

1 SB334
2 136706-1
3 By Senator Taylor
4 RFD: Governmental Affairs
5 First Read: 16-FEB-12

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8 SYNOPSIS: Under existing law, the Public Service
9 Commission is excluded from the definition of
10 agency for the purposes of the Alabama
11 Administrative Procedure Act (AAPA). Therefore, the
12 general provisions of the AAPA related to the
13 adoption and publication of rules do not apply to
14 the Public Service Commission, but the Public
15 Service Commission is required to submit its rules
16 to the Legislative Reference Service.

17 This bill would delete the requirement the
18 Public Service Commission submit its adopted rules
19 to the Legislative Reference Service.
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21 A BILL
22 TO BE ENTITLED
23 AN ACT
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25 To amend Section 41-22-7 of the Code of Alabama
26 1975, relating to the publication of the Alabama
27 Administrative Code and the filing of rules, amendments, and

1 repealers with the Legislative Reference Service; to delete
2 the requirement that the Public Service Commission submit its
3 adopted rules to the Legislative Reference Service.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 41-22-7 of the Code of Alabama
6 1975, is amended to read as follows:

7 "§41-22-7.

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

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

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

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

14 "(e) The Legislative Reference Service shall
15 establish and maintain an official register of regulations
16 which shall be so compiled, indexed, published in loose-leaf
17 form, and kept up to date by the Legislative Reference
18 Service. The register of regulations shall be known as the
19 "Alabama Administrative Code," and shall be made available at
20 cost, upon request, to all persons for inspection and copying
21 or who subscribe thereto. Supplementation shall be made as
22 often as is practicable, but at least once every year. The
23 Legislative Reference Service shall devise a uniform numbering
24 system for rules and may renumber rules before publication to
25 conform with the system.

26 "(f) The Legislative Reference Service shall publish
27 a monthly bulletin entitled the "Alabama Administrative

1 Monthly," which shall contain a statement of either the terms
2 or substance of all rules filed during the preceding month,
3 excluding rules in effect on October 1, 1982, together with
4 other material required by law and such other material the
5 agency or committee determines to be of general interest.

6 "(g) The Legislative Reference Service may omit from
7 the Alabama Administrative Monthly and the Alabama
8 Administrative Code rules that are general in form, but are
9 applicable to only one county or a part thereof. Rules so
10 omitted shall be filed with the Legislative Reference Service,
11 and exclusion from publication shall not affect their validity
12 or effectiveness. The Legislative Reference Service shall
13 publish a compilation of, and index to, all rules so omitted
14 at least annually.

15 "(h) The Legislative Reference Service shall make
16 copies of the Alabama Administrative Code and copies of the
17 Alabama Administrative Monthly available at cost on an annual
18 subscription basis.

19 "(i) The Legislative Reference Service shall charge
20 each agency using the Alabama Administrative Monthly a space
21 rate computed to cover all publishing or printing costs
22 related to the Alabama Administrative Monthly and shall charge
23 each agency a per page rate for each page published in the
24 Alabama Administrative Code to cover costs incurred by the
25 Legislative Reference Service in publishing the Alabama
26 Administrative Code."

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