the bill defines a new crime or
202 amends the definition of an existing crime.

203 Section 8. This act shall become effective on October
204 1, 2024.