

1 SB39
2 65330-4
3 By Senator Byrne
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 01-FEB-05
6 PFD: 12/16/2004

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8 SYNOPSIS: This bill would authorize the Department of
9 Conservation and Natural Resources to regulate,
10 including prohibiting, the operation, take-off,
11 movement, or landing of aircraft on the Fish River,
12 the Tensaw River, the Blakely River, the Perdido
13 River.

14 The bill would provide that a violation of a
15 rule of the department adopted pursuant to this act
16 would be a Class A misdemeanor.

17 Amendment 621 of the Constitution of Alabama
18 of 1901 prohibits a general law whose purpose or
19 effect would be to require a new or increased
20 expenditure of local funds from becoming effective
21 with regard to a local governmental entity without
22 enactment by a 2/3 vote unless: it comes within one
23 of a number of specified exceptions; it is approved
24 by the affected entity; or the Legislature
25 appropriates funds, or provides a local source of
26 revenue, to the entity for the purpose.

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 Amendment 621. 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 Amendment 621.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 Relating to the waters of this state and the use of
14 aircraft; to authorize the Department of Conservation and
15 Natural Resources to regulate, including prohibiting, the
16 operation, take-off, movement, or landing of aircraft on
17 certain waters of this state; to provide penalties for
18 violations; and in connection therewith would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds within the meaning of Amendment 621
21 of the Constitution of Alabama of 1901.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) The Department of Conservation and
24 Natural Resources may by rule regulate, including prohibiting,
25 the operation, take-off, movement, or landing of aircraft on
26 any of the following waters of this state:

- 27 (1) The Fish River.

1 (2) The Tensaw River.

2 (3) The Blakely River.

3 (4) The Perdido River.

4 (b) A violation of a rule of the department adopted
5 pursuant to this section is a Class A misdemeanor punishable
6 as provided by law.

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621 because the
11 bill defines a new crime or amends the definition of an
12 existing crime.

13 Section 3. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.