

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 390 Department or Agency Alabama Forestry Commission
Rule No. 390-X-8-.07
Rule Title: Default Decertification
 New 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

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.

Signature of certifying officer 

Date October 18, 2018

(DATE FILED)
(STAMP)

APA-2

**ALABAMA FORESTRY COMMISSION
FOREST PROTECTION DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Forestry Commission

RULE NO. & TITLE: 390-X-8-.07 Default Decertification [New Rule]

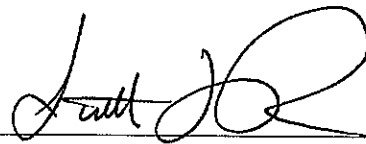
INTENDED ACTION: To adopt a new rule.

SUBSTANCE OF PROPOSED ACTION: This new rule would set forth the process for decertification of a volunteer fire department if that department either refuses to allow a decertification inspection or fails to respond to notice of a decertification inspection, in accordance with ALA. CODE § 9-3-17.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Views may be presented orally or in writing on or before December 7, 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 & COMPLETION OF NOTICE: December 7, 2018

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



Scott L. Rouse
Secretary of Administrative Procedure

ALABAMA FORESTRY COMMISSION
FOREST PROTECTION DIVISION
ADMINISTRATIVE CODE

CHAPTER 390-X-8
CERTIFICATION AND DECERTIFICATION
OF VOLUNTEER FIRE DEPARTMENTS

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390-X-8-.08 Voluntary Decertification

390-X-8-.07 Default Decertification.

(a) If a volunteer fire department certified by the Alabama Forestry Commission in any way refuses to allow a decertification inspection required by ALA. ADMIN. CODE § 390-X-8-.05, or if a department fails to respond to any notice of a decertification inspection within 30 days of its issuance, then that department shall be in default.

(b) Once a department is in default, the State Forester shall give written notice to the department that its continued refusal to allow a decertification inspection, or its continued failure to respond to a notice of a decertification inspection, can result in summary decertification of the department.

(c) If the department thereafter continues to be in default for a period of no less than 30 days, the State Forester may recommend to the Alabama Forestry Commission that the department be summarily decertified. The Commission may then act upon the recommendation in the manner provided in ALA. ADMIN. CODE § 390-X-8-.06.

Author: Scott L. Rouse

Statutory Authority: Code of Ala. 1975, § 9-3-17(e)

History: New regulation proposed October 31, 2018