

1 SB175
2 155389-2
3 By Senator Marsh
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 14-JAN-14

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8 SYNOPSIS: Act 2013-67, 2013 Regular Session, effective
9 January 1, 2015, consolidated certain investigative
10 and law enforcement functions and reorganized the
11 administration of public safety services within the
12 newly created Alabama State Law Enforcement Agency.

13 This bill would transfer all functions of
14 conservation officers of the Law Enforcement
15 Section of the Wildlife and Freshwater Fisheries
16 Division of the Department of Conservation and
17 Natural Resources to the newly created Conservation
18 Enforcement Division within the Department of
19 Public Safety of the Alabama State Law Enforcement
20 Agency.

21 This bill would also require an agency in
22 control of restricted funds to reimburse the
23 Alabama State Law Enforcement Agency when state or
24 federal requirements restrict the transfer of funds
25 to the Alabama State Law Enforcement Agency.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Section 6 of Act 2013-67, 2013 Regular
5 Session, now appearing as Section 41-27-6, Code of Alabama
6 1975, to transfer all functions of conservation officers of
7 the Law Enforcement Section of the Wildlife and Freshwater
8 Fisheries Division of the Department of Conservation and
9 Natural Resources to the newly created Conservation
10 Enforcement Division within the Department of Public Safety of
11 the Alabama State Law Enforcement Agency; and to provide for
12 the reimbursement of certain funds to the Alabama State Law
13 Enforcement Agency.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 6 of Act 2013-67, 2013 Regular
16 Session, now appearing as Section 41-27-6, Code of Alabama
17 1975, is amended to read as follows:

18 "§41-27-6.

19 "(a) (1) The Director of the Department of Public
20 Safety shall be appointed by the Secretary of the Alabama
21 State Law Enforcement Agency, after consultation with the
22 Governor, and shall hold office at the pleasure of the
23 secretary. The director shall be appointed from a legacy
24 agency as defined in Section 41-27-7. The salary of the
25 director shall be set by the secretary, and shall not be
26 subject to Section 36-6-6. A person appointed director shall
27 have an extensive law enforcement background and, by virtue of

1 office, is a state law enforcement officer with the immunity
2 set forth in Section 6-5-338.

3 "(2) The director shall have overall supervision and
4 management of functions transferred to the department pursuant
5 to this section, subject to the approval of the secretary,
6 including the power to change the working title of any
7 position or to reorganize or rename any of the divisions,
8 units, or functions specified in this section. Any change of
9 working title shall not alter the classification or
10 compensation of any person in the state Merit System.

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

15 "(b) (1) The Highway Patrol Division of the
16 Department of Public Safety succeeds to and is vested with all
17 law enforcement functions of the following enforcement units,
18 and a reference in any law to these enforcement units shall be
19 deemed a reference to the Highway Patrol Division of the
20 Department of Public Safety:

21 "a. The law enforcement unit of the Public Service
22 Commission.

23 "b. The revenue enforcement officers of the
24 Department of Revenue.

25 "(2) The director shall appoint a chief of the
26 division.

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

4 "(2) The Marine Police Division of the Department of
5 Public Safety succeeds to and is vested with all functions of
6 the Marine Police Division of the Department of Conservation
7 and Natural Resources. A reference in any law to the Marine
8 Police Division of the Department of Conservation and Natural
9 Resources shall be deemed a reference to the Marine Police
10 Division of the Department of Public Safety.

11 "(d) (1) Except for the appointment of conservation
12 officers as provided in Section 9-11-17, Code of Alabama 1975,
13 the Conservation Enforcement Division is hereby created within
14 the Department of Public Safety. The director shall appoint a
15 chief of the division.

16 "(2) The Conservation Enforcement Division of the
17 Department of Public Safety succeeds to and is vested with all
18 law enforcement functions of conservation officers of the Law
19 Enforcement Section of the Wildlife and Freshwater Fisheries
20 Division of the Department of Conservation and Natural
21 Resources. A reference in any law to conservation officers of
22 the Law Enforcement Section of the Wildlife and Freshwater
23 Fisheries Division of the of the Department of Conservation
24 and Natural Resources shall be deemed a reference to the
25 Conservation Enforcement Division of the Department of Public
26 Safety."

1 Section 2. If state or federal requirements restrict
2 the transfer of funds to the Alabama State Law Enforcement
3 Agency, the Alabama State Law Enforcement Agency shall be
4 reimbursed by the agency in control of the restricted funds
5 for administration, manpower, benefits, equipment, and any
6 other appropriate expenses utilized to perform the tasks
7 authorized under the restrictions for the controlling agency.
8 The Alabama State Law Enforcement Agency shall be a service
9 provider for the agency in control of the restricted funds.
10 The Alabama State Law Enforcement Agency may use equipment
11 belonging to the agency in control of the restricted funds to
12 provide the required service but shall utilize the equipment
13 within state and federal funding requirements that restrict
14 the use of the equipment. The Alabama State Law Enforcement
15 Agency shall utilize monies provided by the agency in control
16 of funds restricted for a certain purpose or that are
17 appropriated for a particular purpose only for that purpose
18 and shall provide appropriate accounting for the services
19 provided.

20 Section 3. The Conservation Enforcement Division
21 created by this act shall be subject to Chapter 27, Title 41,
22 Code of Alabama 1975. The Code Commissioner shall conform
23 references in the Code of Alabama 1975, to the Conservation
24 Enforcement Division pursuant to Section 29-7-14, Code of
25 Alabama 1975.

1 Section 4. This act shall become effective on
2 January 1, 2015, following its passage and approval by the
3 Governor, or its otherwise becoming law.