

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 390 Department or Agency Alabama Forestry Commission  
Rule No. 390-X-8-.08  
Rule Title: Voluntary Decertification  
X 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

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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 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-.08 Voluntary Decertification [New Rule]

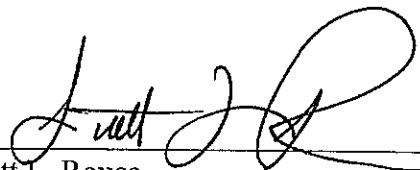
INTENDED ACTION: To adopt a new rule.

SUBSTANCE OF PROPOSED ACTION: This new rule would set forth the process for a volunteer fire department to voluntarily relinquish its certification as a volunteer fire department, 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

390-X-8-.08      Voluntary Decertification.

(a) Any volunteer fire department certified by the Alabama Forestry Commission may decide at any time to voluntarily relinquish its certification, regardless of whether a decertification inspection has been requested or performed.

(b) To effectuate a voluntary decertification, the governing body of the department must adopt a resolution expressly relinquishing certification of the department, and that resolution must be transmitted in writing to the State Forester (or his or her designee). After such resolution is received, the department shall cease to be recognized as a volunteer fire department without need of further action by the Alabama Forestry Commission.

(c) In the event a department no longer has a functioning governing body, the current chief of the department may submit a written request for voluntary decertification to the State Forester (or his or her designee). The request must include a sworn affidavit from the current chief attesting to the department's lack of a functioning governing body and confirming that no other person or legal entity has authority over the department. After the request and affidavit are received and acknowledged in writing by the State Forester, the department shall cease to be recognized as a volunteer fire department without need of further action by the Alabama Forestry Commission.

(d) If the State Forester determines at any time that a written request, affidavit or resolution provided pursuant to this rule contains a material misrepresentation of facts or was otherwise submitted in bad faith, the State Forester shall have the discretion to summarily reinstate the affected department's certification without requiring it to comply with the process set forth in ALA. ADMIN. CODE § 390-X-8-.03.

**Author:** Scott L. Rouse

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

**History:** New regulation proposed October 31, 2018