

1 SB399
2 185748-1
3 By Senator Whatley
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 27-APR-17

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8 SYNOPSIS: This bill would transfer all functions of
9 the Department of Conservation and Natural
10 Resources to the Department of Agriculture and
11 Industries, effective October 1, 2018.

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

17 This bill would make conforming changes in
18 the Code of Alabama, 1975 to reflect the new
19 organization.
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21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to the Department of Conservation and
26 Natural Resources and the Department of Agriculture and
27 Industries; to create the Division of Conservation of and

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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

22 (c) All duties and functions of the Commissioner of
23 the Department of Conservation and Natural Resources shall be
24 transferred to, and vested in, the Director of the Division of
25 Conservation and Natural Resources as provided for in
26 subsection (d).

1 (d) The Director of the Division of Conservation and
2 Natural Resources shall be appointed by the Commissioner of
3 the Department of Agriculture and Industries and shall hold
4 office at the pleasure of the commissioner. The salary of the
5 director shall be set by the commissioner. The director shall
6 have overall supervision and management of functions
7 transferred to the Division of Conservation and Natural
8 Resources pursuant to this section, subject to the approval of
9 the commissioner, including the power to change the working
10 title of any position or to reorganize the division. Any
11 change of working title shall not alter the classification or
12 compensation of any person in the state Merit System.

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

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

25 (g) Unless otherwise provided in this act, all
26 positions created by this act shall be in the classified
27 service of the state Merit System.

1 (h) All persons employed on the effective date of
2 this act with the Department of Conservation and Natural
3 Resources and transferred to the Division of Conservation and
4 Natural Resources within the Department of Agriculture and
5 Industries shall maintain his or her classification and
6 benefits under the department. A person employed by the
7 Department of Conservation and Natural Resources on the
8 effective date of this act may not receive a decrease in
9 salary, benefits, or seniority or otherwise receive a decrease
10 in classification as a result of the transfer to the Division
11 of Conservation and Natural Resources.

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

14 "§2-2-8.

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

21 It shall be his or her duty:

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

25 "(2) To collect statistics in regard to industrial
26 development in the State of Alabama;

1 "(3) To make investigations as to any matter
2 relative to industrial development and possibilities;

3 "(4) To cooperate in the fostering and development
4 of the industrial interests of the state;

5 "(5) To cooperate especially in the promotion,
6 establishment and location of industries in the smaller
7 municipalities and rural communities of the state which use as
8 a raw material farm products of any character;

9 "(6) To cooperate with the state chamber of
10 commerce, local chambers of commerce and all local industrial
11 boards to promote the purposes of this title; and

12 "(7) To employ such clerical assistants, agents or
13 representatives and to secure such expert advice or assistance
14 as may be necessary for carrying out the purposes of this
15 title and any other provision of this Code or other statute
16 which he is authorized to administer or enforce.

17 "(8) To comply with the applicable chapters of Title
18 9, Code of Alabama 1975, with regard to conservation and
19 natural resources.

20 "(b) In the discharge of the functions, duties and
21 powers placed upon, vested in and to be exercised by him in
22 accordance with the provisions of this title and any other
23 provision of this Code or other statute which he is authorized
24 to administer or enforce, the Commissioner of Agriculture and
25 Industries shall have the right to call on all state
26 departments, institutions, agencies, bureaus, boards or
27 commissions for assistance, reports, advice and information,

1 and it shall be the duty of such departments, institutions,
2 agencies, bureaus, boards or commissions to comply with such
3 request."

4 "§9-2-14.

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

26 "(b) After July 1, 1998, the members of the advisory
27 board appointed by the Governor shall be appointed so that one

1 member of the board is a resident of each congressional
2 district as the districts are constituted on January 1, 1998,
3 and no more than two members are residents of the same
4 congressional district. If a member appointed from a
5 congressional district ceases to be a resident of the district
6 from which appointed, the member shall vacate his or her
7 office. This subsection shall not affect the term or
8 reappointment of any current member of the board.

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

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

22 "(e) On a transitional basis, one additional
23 transitional member of the Advisory Board of Conservation and
24 Natural Resources shall be appointed by the Governor from each
25 congressional district as constituted on January 1, 1998,
26 which is not currently represented on the board. A
27 transitional member shall serve a term of six years or until a

1 permanent member of the advisory board is appointed to
2 represent the congressional district where the transitional
3 member resides. A transitional member may be appointed a
4 permanent member to a full term of office. Transitional
5 members of the board shall have the same powers, rights, and
6 duties, and shall be reimbursed for expenses as other members
7 of the advisory board during their service on the board."

8 "§9-2-15.

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

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

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

22 "(3) To advise with the Commissioner of Agriculture
23 and Industries and the Director of the Division of
24 Conservation and Natural Resources concerning any matter
25 relating to the functions and duties of the ~~Department~~
26 Division of Conservation and Natural Resources; and

1 "(4) To assist in giving publicity to the wildlife
2 and other natural resources, the state parks and monuments and
3 historical sites of the state and the work of the Division
4 ~~Department~~ of Conservation and Natural Resources in connection
5 therewith.

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

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