

1 HB275
2 209025-1
3 By Representative Gaston
4 RFD: State Government
5 First Read: 02-FEB-21

8 SYNOPSIS: Under existing law, the Legislative Services
9 Agency is required to establish and maintain an
10 official register of administrative rules known as
11 the Alabama Administrative Code. Under existing
12 law, the Legislative Services Agency must publish
13 the administrative code in loose leaf form and make
14 it available at cost to subscribers. Also under
15 existing law, the Legislative Services Agency is
16 required to publish a monthly bulletin called the
17 Alabama Administrative Monthly and make it
18 available at cost on an annual subscription basis.

19 Under existing law, the administrative
20 procedure secretary of each agency is required to
21 maintain and publish the administrative rules of
22 the agency in loose leaf format.

23 This bill would delete the requirement that
24 the Legislative Services Agency publish the Alabama
25 Administrative Code in loose leaf form and would
26 require the Legislative Services Agency to publish
27 the Alabama Administrative Code on the Internet.

1 This bill would remove the requirement that the
2 Legislative Services agency offer the Alabama
3 Administrative Monthly as a paid annual
4 subscription and, in lieu thereof, require the
5 Legislative Services Agency to publish the Alabama
6 Administrative Monthly on the Internet on a website
7 that is viewable by the general public at no
8 subscription charge.

9 This bill would authorize the administrative
10 procedure secretary of each agency to publish the
11 administrative rules of the agency in loose leaf
12 form, electronic form, or both.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to administrative procedure; to amend
19 Section 41-22-7, Code of Alabama 1975, as last amended by Act
20 2019-498 of the 2019 Regular Session, to remove the
21 requirement that the Legislative Services Agency publish the
22 Alabama Administrative Code in loose leaf form; to require the
23 Legislative Services Agency to publish the Alabama
24 Administrative Code and the Alabama Administrative Monthly on
25 the Internet in a format that is viewable by the general
26 public at no subscription charge; and to authorize the
27 administrative procedure secretary of each agency to publish

1 the administrative rules of the agency in a loose leaf form,
2 electronic form, or both.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 41-22-7 of the Code of Alabama
5 1975, as last amended by Act 2019-498 of the 2019 Regular
6 Session, is amended to read as follows:

7 "§41-22-7.

8 "(a) The secretary of an agency shall establish and
9 maintain an official register of rules which shall be
10 compiled, indexed, published in loose-leaf form, electronic
11 form, or both, and kept up to date by the secretary of the
12 agency. This register of rules shall be known as "The (name of
13 the agency) Administrative Code," and it shall be made
14 available, upon request, at cost to all persons for copying
15 and inspection and to those persons who subscribe to the
16 register. Supplementation shall be made as often as is
17 practicable, but at least once every year. The secretary of an
18 agency shall number and renumber rules to conform with a
19 uniform numbering system devised by the Legislative Services
20 Agency, Legal Division.

21 "(b) The secretary of an agency may omit from its
22 administrative code rules that are general in form, but are
23 applicable to only one county or a part thereof. Rules so
24 omitted shall be filed with the secretary, and exclusion from
25 publication shall not affect their validity or effectiveness.
26 The secretary shall publish a compilation of and index to all
27 rules so omitted at least annually.

1 "(c) The secretary of an agency shall make copies of
2 the agency's administrative code available on an annual
3 subscription basis, at cost.

4 "(d) The secretary of an agency shall file with the
5 Legislative Services Agency, Legal Division, not later than 15
6 days after filing with the secretary, all rules or amendments
7 or repeal of rules adopted by the agency. In addition, the
8 secretaries of the Alabama Public Service Commission and the
9 Alabama State Port Authority, respectively, shall file with
10 the Legislative Services Agency, Legal Division, not later
11 than 15 days after filing with the secretary, all rules or
12 amendments or repeal of rules adopted by the commission or
13 authority.

14 "(e) The Legislative Services Agency, Legal
15 Division, shall establish and maintain an official register of
16 rules which shall be so compiled, indexed, published ~~in~~
17 ~~loose-leaf form~~ on the Internet, and kept up to date by the
18 Legislative Services Agency, Legal Division. The register of
19 rules shall be known as the "Alabama Administrative Code" and
20 shall ~~upon request,~~ be made available ~~at cost to all persons~~
21 ~~for inspection and copying or who subscribe thereto~~ to the
22 public in electronic format. Supplementation shall be made as
23 ~~often soon~~ as is practicable, ~~but at least once every year~~
24 following the effective date of each addition, amendment, or
25 repeal of a rule. The Legislative Services Agency, Legal
26 Division, shall devise a uniform numbering system for rules

1 and may renumber rules before publication to conform with the
2 system.

3 "(f) The Legislative Services Agency, Legal
4 Division, shall publish a monthly bulletin entitled the
5 "Alabama Administrative Monthly," which shall contain a
6 statement of either the terms or substance of all rules filed
7 during the preceding month, excluding rules in effect on
8 October 1, 1982, together with other material required by law
9 and such other material the agency or committee determines to
10 be of general interest. The Legislative Services Agency shall
11 publish the Alabama Administrative Monthly on the Internet on
12 a website available to the general public for viewing at no
13 subscription cost.

14 "(g) The Legislative Services Agency, Legal
15 Division, may omit from the Alabama Administrative Monthly and
16 the Alabama Administrative Code rules that are general in
17 form, but are applicable to only one county or a part thereof.
18 Rules so omitted shall be filed with the Legislative Services
19 Agency, Legal Division, and exclusion from publication shall
20 not affect their validity or effectiveness. The Legislative
21 Services Agency, Legal Division, shall publish a compilation
22 of, and index to, all rules so omitted at least annually.

23 "(h) The Legislative Services Agency, Legal
24 Division, shall make copies of the Alabama Administrative Code
25 and copies of the Alabama Administrative Monthly available ~~at~~
26 ~~cost on an annual subscription basis~~ on the Internet.

1 "(i) The Legislative Services Agency, Legal
2 Division, shall charge each agency using the Alabama
3 Administrative Monthly a space rate computed to cover all
4 publishing ~~or printing~~ costs related to the Alabama
5 Administrative Monthly and shall charge each agency a per page
6 rate for each page published in the Alabama Administrative
7 Code to cover costs incurred by the Legislative Services
8 Agency, Legal Division, in publishing the Alabama
9 Administrative Code."

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.