

APA-1
Revised 7/2019

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency: Conservation and Natural Resources

Rule No.: 220-5-.08

Rule Title: Prohibited Devices.

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 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? 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.

REC'D & FILED

NOV 17 2022

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 Services Agency.

Signature of Certifying Officer Ryan W. Corley
Secretary of Administrative Procedure

Date 11/17/2022

Department of Conservation and Natural Resources
State Parks Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-5-.08 Prohibited Devices.

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To define the word handgun and the phrase long gun for purposes of this regulation. To clarify when someone other than a duly authorized law enforcement officer may possess or carry into any State Park any form of firearm. To allow lawfully authorized persons to have a handgun for personal protection. To allow persons lodging at a State Park to possess a long gun, provided that the long gun remains at all times unloaded and secured in either the patron's vehicle or applicable lodging (i.e. camper, cabin, or lodge room). To provide that the Commissioner may designate locations where the possession of a firearm is prohibited.

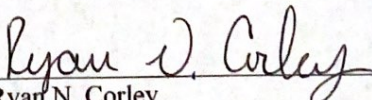
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of State Parks Division at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of State Parks Division, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Monday, January 9, 2023.

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:

Monday, January 9, 2023.

CONTACT PERSON AT AGENCY: Greg Lein, Director, State Parks Division, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3334.



Ryan N. Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-5-.08 Prohibited Devices.

(1) For the purposes of this section, the following words and phrases shall have the following meanings:

(a) "Handgun" is defined as:

1. any firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

2. any combination of parts from which a firearm described above can be assembled.

(b) "Long gun" is defined as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of an explosive to fire:

1. either a number of ball shot or a single projectile through a smooth bore for each single pull of the trigger; or

2. a single projectile through a rifled bore for each single pull of the trigger.

(2) It shall be unlawful for any person, other than a duly authorized law enforcement officer, to possess or carry into any State Park any form of firearm ~~except as follows: without written permission of the manager in charge of the State Park visited; provided, however, nothing in this regulation prohibits the p~~

(a) Possession of handguns by lawfully ~~licensed~~ authorized persons is permitted for personal protection; provided, the handguns are not used for any unlawful purpose.

(b) Persons lodging at a State Park may possess a long gun, provided that the long gun remains at all times unloaded and secured in either the patron's vehicle or applicable lodging (i.e. camper, cabin, or lodge room).

(c) The Commissioner may designate locations where the possession of a firearm is prohibited.

(3) No person shall possess, discharge, or set off on or within a State Park any firecrackers, torpedoes, rockets, cap pistols, or other fireworks.

(24) No person shall operate or use any audio device, including radio, television, musical instruments, or any other noise producing devices, such as electrical generators, and equipment driven by motor engines, in such a manner and at such times so as to disturb other persons.

(35) No person shall operate or use any public address system, whether fixed, portable, or vehicle mounted, except when such use or operation has been approved by the Park Manager.

(46) It shall be unlawful for any person to use any metal detection device in any State Park without permission from the Park Manager.

Author: Christopher M. Blankenship

Statutory Authority: Code of Alabama, 1975, §§ 9-2-3, 9-2-9, 9-2-12.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

History: Filed September 30, 1982. **Amended:** November 16, 1989. **Amended:** Filed April 14, 1998; effective May 19, 1998. **Amended:** Filed January 5, 2010; effective February 9, 2010. **Amended:** 11/17/2022

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

Control No. 220 Department or Agency Conservation

Rule No: 220-5-.08

Rule Title: Prohibited Devices.

New Amend Repeal Adopt by Reference

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: