

1 HB45
2 171701-1
3 By Representative Lee
4 RFD: Ways and Means General Fund
5 First Read: 11-SEP-15

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8 SYNOPSIS: Under current law, there is no
9 administrative procedure available prior to the
10 closing of state parks, offices, or agencies. This
11 bill would provide for such procedure in
12 conjunction with the process outlined in the
13 Alabama Administrative Procedure Act.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 Relating to state agencies; to provide for an
20 administrative procedure prior to the closing of state parks,
21 offices, or agencies in conjunction with the Alabama
22 Administrative Procedure Act.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) Any closing of any state park,
25 agency, or office shall be subject to the administrative
26 process provided for in the Alabama Administrative Procedure
27 Act in Chapter 22 of Title 41, Code of Alabama 1975. Prior to

1 the closing of any state park, agency, or office, the agency
2 shall give notice of its intended action at least 45 days
3 prior to such closing to the chairman of the Legislative
4 Council. The agency shall provide the Legislative Council with
5 any written submissions relating to the closing or closings
6 along with its notice.

7 (b) If the Legislative Council takes no action
8 within the notice period provided for in subsection (a), the
9 agency may proceed with the intended closing or closings.
10 However, if the Legislative Council disapproves such closing
11 or closings within this notice period, the Legislative Council
12 shall provide notice of such to the agency and shall afford
13 the agency an opportunity for a hearing before the Legislative
14 Council after reasonable notice in writing delivered either by
15 personal service or by certified mail, return receipt
16 requested. The notice shall include:

17 (1) A statement of the time, place, and nature of
18 the hearing; and

19 (2) A short and plain statement relating to the
20 closing or closings.

21 (c) If the agency fails to appear at the hearing
22 after proper service of notice, the Legislative Council may,
23 if no adjournment is granted, proceed with the hearing and
24 approve or disapprove the closing or closings in the absence
25 of the agency.

26 (d) If the Legislative Council disapproves or
27 approves the closing or closings, it shall notify the agency

1 in writing. If the Legislative Council disapproves the closing
2 or closings, the closing or closings shall not become
3 effective until adjournment of the next regular session of the
4 Legislature that commences after the disapproval unless, prior
5 to that time, the Legislature adopts a joint resolution that
6 upholds the disapproval by the Legislative Council. If the
7 Legislative Council approves the closing or closings, the
8 closing or closings may proceed as scheduled. If the
9 Legislative Council fails to either approve or disapprove the
10 closing or closings within 30 days after the hearing, the
11 closing or closings shall be deemed approved and the closing
12 or closings may proceed as scheduled.

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.