

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 390 Department or Agency Alabama Forestry Commission  
Rule No. Chapter 390-X-1  
Rule Title: Organization And Description  
New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date April 18, 2018

(DATE FILED)  
(STAMP)

APA-2

ALABAMA FORESTRY COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Forestry Commission

CHAPTER NO. & TITLE: 390-X-1 Organization and Description

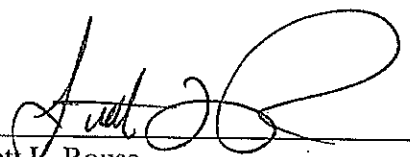
INTENDED ACTION: To amend the entire chapter (§§ 390-X-1-.01 and 390-X-1-.02)

SUBSTANCE OF PROPOSED ACTION: The proposed amendment to § 390-X-1-.01 is needed to make the rule more congruent with the provisions of ALA. CODE § 9-3-4, which sets forth the powers and duties of the Alabama Forestry Commission. The existing § 390-X-1-.02 includes an unnecessary recitation of the Alabama Forestry Commission's statutory authority to adopt and promulgate rules. The rule would be amended to remove this unnecessary language. The rule would also be amended to include information required by ALA. CODE § 41-22-4.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Views may be presented orally or in writing on or before June 15, 2018. Such input should be addressed to Scott L. Rouse, General Counsel, Alabama Forestry Commission, 513 Madison Avenue, Montgomery, Alabama 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: June 15, 2018

CONTACT PERSON AT AGENCY: Scott L. Rouse, General Counsel, Alabama Forestry Commission, 513 Madison Avenue, Montgomery, Alabama 36104, (334) 240-9342.

  
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Scott L. Rouse  
Secretary of Administrative Procedure

ALABAMA FORESTRY COMMISSION  
~~ADMINISTRATIVE DIVISION~~  
ADMINISTRATIVE CODE

CHAPTER 390-X-1  
ORGANIZATION AND DESCRIPTION

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390-X-1-.01 Alabama Forestry Commission; Description; Powers And  
Duties, Generally.

The Alabama Forestry Commission is the State Forestry Agency empowered  
by law with the functions and duties as follows:

(a) To protect, conserve and increase the timber and forest  
resources of this state and to administer all laws relating to timber  
and forestry and the protection, conservation and increase of such  
~~forest resources;~~

(b) To make exploration, surveys, studies, and reports  
concerning the timber and forest resources and to publish such thereof  
as will be of general interest;

(c) To maintain, supervise, operate and control all state  
forests;

(d) To cooperate with and enter into cooperative agreements and  
stipulations with the Secretary of Agriculture of the United States  
or other federal officer or department, board, bureau, commission,  
agency or office thereunto authorized with respect to the protection  
of timbered and forest-producing land from fire, insects and disease,  
the acquisition of forest lands~~forestland~~ to be developed,  
administered and managed as state forests, the production,  
procurement and distribution of forest trees and shrub planting stock,  
the carrying on of an educational program in connection therewith,  
the assistance of the owners of farms in establishing, improving and  
renewing wood lots, shelter belts, windbreaks and other valuable

forest growths, the growing and renewing of useful timber drops and the collection and publication of data with respect to the timber and forest resources or any other matters committed to the Commission by this title;

(e) To make and enforce all regulations and restrictions required for such cooperation, agreements or stipulations;

(f) To carry on a program of education and public enlightenment with respect to the timber and forest and other natural resources of Alabama;

(g) To make an annual report to the Governor concerning the activities and accomplishments of the Commission for the preceding fiscal year;

(h) To recommend to the ~~Legislature~~ legislature such legislation as may be needed further to protect, conserve, increase or to make available or useful the timber and forests and other natural resources of Alabama; and

(i) To supervise, direct and manage all activities of the Forestry Commission and its staff and employees.

Author: Scott L. Rouse

Statutory Authority: Code of Ala. 1975, ~~§ 9-3-4~~ § 41-22-4

History: Filed September 30, 1982; amendment proposed April 30, 2018

390-X-1-.02 Promulgation Of Rules And RegulationsAlabama Forestry Commission; Requests For Information; Submissions; Payment Of Costs

~~The Commission shall have the power to adopt and promulgate rules and regulations pertaining to all phases of forestry within this state, which rules and regulations when adopted shall have the force and effect of law. All rules and regulations of the Division of Forestry of the Department of Conservation and Natural Resources heretofore promulgated shall continue in effect until repealed or amended by the Commission.~~

Every citizen may request public information from, or make written submissions to, the Alabama Forestry Commission. Such requests and submissions should be submitted to: 513 Madison Avenue, Montgomery, Alabama 36104. Requests for information may include copying or inspecting any rules, regulations, policies, or other public records maintained by the Commission, except those expressly made confidential or which are privileged or otherwise not subject to public disclosure. Any citizen who makes such a request shall pay all

costs, as determined in accordance with agency policy, of procuring, preparing and copying these materials.

Author: Scott L. Rouse

Statutory Authority: Code of Ala. 1975, ~~§ 9-3-4~~ § 41-22-4

History: Filed September 30, 1982; amendment proposed April 30, 2018