SB399

185748-1

By Senator Whatley

RFD: Agriculture, Conservation, and Forestry

First Read: 27-APR-17
SYNOPSIS: This bill would transfer all functions of the Department of Conservation and Natural Resources to the Department of Agriculture and Industries, effective October 1, 2018.

This bill would transfer the duties, responsibilities, papers, funds, property, employees and other effects of the Department of Conservation and Natural Resources to the Department of Agriculture and Industries.

This bill would make conforming changes in the Code of Alabama, 1975 to reflect the new organization.

A BILL TO BE ENTITLED
AN ACT

Relating to the Department of Conservation and Natural Resources and the Department of Agriculture and Industries; to create the Division of Conservation of and
Natural Resources within the Department of Agriculture and Industries; to transfer all property, employees, and funds of the Department of Conservation and Natural Resources to the division within the Department of Agriculture and Industries; to require the Code Commissioner to make conforming changes in the code; and to amend Sections 2-2-8, 9-2-14, and 9-2-15, Code of Alabama 1975, relating to the Department of Conservation and Natural Resources and the Department of Agriculture and Industries.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Effective October 1, 2018, the Division of Conservation and Natural Resources is hereby created within the Department of Agriculture and Industries. The Division of Conservation and Natural Resources succeeds to and is vested with all duties and powers provided to the Department of Conservation and Natural Resources pursuant to law.

(b) Any reference in law to the Department of Conservation and Natural Resources shall be deemed a reference to the Division of Conservation and Natural Resources within the Department of Agriculture and Industries.

(c) All duties and functions of the Commissioner of the Department of Conservation and Natural Resources shall be transferred to, and vested in, the Director of the Division of Conservation and Natural Resources as provided for in subsection (d).
(d) The Director of the Division of Conservation and Natural Resources shall be appointed by the Commissioner of the Department of Agriculture and Industries and shall hold office at the pleasure of the commissioner. The salary of the director shall be set by the commissioner. The director shall have overall supervision and management of functions transferred to the Division of Conservation and Natural Resources pursuant to this section, subject to the approval of the commissioner, including the power to change the working title of any position or to reorganize the division. Any change of working title shall not alter the classification or compensation of any person in the state Merit System.

(e) All functions performed by the Department of Conservation and Natural Resources on October 1, 2018, shall remain under the Division of Conservation and Natural Resources unless reorganized by the commissioner.

(f) On the effective date of this act, all powers, duties, and functions and all related records, property, equipment of, employees of, and all contractual rights, obligations of, and unexpended balances of appropriations and other funds or allocations of the Department of Conservation and Natural Resources shall be transferred to the Division of Conservation and Natural Resources within the Department of Agriculture and Industries.

(g) Unless otherwise provided in this act, all positions created by this act shall be in the classified service of the state Merit System.
(h) All persons employed on the effective date of this act with the Department of Conservation and Natural Resources and transferred to the Division of Conservation and Natural Resources within the Department of Agriculture and Industries shall maintain his or her classification and benefits under the department. A person employed by the Department of Conservation and Natural Resources on the effective date of this act may not receive a decrease in salary, benefits, or seniority or otherwise receive a decrease in classification as a result of the transfer to the Division of Conservation and Natural Resources.

Section 2. Sections 2-2-8, 9-2-14, and 9-2-15 of the Code of Alabama 1975, are amended to read as follows:

"§2-2-8.

"(a) The commissioner shall execute the agricultural and industrial policies of the State Board of Agriculture and Industries— and the conservation and natural resources policies of the state and propose rules based on recommendations from the Advisory Board of Conservation and Natural Resources.

It shall be his or her duty:

"(1) To investigate and ascertain the industrial possibilities of the State of Alabama and to seek to secure the development of the same;

"(2) To collect statistics in regard to industrial development in the State of Alabama;
"(3) To make investigations as to any matter relative to industrial development and possibilities;
"(4) To cooperate in the fostering and development of the industrial interests of the state;
"(5) To cooperate especially in the promotion, establishment and location of industries in the smaller municipalities and rural communities of the state which use as a raw material farm products of any character;
"(6) To cooperate with the state chamber of commerce, local chambers of commerce and all local industrial boards to promote the purposes of this title; and
"(7) To employ such clerical assistants, agents or representatives and to secure such expert advice or assistance as may be necessary for carrying out the purposes of this title and any other provision of this Code or other statute which he is authorized to administer or enforce.
"(8) To comply with the applicable chapters of Title 9, Code of Alabama 1975, with regard to conservation and natural resources.
"
"(b) In the discharge of the functions, duties and powers placed upon, vested in and to be exercised by him in accordance with the provisions of this title and any other provision of this Code or other statute which he is authorized to administer or enforce, the Commissioner of Agriculture and Industries shall have the right to call on all state departments, institutions, agencies, bureaus, boards or commissions for assistance, reports, advice and information,
and it shall be the duty of such departments, institutions, agencies, bureaus, boards or commissions to comply with such request."

"§9-2-14.

"(a) There shall be an Advisory Board of Conservation and Natural Resources. The board shall consist of the Governor, the Commissioner of Agriculture and Industries, the Director of the Agricultural Extension System ex officio, and 10 other members to be appointed by the Governor, one of whom the Governor shall designate as chair of the Advisory Board of Conservation and Natural Resources. The appointed members of the board shall be selected with special reference to training and experience along one or more of the principal lines of activity vested in the Division Department of Conservation and Natural Resources. The term of office of each appointed member of the board shall be six years. Of members first appointed, however, two members shall be appointed for two years, three members shall be appointed for four years, two members shall be appointed for five years and three members shall be appointed for six years. The members of the board shall receive no salary or compensation as members of the board, but shall be reimbursed for expenses of travel, meals, and lodging while in the performance of their duties as members of the board, pursuant to Article 2 of Chapter 7 of Title 36.

"(b) After July 1, 1998, the members of the advisory board appointed by the Governor shall be appointed so that one
member of the board is a resident of each congressional
district as the districts are constituted on January 1, 1998,
and no more than two members are residents of the same
congressional district. If a member appointed from a
congressional district ceases to be a resident of the district
from which appointed, the member shall vacate his or her
office. This subsection shall not affect the term or
reappointment of any current member of the board.

"(c) The board shall hold semiannual regular
meetings at the time and place designated by the chair of the
board or the Commissioner Director of the Division of
Conservation and Natural Resources. The chair of the board or
the Commissioner Director of the Division of Conservation and
Natural Resources may call special meetings as may be
necessary.

"(d) The Commissioner Director of the Division of
Conservation and Natural Resources shall be ex officio
secretary of the board and shall keep minutes of all meetings
and a record of all proceedings of the board. The commissioner
director shall receive no additional compensation for the
services.

"(e) On a transitional basis, one additional
transitional member of the Advisory Board of Conservation and
Natural Resources shall be appointed by the Governor from each
congressional district as constituted on January 1, 1998,
which is not currently represented on the board. A
transitional member shall serve a term of six years or until a
permanent member of the advisory board is appointed to represent the congressional district where the transitional member resides. A transitional member may be appointed a permanent member to a full term of office. Transitional members of the board shall have the same powers, rights, and duties, and shall be reimbursed for expenses as other members of the advisory board during their service on the board."

"§9-2-15.

"The functions and duties of the Advisory Board of Conservation and Natural Resources shall be as follows:

"(1) To assist in formulating the policies of the Division Department of Conservation and Natural Resources in the performance of its functions and duties;

"(2) To examine all rules and regulations made or promulgated adopted by the Commissioner of Agriculture and Industries Conservation and Natural Resources, to recommend amendments or repeals thereof or additional rules or regulations and by a two-thirds vote of those present at any meeting and with the approval of the Governor to amend or repeal such rules and regulations or to make and promulgate additional rules or regulations;

"(3) To advise with the Commissioner of Agriculture and Industries and the Director of the Division of Conservation and Natural Resources concerning any matter relating to the functions and duties of the Department Division of Conservation and Natural Resources; and
"(4) To assist in giving publicity to the wildlife and other natural resources, the state parks and monuments and historical sites of the state and the work of the Division Department of Conservation and Natural Resources in connection therewith.

Section 3. The Code Commissioner shall conform references in the Code of Alabama 1975, to the Commissioner and Department of Conservation and Natural Resources to reflect the changes required by this act. Code changes shall be made at a time determined to be appropriate by the Code Commissioner.

Section 4. This act shall become effective on October 1, 2018, following the passage and approval of this act by the Governor, or its otherwise becoming law.