

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Crime Victims Compensation Commission  
Rule No. 262-x-2-.04  
Rule Title: Rulemaking.

\_\_\_\_\_ New \_\_\_\_\_ x \_\_\_\_\_ Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly  
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the  
state's police power and the protection of the  
public health, safety, or welfare? Yes

Is there another, less restrictive method of  
regulation available that could adequately protect  
the public? No

Does the propounded rule have the effect of directly  
or indirectly increasing the costs of any goods or  
services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the  
Public than the harm that might result from the  
absence of the proposed rule? No

Are all facets of the rulemaking process designed  
Solely for the purpose of, and so they have, as  
Their primary effect, the protection of the public? Yes

.....

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is  
Required to be accompanied by a fiscal note prepared in accordance with  
Subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full  
Compliance with the requirements of Chapter 22, Title 41, Code of Alabama  
1975, and that it conforms to all applicable filing requirements of the  
Administrative Procedures Division of the Legislative Reference Service.

Signature of certifying officer Cassie T. Jones Cassie T. Jones, Ed.D.

Date 11/13/14

(DATE FILED)  
(STAMP)

**ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:** 262-X-2-.04, Rulemaking.

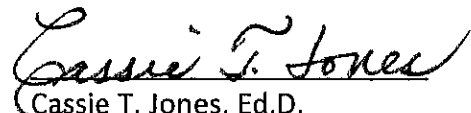
**INTENDED ACTION:** Amend

**SUBSTANCE OF PROPOSED ACTION:** The Commission proposes to amend the existing rule to provide additional protocol and guidance for the Commission's rulemaking procedures.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Interested persons may present their views in writing to the Alabama Crime Victims' Compensation Commission, Post Office Box 231267, Montgomery, Alabama 36123-1267 or oral comments at 334.290.4420.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** Written comments shall be received until the close of record at 5:00 p.m. on January 5, 2015. All comments should be addressed to the contact person listed below.

**CONTACT PERSON AT AGENCY:** Kim Martin, General Counsel, Alabama Crime Victims' Compensation Commission, Post Office Box 231267, Montgomery, Alabama 36123-1267 or oral comments at 334.290.4420.

  
Cassie T. Jones, Ed.D.  
Executive Director

**262-X-2-.04 Rulemaking.**

(a) From time to time the Commission shall establish rules and regulations for the administration of its duties and responsibilities pursuant to this chapter. All rules shall be passed by a majority vote of the three member Commission. A copy of the current rules shall be published in each year's annual report and shall be made available to the public upon request.

(b) Petitions for Adoption, Repeal, or Change of Rule

1. Any person may petition the Commission for the adoption of a new rule or for the repeal or change of any existing rule.

2. Action by the Commission on any such petition shall be as provided in ALA. CODE § 41-22-8.

3. In order to be considered, a petition for a rule change must be in writing and contain the following minimum information:

(a) A title reflecting that the petition seeks the adoption of a new rule, or the modification or repeal of an existing rule or rules.

(b) The petitioner's name, address, and telephone number.

(c) A statement identifying all rules or statutes that may be involved should the relief sought in the petition be granted in whole or in part.

(d) A clear and concise statement or narrative as to why the new rule, or modification or repeal of an existing rule is needed, specifying:

(i) the persons or class of persons it would affect and how it would affect them;

(ii) the benefits and disadvantages of the proposed rule, modification or repeal;

(iii) the estimated cost or cost savings to the Commission;

(iv) any other reasons why the rule, modification, or repeal should be accepted by the Commission;

(v) the legal authority for the proposed rule, modification or change;

(vi) the names and complete addresses of any persons, firms, organizations, and the identity of any class of persons known to the petitioner who would be or could be adversely affected by the proposed rule, modification, or repeal.

(e) The reason for submitting the petition, if the reason is not apparent from the face of the petition.

(f) Full disclosure of the petitioner's interest.

(g) A statement as to whether the issues presented by the petition are presently under consideration by the Commission or by any judicial or quasi-judicial body in any pending proceedings, and if so, before which body they are pending.

(h) A certification by the petitioner that the information contained in the petition is true and correct to the best of petitioner's knowledge, and that the petition has not been filed for any improper purposes, or for delay or harassment. The certification must be signed by the petitioner and the petitioner's signature must be notarized.

(c) Declaratory Rulings.

1. Any person substantially affected by a rule may petition the Commission for a declaratory ruling with respect to the validity of a rule or the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the Commission.

2. The petition shall be in writing and shall include:

- (a) The name and address of the petitioner;
- (b) A statement of facts sufficient to show that the person seeking relief is substantially affected by the rule;
- (c) The rule, statute, or order and the exact question(s) to which an answer is requested;
- (d) The reason(s) for submitting the petition;
- (e) Full disclosure of the petitioner's interest(s);
- (f) Statement as to whether the petitioner's case is presently under consideration by the Commission or in any pending proceeding;
- (g) A certification by the petitioner that the information contained in the petition is true and correct to the best of petitioner's knowledge, and that the petition has not been filed for any improper purposes, or for delay or harassment. The certification must be signed by the petitioner and the petitioner's signature must be notarized.

3. Failure of the Commission to issue a declaratory ruling within forty-five days of date of receipt of request shall constitute a denial of the request.

4. Circumstances in which rulings shall not be issued include, but are not necessarily limited to:

- (a) Lack of jurisdiction;
- (b) Lack of clarity of the issue presented;
- (c) No clear answer determinable;
- (d) On a petition which seeks the immediate payment or non-payment of benefits under the Alabama Crime Victims' Compensation Act;
- (e) If petitioned for by a person not a party to the contested case if the matter is involved in a contested case;
- (f) On matters in litigation.

**Author:** Dr. Cassie T. Jones

**Statutory Authority:** ALA. CODE § 15-23-5(14) (1995)

**History:** Filed November 13, 2014