

HB654 INTRODUCED



1 HB654
2 G35DD22-1
3 By Representative Hammett
4 RFD: State Government
5 First Read: 31-Mar-26



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SYNOPSIS:

Under existing law, the Alabama Administrative Procedure Act (APA) defines the term "rule" and provides that the adoption of a new rule, and the amendment of an existing rule, by an agency is subject to the procedural process established in the APA, with certain exceptions.

This definition of "rule" exempts from the definition the adoption of hunting and fishing seasons and bag and creel limits by the Commissioner of the Department of Conservation and Natural Resources.

This bill would remove the exemption of these seasons and limits from the definition of "rule," thereby subjecting them to the procedural process established in the APA.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Administrative Procedure Act;



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29 to amend Section 41-22-3, Code of Alabama 1975, to remove the
30 exemption of hunting and fishing seasons and bag and creel
31 limits adopted by the Commissioner of Conservation and Natural
32 Resources from the definition of "rule" for purposes of the
33 Alabama Administrative Procedure Act and the procedural
34 process for adopting and amending rules established therein;
35 and to make nonsubstantive, technical revisions to update the
36 existing code language to current style.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. Section 41-22-3, Code of Alabama 1975, is
39 amended to read as follows:

40 "§41-22-3

41 ~~The following words and phrases when used in~~For
42 purposes of this chapter ~~shall, the following terms~~ have the
43 following meanings ~~respectively ascribed to them in this~~
44 ~~section, except when the context otherwise requires:~~

45 (1) AGENCY. Every board, bureau, commission,
46 department, officer, or other administrative office or unit of
47 the state, including the Alabama Department of Environmental
48 Management, other than the Legislature and its agencies, the
49 Alabama ~~State~~ Port Authority, the courts, the Alabama Public
50 Service Commission, or the State Banking Department, whose
51 administrative procedures are governed by Sections 5-2A-8 and
52 5-2A-9. The term does not include boards of trustees of
53 postsecondary institutions, boards of plans administered by
54 public pension systems, counties, municipalities, or any
55 agencies of local governmental units, unless they are
56 expressly made subject to this chapter by general or special



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57 law.

58 (2) COMMITTEE. The Joint Committee on Administrative
59 Rule Review, comprised of the members of the Legislative
60 Council, or any successor of the Joint Committee on
61 Administrative Rule Review.

62 (3) CONTESTED CASE. A proceeding, including, l but not
63 restricted to, l ratemaking, price fixing, and licensing, in
64 which the legal rights, duties, or privileges of a party are
65 required by law to be determined by an agency after an
66 opportunity for hearing. The term does not include
67 intra-agency personnel actions; ~~and does not include those~~
68 hearings or proceedings in which the Alabama Board of Pardons
69 and Paroles considers the granting or denial of pardons,
70 paroles, restoration of civil and political rights, or
71 remission of fines and forfeitures.

72 (4) LICENSE. The whole or part of any agency franchise,
73 permit, certificate, approval, registration, charter, or
74 similar form of permission required by law, ~~but not~~. The term
75 does not include a license required solely for revenue
76 purposes when issuance of the license is merely a ministerial
77 act.

78 (5) LICENSING. The agency process respecting the grant,
79 denial, renewal, revocation, suspension, annulment,
80 withdrawal, or amendment of a license or imposition of terms
81 for the exercise of a license.

82 (6) PARTY. Each person or agency named or admitted as a
83 party or properly seeking and entitled as a matter of right,
84 whether established by constitution, statute, or agency



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85 regulation or otherwise, to be admitted as a party, or
86 admitted as an intervenor under Section 41-22-14. The term
87 includes any limited form of participation in agency
88 proceedings authorized by agency rule for persons who are not
89 eligible to become parties.

90 (7) PERSON. Any individual, partnership, corporation,
91 association, governmental subdivision, or public or private
92 organization of any character other than an agency.

93 (8) QUORUM. No less than a majority of the members of a
94 multimember agency ~~shall constitute a quorum~~ authorized to act
95 in the name of the agency, unless provided otherwise by
96 statute.

97 (9) RULE. Each agency rule, regulation, standard, or
98 statement of general applicability that implements,
99 interprets, or prescribes law or policy, or that describes the
100 organization, procedure, or practice requirements of any
101 agency and includes any form ~~which~~ that imposes any
102 requirement or solicits any information not specifically
103 required by statute ~~or by an~~, existing rule, or ~~by~~ federal
104 statute ~~or by federal~~, rule, or regulation, provided,
105 ~~however~~, all forms shall be filed with the secretary of the
106 agency and with the Legislative Services Agency, Legal
107 Division, and all forms, except intergovernmental,
108 interagency, and intra-agency forms ~~which~~ that do not affect
109 the rights of the public and emergency forms adopted pursuant
110 to Section 41-22-5, shall be published in the Agency
111 Administrative Code. The term includes the amendment or repeal
112 of all existing rules, ~~but~~. The term does not include any of



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113 the following:

114 a. Statements concerning only the internal management
115 of an agency and not affecting private rights or procedures
116 available to the public.

117 b. Declaratory rulings issued pursuant to Section
118 41-22-11.

119 c. Intergovernmental, interagency, and intra-agency
120 memoranda, directives, manuals, or other communications ~~which~~
121 that do not substantially affect the legal rights of, or
122 procedures available to, the public or any segment thereof.

123 d. Determinations, decisions, orders, statements of
124 policy, and interpretations that are made in contested cases.

125 e. An order ~~which~~ that is directed to a specifically
126 named person or to a group of specifically named persons which
127 does not constitute a general class, and the order is served
128 on the person or persons to whom it is directed by the
129 appropriate means applicable thereto. The fact that the named
130 person who is being regulated serves a group of unnamed
131 persons who will be affected does not make the order a rule.

132 f. An order ~~which~~ that applies to a specifically
133 described tract of real estate.

134 g. Any rules or actions relating to any of the
135 following:

136 1. The conduct of inmates of public institutions and
137 prisoners on parole.

138 2. The curriculum of public educational institutions or
139 the admission, conduct, discipline, or graduation of students
140 of the institutions; +, provided, ~~however,~~ that this exception



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141 shall not extend to rules or actions of the State Department
142 of Education.

143 3. Opinions issued by the Attorney General of the State
144 of Alabama.

145 4. The conduct of commissioned officers, warrant
146 officers, and enlisted persons in the military service.

147 5. Advisory opinions issued by the Alabama Ethics
148 Commission.

149 ~~6. Hunting and fishing seasons or bag or creel limits~~
150 ~~adopted by the Commissioner of the Department of Conservation~~
151 ~~and Natural Resources.~~

152 h. Standards, specifications, codes, plans, manuals,
153 and publications used in the design, construction, repair, and
154 maintenance of highways, roads, and bridges under the
155 jurisdiction of the Department of Transportation."

156 Section 2. This act shall become effective on October
157 1, 2026.