

APA-1
Revised 4/2018

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No.: 220-2-.58

Rule Title: Authorized Guide Hunting Service. [REPEALED]

New Amend Repeal (of Existing Rule) 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 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 any 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 Alabama Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer Ryan W. Corley
Secretary of Administrative Procedure

Date 6/19/18

Department of Conservation and Natural Resources
Wildlife & Freshwater Fisheries

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources
RULE NO. & TITLE: 220-2-.58 Authorized Guide Hunting Service. [REPEALED]
INTENDED ACTION: Repeal Rule

SUBSTANCE OF PROPOSED ACTION: To repeal the regulation because it is no longer needed.

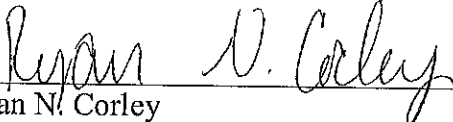
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife & Freshwater Fisheries, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, August 3, 2018.

If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or daisy.perry@dcnr.alabama.gov. Requests should be made as soon as possible but at least seven days prior to the date of a personal appearance to present views regarding the proposed rules.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, August 3, 2018.

CONTACT PERSON AT AGENCY: Chuck Sykes, Director, Wildlife & Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.



Ryan N. Corley
Secretary of Administrative Procedure

220-2-.58 Authorized Guide Hunting Service. [REPEALED]

(1) For the purpose of §9-11-47 and §9-11-49, an "authorized guide hunting service" shall be defined as any person, firm, or corporation consisting of one or more licensed guides who receive any form of remuneration, whether money or other things of value, for services in accompanying or assisting any person in the fields, forests, or on the water within the jurisdiction of the State while hunting.

(2) No person shall be entitled to be licensed as a guide from the Department of Conservation and Natural Resources.

(3) A person shall be entitled to be licensed as a guide if he:

(i) is 19 years of age or older;

(ii) is a resident of the State of Alabama;

(iii) holds a Hunter Safety Certificate from the State of Alabama;

(iv) is currently certified by the American Red Cross as having successfully completed the standard first aid course of instruction; or an equivalent course approved by the Department of Conservation and Natural Resources;

(v) has satisfactorily completed a written or oral examination on game laws and hunting safety prepared and administered by the Department of Conservation and Natural Resources;

(vi) has not been convicted of a violation of federal or state sport fishing, game, or hunting laws or regulations within the preceding three years; and

(vii) is in good physical condition certified by a physician. If deemed necessary, the Department may require a physical by a physician of the Department's choice.

(4) A guide shall not shoot, kill, or take wildlife while employed as a guide. This does not prohibit guide from carrying a firearm.

(5) It shall be unlawful for a guide to serve more than four clients at a time.

(6) All licenses shall be valid for one year from the date of issuance. No license shall be issued until a fee of \$25.00 has been paid for the license. All licenses shall be issued within 30 days after the applicant passes the required examination.

(7) The Department of Conservation and Natural Resources may suspend or revoke a guide license for a period of not less than one year nor more than three years, if any person so licensed violates the Game and Fish laws and regulations of this State or allows or assists his clients to violate the Game and Fish laws and regulations.

Author:

Statutory Authority: Code of Ala. 1975, §§9-11-44, 9-11-47, 9-11-49.

Penalty: As provided by law.

History: Filed: September 30, 1982. June 19, 2018.

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

Control No. 220 Department or Agency Conservation

Rule No: 220-2-.58

Rule Title: Authorized Guide Hunting Service. [REPEALED]

 New Amend X Repeal Adopt by Reference

 X 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: