

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources
Rule No. 220-1-1-.02

Rule Title: General Course and Method of Operations

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 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 Jennifer Welton
Secretary of Administrative Procedure

Date 4-6-15

Department of Conservation and Natural Resources

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources
RULE NO. & TITLE: 220-1-1-.02 General Course and Method of Operations
INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: Amend paragraphs (1) and (2) to clarify that the rule is referencing the Department of Conservation and Natural Resources; amend paragraph (3) and its subsections to accurately reflect the Administrative Sections of the Administrative Division of the Department and the duties of each section; and omit references to the Marine Police Division and Land Survey Division.


TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Deputy General Counsel at any time during the period stated below, or orally if requested in advance by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, June 3, 2016.

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:

June 3, 2016.

CONTACT PERSON AT AGENCY: Jennifer Weber, Deputy General Counsel, 4th Floor, 64 N. Union Street, Montgomery, Alabama 36104, 334-242-3165.



JENNIFER WEBER
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-1-1-.02. General Course and Method of Operations.

(1) The Commissioner of the Department of Conservation and Natural Resources is empowered to perform all functions and duties of the Department as provided by law.

(2) The Advisory Board of Conservation and Natural Resources is empowered to perform all functions and duties as provided in § 9-2-15, *Code of Alabama 1975*, and otherwise provided by law, including, but not limited to, assisting in formulating Departmental policies.

(3) The Administrative Division includes the Commissioner's Office, Legal Section, ~~Analysis Section~~, Personnel and Payroll Section, Engineering Section, Accounting Section, ~~Plans and Programs Section~~, Information and Education Section, Property Inventory Section and ~~Procurement and Property Management Section~~ Information Technology Section.

(a) The Commissioner's Office provides the overall direction and management of the Department.

(b) The Legal Section provides legal advice and counsel ~~to the Department~~, prepares legal documents ~~and~~, drafts and reviews legislation and regulations, represents the Department in litigation, and provides other legal-related services.

~~(c) The Analysis Section provides review, analysis and recommendations for increased efficiencies of operations and administration of the Department, and provides other related services.~~

~~(d)~~ (c) The Personnel and Payroll Section ~~provides the maintenance of~~ maintains personnel records of Departmental employees, prepares and maintains payrolls and payroll records, provides liaison with the State Personnel Department for personnel actions, and provides other related services.

~~(e)~~ (d) The Engineering Section provides review of architectural, engineering, and construction plans and specifications, provides design and cartographic services, administers construction contracts, and provides other related services.

~~(f)~~ (e) The Accounting Section provides clearing house services for financial data, maintains records of disbursements and receipts, processes warrants, vouchers, requisitions, and license sales, provides auditing services, and provides other related services.

~~(g) — The Plans and Programs Section provides the administration of the Land and Water Conservation Fund grant program in Alabama, provides outdoor recreation planning, and provides other related services.~~

~~(h) (f) The Information and Education Section provides information and education to the public relative to activities within Departmental jurisdiction, prepares news releases and inter-departmental newsletters, publishes Alabama Conservation magazine, and provides other related services.~~

~~(i) — The Procurement and Property Management Section provides procurement and property management services for the Department, and provides other related services.~~

(g) The Property Inventory Section maintains a full and complete inventory of all nonconsumable personal property of the value of five hundred dollars (\$500) or more owned, used, or acquired by the Department, submits an inventory list biannually to the State Auditor as required by law, conducts annual and/or semi-annual audits for the Department, maintains records of all Department vehicles, titles, and tags, and maintains a warehouse facility for storage of vehicles and inventory for the Department.

(4) The Game and Fish Division includes the Enforcement Section, Wildlife Section, and Fisheries Section.

(a) The Enforcement Section provides enforcement of the laws and regulations relating to the Game and Fish Division, and provides other related services.

(b) The Wildlife Section provides the general management over the wildlife resources of Alabama, engages in biological research as to these resources, operates wildlife management areas, provides hunter safety education, and provides other related services.

(c) The Fisheries Section provides the general management of the fresh water fishery resources of Alabama, engages in biological research as to these resources, operates a public fishing lakes program, and provides other related services.

(5) The Marine Resources Division includes the Administrative Section, ~~Research and Management~~ Fisheries Section, and the Enforcement Section.

(a) The Administrative Section provides overall management of the Division, relative to marine resources, and provides other related services.

(b) ~~The Research and Management~~ Fisheries Section provides biological research as to marine resources, engages in resource management, and provides other related services.

(c) The Enforcement Section provides enforcement of the laws and regulations relating to Marine Resources Division, and provides other related services.

(6) The State Parks Division provides the management and operation of all State Parks within its jurisdiction, including a number of motels, resorts and recreational facilities, and provides other related services.

(7) The State Lands Division provides the management of State Lands within its jurisdiction, provides for the management of oil and gas and other minerals on or within such lands, and provides other related services.

~~(8) — The Marine Police Division includes the Enforcement Section, the Education Section and the Administrative Section.~~

~~(a) — The Enforcement Section provides enforcement of the laws and regulations relating to the Marine Police Division, and provides other related services.~~

~~(b) — The Education Section provides boating safety education to the public, and provides other related services.~~

~~(e) — The Administrative Section provides administrative support, issues licenses, maintains records of boat registration, and provides other related services.~~

~~(9) — The Land Survey Division was created by statute to provide for the establishment, maintenance and preservation of the physical accessories of the U.S. public land survey, and provides other related services.~~

STATUTORY AUTHORITY: Code of Alabama 1975, §§ 9-2-12 and 41-22-4.

9/30/82;