

1 SB55  
2 164276-1  
3 By Senators Pittman, Dial and Whatley  
4 RFD: Governmental Affairs  
5 First Read: 03-MAR-15  
6 PFD: 03/02/2015

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8 SYNOPSIS: Under existing law, there is no limit to  
9 the frequency with which an agency can amend rules  
10 promulgated pursuant to the Alabama Administrative  
11 Procedure Act.

12 This bill would amend the Administrative  
13 Procedure Act to provide that an agency cannot  
14 amend a rule, once adopted, for a period of 10  
15 years except when required by law.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 Relating to the Alabama Administrative Procedure  
22 Act; to amend Section 41-22-5.2, Code of Alabama 1975, by  
23 providing that an agency cannot amend a rule, once adopted,  
24 for a period of 10 years except when required by law.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 41-22-5.2, Code of Alabama 1975,  
27 is amended to read as follows:

1           "§41-22-5.2.

2           "(a) Within five years of July 1, 2013, each agency  
3 shall review all agency rules existing on that date to  
4 determine whether the rules should be continued without  
5 change, or should be amended or rescinded. If the head of the  
6 agency determines that completion of the review of existing  
7 rules is not feasible by the established date, the agency  
8 shall publish a statement certifying that determination.

9           "(b) A rule adopted after July 1, 2013, shall be  
10 reviewed every five years in a manner consistent with  
11 subsection (a).

12           "(c) Except as required by subsection (a) or  
13 otherwise required by law, no rule adopted by an agency may be  
14 amended for a period of 10 years. Nothing herein shall limit  
15 the right of an agency to seek the complete repeal of a  
16 previously adopted rule, as provided under this chapter."

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