

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 910 Department or Agency Underground Damage Prevention Authority
Rule No. 910-X-5
Rule Title: Underground Damage Prevention Fund
X New _____ Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

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

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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.

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.

Arnette R. Leburn

Signature of certifying officer _____

Date 07/21/2020

REC'D & FILED

JUL 20 2020

(DATE FILED)
(STAMP)

APA-2

Underground Damage Prevention Authority

NOTICE OF INTENDED ACTION

AGENCY NAME: Underground Damage Prevention Authority

RULE NO. & TITLE: Chapter 910-X-5 Underground Damage Prevention Fund

INTENDED ACTION: Establish New Rule

SUBSTANCE OF PROPOSED ACTION:

To outline the responsibilities of the Authority to collect penalties and how those penalties shall be paid.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, view, or arguments concerning the proposed new rule to the Underground Damage Prevention Authority in writing through the close of business on September 4, 2020 to the acting secretary of the Underground Damage Prevention Authority at the following: Annette R. Reburn, Executive Director, Alabama 811 3104 Bates Lane Fultondale, AL 35069 Phone: 205-731-3209 Fax: 205-731-3249 Email: areburn@al811.com

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 4, 2020

CONTACT PERSON AT AGENCY:

Annette R. Reburn, Executive Director, Alabama 811
3104 Bates Lane Fultondale, AL 35069 Phone: 205-731-3209 Fax:
205-731-3249 Email: areburn@al811.com



Annette R Reburn, Secretary

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 910 Department or Agency: Underground Damage
Prevention Authority

Rule No: 910-X-5

Rule Title: Underground Damage Prevention
Fund

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

3. EFFECT OF THIS RULE ON COMPETITION:

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

****Additional pages may be used if needed.**
APA-7

**TRANSMITTAL SHEET FOR
BUSINESS ECONOMIC IMPACT STATEMENT
(Section 41-22-5.1)**

Control No. 910 Department/Agency Underground Damage Prevention Authority

Rule No. 910-X-5

Rule Title: Underground Damage Prevention Fund

X New _____ Amend _____ Repeal _____ Adopt by Reference

Attached is a Business Economic Impact Statement filed pursuant to Section 41-22-5.1, Code of Alabama 1975.

Annette R. Leburn

Signature of Filing Officer _____

Date 7/21/2020

(DATE FILED)
(STAMP)

**Underground Damage Prevention Authority
Administrative Rules**

**Chapter 910-X-5
Underground Damage Prevention Fund**

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910-X-5-.01 Collected Penalties

- (1) Monies collected from assessed penalties will be deposited in the Underground Damage Prevention Fund.
- (2) Any monies remaining in the Underground Damage Prevention Fund at the end of the fiscal year shall not revert to the General Fund, but shall remain in the Underground Damage Prevention Fund for the exclusive use of the Authority.
- (3) The expenditures of monies in the Underground Damage Prevention Fund shall be at the discretion of the Authority Board to carry out its duties.
- (4) Excess funds shall be used to support public awareness programs, training and education of excavators, operators, locators, and other persons to reduce the number and severity of violations.

Author: Underground Damage Prevention Authority

Statutory Authority: Code of Ala. 1975, § 37-15-10 (e)

History: New Rule: Filed _____; effective _____.

910-X-5-.02 Payment of Penalties

Penalties and costs shall be paid to the Authority in any method adopted by the Authority. All penalties recovered shall be paid to the Underground Damage Prevention Fund. The Authority may bring an action against any person or entity to collect any fines, penalties or other monies owed to the Authority.

Author: Underground Damage Prevention Authority

Statutory Authority: Code of Ala. 1975, § 37-15-10

History: New Rule: Filed _____; effective _____.