

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No.: 220

Department or Agency: Conservation and Natural Resources

Rule No.: 220-3-.84

Rule Title: Fees

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? NO

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? NO

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? YES

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 
Secretary of Administrative Procedure

Date 6/22/15

**Department of Conservation and Natural Resources
Marine Resources Division**

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: Rule 220-3-.84, Fees

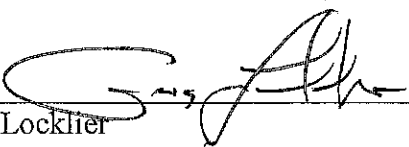
INTENDED ACTION: NEW RULE.

SUBSTANCE OF PROPOSED ACTION: To increase several statutorily authorized commercial and recreational fees assessed by the Marine Resources Division pursuant the authority of Act 2015-441 (HB216, 2015 Regular Legislative Session).

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Marine Resources Division at any time during the period stated below, or orally if requested in advance by personally appearing in Room 474 (4th floor), Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Wednesday, August 5, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments will be received until the close of the record at 5:00 p.m. on Wednesday, August 5, 2015. Written comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Chris Blankenship, Director, Marine Resources Division, P.O. Box 189, Dauphin Island, Alabama, 36528. (251) 861-2882.



Greg Locklier
Secretary of Administrative Procedure

220-3-.84 Fees

Act 2015-441 authorizes any state agency that statutorily levies or assesses fees to fund its operations and programs to increase those fees by means provided in the Act. Pursuant to the authority of Act 2015-441, certain statutory fees related to the Marine Resources Division have been increased. See the table below for a list of increased fees. The statutory fees in column three are increased to the amounts in column four.

FEES

1	2	3	4
Authorizing Statutes	Description	Statutory Fee	New fee Authorized by Act 2015-441
9-11-94.1	Tarpon Tag	\$50	\$60
9-11-171	Resident annual spearfishing license	\$5	\$6
9-11-171	Nonresident seven day spearfishing license	\$5	\$6
9-11-171	Nonresident annual spearfishing license	\$7.50	\$9
9-12-54.1	Resident live saltwater bait dealers license (one live bait catcher boat and one transport truck)	\$100	\$105
9-12-54.1	Resident live saltwater bait dealers license (two live bait catcher boats and two transport trucks)	\$200	\$210
9-12-54.1 & 9-1-54.2	Nonresident live saltwater bait dealers license (one live bait catcher boat and one transport truck)	\$200	\$210
9-12-54.1 & 9-12-54.2	Resident live saltwater bait dealers license (two live bait catcher boats and two transport trucks)	\$400	\$420
9-12-82	Resident commercial oyster catcher license	\$25	\$30
9-12-82 & 9-12-80	Nonresident commercial oyster catcher license	\$50	\$60
9-12-87	Resident oyster dredge license	\$25	\$30
9-12-87 & 9-12-80	Nonresident oyster dredge license	\$50	\$60
9-12-93	Recreational shrimp boat license	\$15	\$18
9-12-93	Nonresident recreational shrimp boat license (Nonreciprocal state)	\$30	\$36
9-12-93	Resident commercial shrimp boat license (under 30 feet in length)	\$50	\$60
9-12-93	Resident commercial shrimp boat license (30 to 45 feet in length)	\$75	\$90
9-12-93	Resident commercial shrimp boat license (over 45 feet in length)	\$100	\$120
9-12-93	Nonresident commercial shrimp boat license (under 30 feet in length. Nonreciprocal state.)	\$100	\$120

Table continued

9-12-93	Nonresident commercial shrimp boat license (30 to 45 feet in length. Nonreciprocal state.)	\$150	\$180
9-12-93	Nonresident commercial shrimp boat license (over 45 feet in length. Nonreciprocal state.)	\$200	\$240
9-12-95	Resident commercial party boat (up to 6 passengers)	\$200	\$240
9-12-95	Resident commercial party boat (7 to 25 passengers)	\$300	\$360
9-12-95	Resident commercial party boat (more than 25 passengers)	\$500	\$600
9-12-95 & 9-12-80	Nonresident commercial party boat (up to 6 passengers)	\$400	\$480
9-12-95 & 9-12-80	Nonresident commercial party boat (7 to 25 passengers)	\$600	\$720
9-12-95 & 9-12-80	Nonresident commercial party boat (more than 25 passengers)	\$1,000	\$1,200
9-12-113	Resident Commercial Saltwater Fishing License	\$100	\$120
9-12-113	Nonresident Commercial Saltwater Fishing License	\$200	\$240
9-12-113	Resident commercial saltwater net or seine permit	\$300	\$360
9-12-113	Additional fee to be added to resident commercial saltwater net or seine permit when taking Roe Mullet and Spanish Mackerel	\$500	\$600
9-12-113	Resident commercial purse seine license	\$1,500	\$1,800
9-12-113	Nonresident commercial saltwater net or seine permit	\$1,500	\$1,800
9-12-113	Additional fee to be added to nonresident commercial saltwater net or seine permit when taking Roe Mullet and Spanish Mackerel	\$2,500	\$3,000
9-12-113	Nonresident commercial purse seine license	\$3,000	\$3,600
9-12-123	Resident recreational gill net license	\$50	\$60
9-12-123 & 9-12-80	Nonresident recreational gill net license	\$100	\$120
9-12-124	Resident crab catcher's license	\$50	\$60
9-12-124 & 9-12-80	Nonresident crab catcher's license	\$100	\$120
9-12-125	Resident seafood dealer license	\$200	\$240
9-12-125	Nonresident seafood dealer license, except where nonresident state charge Alabama residents in excess of \$400 for the activity, in which case it shall be the amount the other state charges.	\$400	\$480
9-12-125	Resident and nonresident seafood dealer vehicle license	\$100	\$120
9-12-150	Permit for artificial reef construction	\$25	\$30

Author: N. Gunter Guy, Jr.

Statutory Authority: Act 2015-441; Code of Ala. 1975, §§ 9-2-8, 9-2-12

History: New Rule: Filed: _____; Effective _____

Fiscal Note

Proposed Rule 220-3-.84

Proposed rule 220-3-.84 increase certain fees charged by the Marine Resources Division of the Department of Conservation and Natural Resources (Department). The fee increases are proposed pursuant to the authority of Act 2015-441 which was signed in to law by Governor Bentley on June 9, 2015. Act 2015-441 allows any state agency authorized to statutorily levy or assess fees retained by the agency to fund its operations or programs to increase those fees through the rule-making process by means provided in the Act.

This proposed rule would increase receipts to the Marine Resources Division by approximately \$80,000.

The Department provides the following additional information as required by §41-22-23(f), *Ala. Code 1975*:

- A determination of the need for the regulation and the expected benefit of the regulation.

Response:

The state legislature and Governor Bentley recognized the need for state agencies to increase certain statutory fees by passing and enacting HB216 (Act 2015-441) during the 2015 regular legislative session. Many of the Marine Resources Division (MRD) fees established in statute have not been increased in more than 30 years while the costs of administering MRD programs have continued to rise. The proposed increased fees will better enable MRD to cover the costs of its fisheries management programs and statutory obligations.

- A determination of the costs and benefits associated with the regulation and an explanation of why the regulation is considered to be the most cost effective, efficient, and feasible means for allocating public and private resources and for achieving the stated purpose.

Response:

The fisheries of Alabama are managed for maximum benefit to the fishermen and for protection of the resources. This regulation will further

allow the Marine Resources Division to adequately manage the fisheries for long-term sustainability.

- The effect of the regulation on competition.

Response:

There should be no effect on competition.

- The effect of the regulation on the cost of living and doing business in the geographical area in which the regulation would be implemented.

Response:

The proposed increases in license fees should have a minimal impact on the cost of doing business. License costs are a very small portion of the total business expense of commercial fisheries.

- The effect of the regulation on employment in the geographical area in which the regulation would be implemented.

Response:

The proposed CPI increases to these fees should have no effect on future employment.

- The source of revenue to be used for implementing and enforcing the regulation.

Response:

There should be no administrative cost to implement the proposed regulation. However, if any costs are incurred they will be paid from Marine Resources Division funds.

- A conclusion on the short-term and long-term economic impact upon all persons substantially affected by the regulation, including an analysis containing a description of which persons will bear the costs of the regulation and which persons will benefit directly and indirectly from the regulation.

Response:

The fees derived from the implementation of this regulation will come from commercial and recreational fishermen and businesses. The Marine Resources Division will utilize these funds to better manage the fisheries. This will provide a long and short term benefit to the same persons bearing the cost of these fees.

- The uncertainties associated with the estimation of particular benefits and burdens and the difficulties involved in the comparison of qualitatively and quantitatively dissimilar benefits and burdens. A determination of the need for the regulation shall consider qualitative and quantitative benefits and burdens.

Response:

The burdens caused by this regulation should be minimal to the commercial and recreational fishermen. The benefits to the resources from better management of the fisheries should directly benefit the fisheries and, consequently, the commercial and recreational fishermen that utilize the resource.

- The effect of the regulation on the environment and public health.

Response:

The fees derived from this regulation will be used by the Marine Resources Division to better manage the commercial and recreational fisheries of the State of Alabama. This will have a positive impact on the environment and public health.

- The detrimental effect on the environment and public health if the regulation is not implemented.

Response:

If this regulation is not implemented, there will be no additional funds to improve the management of the fisheries. This has the potential to negatively affect the environment and the health of the fisheries.