1   SB133

2   209025-2

3   By Senator Holley

4   RFD: Governmental Affairs

5   First Read: 02-FEB-21

1   SB133

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4   <u>ENROLLED</u>, An Act,

5   Relating to administrative procedure; to amend

6   Section 41-22-7, Code of Alabama 1975, as last amended by Act

7   2019-498 of the 2019 Regular Session, to remove the

8   requirement that the Legislative Services Agency publish the

9   Alabama Administrative Code in loose leaf form; to require the

10   Legislative Services Agency to publish the Alabama

11   Administrative Code and the Alabama Administrative Monthly on

12   the Internet in a format that is viewable by the general

13   public at no subscription charge; and to authorize the

14   administrative procedure secretary of each agency to publish

15   the administrative rules of the agency in a loose leaf form,

16   electronic form, or both.

17   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18   Section 1. Section 41-22-7 of the Code of Alabama

19   1975, as last amended by Act 2019-498 of the 2019 Regular

20   Session, is amended to read as follows:

21   "§41-22-7.

22   "(a) The secretary of an agency shall establish and

23   maintain an official register of rules which shall be

24   compiled, indexed, published in loose-leaf form, <u>electronic</u>

25   <u>form, or both,</u> and kept up to date by the secretary of the

1 agency. This register of rules shall be known as "The (name of

2 the agency) Administrative Code," and it shall be made

3 available, upon request, at cost to all persons for copying

4 and inspection and to those persons who subscribe to the

5 register. Supplementation shall be made as often as is

6 practicable, but at least once every year. The secretary of an

7 agency shall number and renumber rules to conform with a

8 uniform numbering system devised by the Legislative Services

9 Agency, Legal Division.

10 "(b) The secretary of an agency may omit from its

11 administrative code rules that are general in form, but are

12 applicable to only one county or a part thereof. Rules so

13 omitted shall be filed with the secretary, and exclusion from

14 publication shall not affect their validity or effectiveness.

15 The secretary shall publish a compilation of and index to all

16 rules so omitted at least annually.

17 "(c) The secretary of an agency shall make copies of

18 the agency's administrative code available on an annual

19 subscription basis, at cost.

20 "(d) The secretary of an agency shall file with the

21 Legislative Services Agency, Legal Division, not later than 15

22 days after filing with the secretary, all rules or amendments

23 or repeal of rules adopted by the agency. In addition, the

24 secretaries of the Alabama Public Service Commission and the

25 Alabama State Port Authority, respectively, shall file with

1   the Legislative Services Agency, Legal Division, not later

2   than 15 days after filing with the secretary, all rules or

3   amendments or repeal of rules adopted by the commission or

4   authority.

5   "(e) The Legislative Services Agency, Legal

6   Division, shall establish and maintain an official register of

7   rules which shall be so compiled, indexed, published ~~in~~

8   ~~loose-leaf form~~ on the Internet, and kept up to date by the

9   Legislative Services Agency, Legal Division. The register of

10   rules shall be known as the "Alabama Administrative Code" and

11   shall ~~upon request,~~ be made available ~~at cost to all persons~~

12   ~~for inspection and copying or who subscribe thereto~~ to the

13   public in electronic format. Supplementation shall be made as

14   ~~often~~ soon as is practicable~~, but at least once every year~~

15   following the effective date of each addition, amendment, or

16   repeal of a rule. The Legislative Services Agency, Legal

17   Division, shall devise a uniform numbering system for rules

18   and may renumber rules before publication to conform with the

19   system.

20   "(f) The Legislative Services Agency, Legal

21   Division, shall publish a monthly bulletin entitled the

22   "Alabama Administrative Monthly," which shall contain a

23   statement of either the terms or substance of all rules filed

24   during the preceding month, excluding rules in effect on

25   October 1, 1982, together with other material required by law

1 and such other material the agency or committee determines to

2 be of general interest. The Legislative Services Agency shall

3 publish the Alabama Administrative Monthly on the Internet on

4 a website available to the general public for viewing at no

5 subscription cost.

6   "(g) The Legislative Services Agency, Legal

7 Division, may omit from the Alabama Administrative Monthly and

8 the Alabama Administrative Code rules that are general in

9 form, but are applicable to only one county or a part thereof.

10 Rules so omitted shall be filed with the Legislative Services

11 Agency, Legal Division, and exclusion from publication shall

12 not affect their validity or effectiveness. The Legislative

13 Services Agency, Legal Division, shall publish a compilation

14 of, and index to, all rules so omitted at least annually.

15   "(h) The Legislative Services Agency, Legal

16 Division, shall make copies of the Alabama Administrative Code

17 and copies of the Alabama Administrative Monthly available ~~at~~

18 ~~cost on an annual subscription basis~~ on the Internet.

19   "(i) The Legislative Services Agency, Legal

20 Division, shall charge each agency using the Alabama

21 Administrative Monthly a space rate computed to cover all

22 publishing ~~or printing~~ costs related to the Alabama

23 Administrative Monthly and shall charge each agency a per page

24 rate for each page published in the Alabama Administrative

25 Code to cover costs incurred by the Legislative Services

1   Agency, Legal Division, in publishing the Alabama

2   Administrative Code."

3   Section 2. This act shall become effective on the

4   first day of the third month following its passage and

5   approval by the Governor, or its otherwise becoming law.

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4   President and Presiding Officer of the Senate

5   _____

6   Speaker of the House of Representatives

7   SB133
8   Senate 11-FEB-21
9   I hereby certify that the within Act originated in and passed
10 the Senate.
11
12   Patrick Harris,
13   Secretary.
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17 House of Representatives
18 Passed: 01-APR-21

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21 By: Senator Holley