SB24

171701-1

By Senators Holtzclaw, Scofield, Williams, Livingston, Sanford, Shelnutt, Melson, Albritton, Stutts, Orr, Reed, McClendon, and Waggoner
RFD: Finance and Taxation General Fund
First Read: 08-SEP-15
SYNOPSIS: Under current law, there is no administrative procedure available prior to the
closing of state parks, offices, or agencies. This bill would provide for such procedure in
conjunction with the process outlined in the Alabama Administrative Procedure Act.

A BILL
TO BE ENTITLED
AN ACT

Relating to state agencies; to provide for an administrative procedure prior to the closing of state parks,
offices, or agencies in conjunction with the Alabama Administrative Procedure Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Any closing of any state park, agency, or office shall be subject to the administrative
process provided for in the Alabama Administrative Procedure Act in Chapter 22 of Title 41, Code of Alabama 1975. Prior to
the closing of any state park, agency, or office, the agency shall give notice of its intended action at least 45 days prior to such closing to the chairman of the Legislative Council. The agency shall provide the Legislative Council with any written submissions relating to the closing or closings along with its notice.

(b) If the Legislative Council takes no action within the notice period provided for in subsection (a), the agency may proceed with the intended closing or closings. However, if the Legislative Council disapproves such closing or closings within this notice period, the Legislative Council shall provide notice of such to the agency and shall afford the agency an opportunity for a hearing before the Legislative Council after reasonable notice in writing delivered either by personal service or by certified mail, return receipt requested. The notice shall include:

(1) A statement of the time, place, and nature of the hearing; and

(2) A short and plain statement relating to the closing or closings.

(c) If the agency fails to appear at the hearing after proper service of notice, the Legislative Council may, if no adjournment is granted, proceed with the hearing and approve or disapprove the closing or closings in the absence of the agency.

(d) If the Legislative Council disapproves or approves the closing or closings, it shall notify the agency
in writing. If the Legislative Council disapproves the closing
or closings, the closing or closings shall not become
effective until adjournment of the next regular session of the
Legislature that commences after the disapproval unless, prior
to that time, the Legislature adopts a joint resolution that
upholds the disapproval by the Legislative Council. If the
Legislative Council approves the closing or closings, the
closing or closings may proceed as scheduled. If the
Legislative Council fails to either approve or disapprove the
closing or closings within 30 days after the hearing, the
closing or closings shall be deemed approved and the closing
or closings may proceed as scheduled.

Section 2. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.