

APA-1
Revised 4/2018

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No.: 220-3-.38

Rule Title: Transfer System for Net and Seine Permits [REPEALED]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 N. Corley
Secretary of Administrative Procedure

Date 6/19/18

Department of Conservation and Natural Resources
Marine Resources

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-3-.38 Transfer System for Net and Seine Permits
[REPEALED]

INTENDED ACTION: Repeal Rule

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

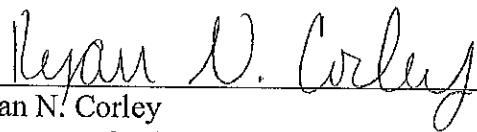
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Marine Resources at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Marine Resources, and then by personally appearing at 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: Colonel Scott Bannon, Director, Marine Resources Division, P.O. Box 189, Dauphin Island, Alabama, 36528. (251) 861-2882.



Ryan N. Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-3-38 Transfer System for Net and Seine Permits [REPEALED]

Net and seine permits transferable pursuant to subsections (b) and (c) of § 9-12-113, Code of Alabama 1975, may be transferred not more than one time per six (6) months from one individual person to another individual person, provided: (1) the transferor is in possession of a valid net and seine permit, (2) the transferor executes an affidavit certifying that he has not and will not realize any financial gain from the transfer of the permit, (3) the transferee has not had a net or seine permit permanently revoked under the 10-point system as provided by Code of Alabama 1975, §9-12-113, and (4) the transferor does not have violations pending that if convicted would cause his net or seine permit to be revoked under the 10-point system as provided by Code of Alabama 1975, §9-12-113. In the event of a transfer from a resident to a nonresident, the nonresident shall remit to the Marine Resources Division the current cost to a nonresident for that permit as provided for in § 9-12-113, less the current cost to a resident for that permit, as provided therein. Upon the death of a permittee with a valid net and seine permit the permit may be transferred to a direct descendant/relative of the permittee to be designated by the executor or administrator of the permittee's estate, provided said executor or administrator executes an affidavit certifying that the transferor's estate has not and will not realize any financial gain from the transfer of the permit, and obtains the approval of the marine resources division director as otherwise provided for herein. Requirements for renewal by the transferee of the permit for subsequent years are the same as those for the transferor as provided by subdivision (1) of subsection (c) of § 9-12-113, Code of Alabama 1975. Any transfer in which it is determined that financial gain was realized by the transferor shall be invalidated by the department of conservation and natural resources. Persons desiring to transfer such permits shall submit an application to the marine resources division director (or his authorized agent) whose written approval shall be required for any transfer.

Author: Christopher M. Blankenship

Statutory Authority: § 9-12-113, Code of Alabama 1975

Penalty: As provided by § 9-12-113, Code of Alabama 1975.

History: **New Rule:** Filed September 10, 1997; effective October 16, 1997. **Amended:** Filed October 28, 1998; effective December 3, 1998. **Amended:** Filed July 16, 2002; effective August 20, 2002. June 19, 2018.

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

Control No. 220 Department or Agency Conservation

Rule No: 220-3-.38

Rule Title: Transfer System for Net and Seine Permits [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: