

1 HB151
2 181503-1
3 By Representative Sells
4 RFD: State Government
5 First Read: 07-FEB-17

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8 SYNOPSIS: Under existing law, on January 1, 2015, all
9 of the functions of the Marine Police Division of
10 the Department of Conservation and Natural
11 Resources were transferred to the Department of
12 Public Safety and the Marine Police Division was
13 created as a division of the Department of Public
14 Safety within the Alabama State Law Enforcement
15 Agency.

16 This bill would transfer the Marine Police
17 Division back to the Department of Conservation and
18 Natural Resources and would eliminate the Marine
19 Police Division of Alabama State Law Enforcement
20 Agency.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to the Marine Police Division of the
27 Alabama State Law Enforcement Agency; to amend Section 41-27-6

1 of the Code of Alabama 1975, to eliminate the Marine Police
2 Division of the Alabama State Law Enforcement Agency, and to
3 transfer the powers, duties, functions, and jurisdiction of
4 that division to the Department of Conservation and Natural
5 Resources.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 41-27-6 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§41-27-6.

10 "(a) (1) The Director of the Department of Public
11 Safety shall be appointed by the Secretary of the Alabama
12 State Law Enforcement Agency, after consultation with the
13 Governor, and shall hold office at the pleasure of the
14 secretary. The director shall be appointed from a legacy
15 agency as defined in Section 41-27-7. The salary of the
16 director shall be set by the secretary, and shall not be
17 subject to Section 36-6-6. A person appointed director shall
18 have an extensive law enforcement background and, by virtue of
19 office, is a state law enforcement officer with the immunity
20 set forth in Section 6-5-338.

21 "(2) The director shall have overall supervision and
22 management of functions transferred to the department pursuant
23 to this section, subject to the approval of the secretary,
24 including the power to change the working title of any
25 position or to reorganize or rename any of the divisions,
26 units, or functions specified in this section. Any change of

1 working title shall not alter the classification or
2 compensation of any person in the state Merit System.

3 "(3) All functions performed by the department on
4 October 1, 2014, shall remain under the Department of Public
5 Safety unless reorganized by the secretary or otherwise
6 transferred pursuant to this chapter.

7 "(b) (1) The Highway Patrol Division of the
8 Department of Public Safety succeeds to and is vested with all
9 law enforcement functions of the following enforcement units,
10 and a reference in any law to these enforcement units shall be
11 deemed a reference to the Highway Patrol Division of the
12 Department of Public Safety:

13 "a. The law enforcement unit of the Public Service
14 Commission.

15 "b. The revenue enforcement officers of the
16 Department of Revenue.

17 "(2) The director shall appoint a chief of the
18 division.

19 ~~"(c) (1) The Marine Police Division is hereby created~~
20 ~~within the Department of Public Safety. The director shall~~
21 ~~appoint a chief of the division.~~

22 ~~"(2) The Marine Police Division of the Department of~~
23 ~~Public Safety succeeds to and is vested with all functions of~~
24 ~~the Marine Police Division of the Department of Conservation~~
25 ~~and Natural Resources. A reference in any law to the Marine~~
26 ~~Police Division of the Department of Conservation and Natural~~

1 ~~Resources shall be deemed a reference to the Marine Police~~
2 ~~Division of the Department of Public Safety."~~

3 Section 2. (a) The Marine Police Division is
4 established within the Department of Conservation and Natural
5 Resources.

6 (b) On the effective date of this act, all
7 functions, powers, authority, duties, and jurisdiction and all
8 books, records, funds, equipment, and personnel of the Marine
9 Police Division of the Department of Public Safety of the
10 Alabama State Law Enforcement Agency, established pursuant to
11 subsection (c) of Section 41-27-6 of the Code of Alabama 1975,
12 are transferred to the Marine Police Division of the
13 Department of Conservation and Natural Resources and
14 reestablished within that agency, and the division shall
15 function within the Department of Conservation and Natural
16 Resources in the same manner that it functioned before January
17 1, 2015.

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