



Eric Vendel

Final Analysis
Legislative Service Commission

H.B. 153

127th General Assembly
(As Passed by the General Assembly)

Reps. Latta, Setzer, Flowers, Combs, J. McGregor, Evans, Ujvagi, Bacon, Seitz, Okey, Gibbs, Stebelton, Yuko, Aslanides, Wagner, Core, Distel, Domenick, Goodwin, Harwood, Hite, Huffman, Luckie, Reinhard, Sayre, Zehringer, Batchelder, Blessing, Bolon, Book, Brady, Bulp, Budish, Collier, Dodd, Dolan, Driehaus, Dyer, Fende, Garrison, J. Hagan, Hughes, Oelslager, Otterman, Patton, Schlichter, Schneider, J. Stewart, Uecker, Wagoner, Webster, Widener, Yates

Sens. Spada, Morano, D. Miller, Mason, Boccieri, Buehrer, Carey, Cates, Faber, Grendell, Harris, Niehaus, Roberts, Sawyer, Schaffer, Wilson

Effective date: *

ACT SUMMARY

- Authorizes the Chief of the Division of Wildlife in the Department of Natural Resources to enter into a memorandum of understanding, agreement, or mutual aid compact with an entity of another state, a federal entity, or a foreign entity that employs a law enforcement officer to enable wildlife officers and the specified law enforcement officers to assist each other.
- Specifies that employees of the Division of Wildlife who are serving under the terms of such a document must be considered as performing services within their regular employment for purposes of employment rights and benefits and retain personal immunity from civil liability together with all rights of indemnification and representation incident to regular employment.

* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

- Requires the Chief to adopt rules to enter into a reciprocal agreement called the Wildlife Violators Compact with participating states for the enhancement of compliance with hunting, fishing, and other wildlife laws.

CONTENT AND OPERATION

Reciprocal assistance between wildlife officers and law enforcement officers of other states, federal entities, or foreign entities

The act authorizes the Chief of the Division of Wildlife, with the approval of the Director of Natural Resources, to enter into a memorandum of understanding, agreement, or mutual aid compact with the head of any entity of another state, federal entity, or foreign entity that employs or appoints a law enforcement officer who has substantially the same duties as a peace officer, as "peace officer" is defined in continuing law, to enable wildlife officers and the specified law enforcement officers to assist each other in the provision of law enforcement services within the jurisdictions that are subject to the memorandum of understanding, agreement, or mutual aid compact (sec. 1531.133(A)(1)). Under the act, employees of the Division of Wildlife who are serving under the terms of a memorandum of understanding, agreement, or mutual aid compact entered into under the act must be considered as performing services within their regular employment for purposes of compensation, pension or indemnity fund rights, workers' compensation, and other rights or benefits to which they may be entitled as incidents of their regular employment (sec. 1531.133(A)(2)). In addition, the act specifies that such employees retain personal immunity from civil liability as provided under ongoing law and all rights of indemnification and representation incident to regular employment (sec. 1531.133(A)(3)).

Wildlife Violators Compact

The act requires the Chief to adopt rules to enter into a reciprocal agreement with participating states for the enhancement of compliance with hunting, fishing, and other wildlife laws. The agreement is named the Wildlife Violators Compact. The agreement and the rules must provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violators' due process rights. (Sec. 1531.133(B).)

HISTORY

ACTION	DATE
Introduced	04-17-07
Reported, H. Agriculture & Natural Resources	05-24-07
Passed House (95-2)	06-13-07
Reported, S. Environment & Natural Resources	06-27-07
Passed Senate (31-0)	06-27-07

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