

**ALABAMA BOARD OF ELECTRICAL CONTRACTORS
ADMINISTRATIVE CODE**

**RULEMAKING PROCEDURE
CHAPTER 303-X-3**

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303-X-3.01 Rules and Regulations

- (1) All rules and regulations shall be adopted, amended, or repealed in accordance with the Alabama Administrative Procedures Act, Code of Alabama 1975 §§ 41-22-1, et seq.
- (2) Prior to adoption, amendment, or repeal of any rule, the Board shall:
 - (a) give at least thirty-five (35) days notice of its intended action, such notice shall include a statement of either the terms of substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon, and the notice shall be published in the Alabama Administrative Monthly;
 - (b) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The Board shall consider fully all written and oral submissions respecting the proposed rule.
- (3) If the Board finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than thirty-five (35) days notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing it finds practical, to adopt an emergency rule. The rule or rules may be effective for a period of not longer than one hundred twenty (120) days.
- (4) After adoption by the Board, each rule shall be filed with the Legislative Reference Service becoming effective thirty-five days thereafter.

Authority: Code of Alabama 1975, §34-36-1, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-x-3.02 Petition for Adoption, Amendment or Repeal of a Rule

- (1) Any interested party may petition the Board requesting the adoption, amendment or repeal of a rule. The petition shall:
 - (a) be submitted in writing;
 - (b) include an exact statement of the proposed rule, amendment or identification of the rule to be repealed;
 - (c) include the pertinent facts, data, opinions, or arguments in support of the petitioner's position;
 - (d) briefly describe what the effect of this change will be and why the petitioner believes the change should be made;
 - (e) be signed by the petitioner.
- (2) Within sixty (60) days after submission of a petition, the Board shall initiate rulemaking proceedings or deny the petition in writing on the merits,

stating its reasons for the denial. However, if the Board's next regularly scheduled meeting is beyond the sixty (60) day period, then the Board may provide written notice that the period is extended for an additional thirty (30) days, during which time it will initiate rule making proceedings or deny the petition.

(3) A petition requesting adoption, amendment, or repeal of a rule shall not be considered by the Board if the subject of the petition is the same or similar to the subject presented in another petition considered by the Board within the previous twelve (12) months.

Authority: Code of Alabama 1975, §34-36-1, et seq.

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303-X-3.03 Public Inspection of a Rule

(1) All rules and other written statements of policy or interpretations formulated, adopted, or used by the Board in the discharge of its functions shall be made available for public inspection and copying, at cost.

(2) All final orders, decisions, and opinions of the Board shall be available for public inspection and copying, at cost, except those made confidential or privileged by statute or order of the court.

Authority: Code of Alabama 1975, §34-36-1, et seq.

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303-X-3.04 Public Hearings on Rules

(1) The Board shall permit all interested persons reasonable opportunity to submit in writing data, views, or arguments concerning any proposed rule action. These submissions must be received by the Board at least seven (7) days before the date specified in the notice of the day of the public hearing.

(2) Those persons wishing to present data, views, or arguments orally must submit a request to appear to the Board, and such request must be received by the Board at least seven (7) days before the scheduled public hearing.

Authority: Code of Alabama 1975, §34-36-1, et seq.

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