

## IMPLEMENTATION GUIDANCE ON EXECUTIVE ORDER NO. 735

### *Reducing “Red Tape” on Citizens and Businesses Through a Moratorium on New Administrative Rules and by Establishing Goals for the Reduction of Existing Regulatory Burdens*

---

#### Overview

- **Goal:** Reduce by twenty-five percent the number of discretionary regulatory restrictions in the Alabama Administrative Code.
- **Inventory:** Each agency will complete an Administrative Rule Inventory that includes a cover sheet and a comprehensive list of each restrictive term found in your agency’s administrative code. The information included in the Inventory should be current as of September 1, 2023.
- **Public input:** Each agency will be asked to summarize the steps they took to ensure meaningful stakeholder input in completing the inventory. Examples could include convening stakeholder meetings, posting a draft inventory on your website, allowing for public comment on a draft inventory, etc.
- Additional guidance on Phase II and III will be distributed at a later date.

#### Key dates

- **Moratorium:** No state executive-branch agency should conduct any new rulemaking until **March 1, 2024**. Exceptions to this moratorium are included in the order.
- **Red Tape Reduction Coordinator:** By **May 1, 2023**, each agency should email [pam.chesnutt@governor.alabama.gov](mailto:pam.chesnutt@governor.alabama.gov) the contact information (phone number and email address) for the employee that will be the agency’s Red Tape Reduction Coordinator.
- **Administrative Rule Inventory:** By **September 15, 2023**, each agency should submit an Administrative Rule Inventory Submission Cover Sheet and Administrative Rule Inventory to the Office of the Governor.
- Phase II and Phase III dates will be provided in the future.

#### FAQs

- **Question #1: What is a “discretionary regulatory restriction”?**  
Answer: See the enclosed instructions for completing the Administrative Rule Inventory.
- **Question #2: My agency is proposing to add or amend an administrative rule during the moratorium imposed by EO 735. Does it meet one of the exceptions to the order’s moratorium?**  
Answer: In general, our office does not intend to provide a case-by-case determination on whether a particular proposed rule fits within an exception to the moratorium set forth in EO 735 on adopting or amending rules. Having said that, we are asking agencies to keep in mind the goal of the moratorium, which is to pause the adoption of new rules while we work together – and with stakeholders – to analyze current rules.

If an agency is in doubt about whether their proposed action falls within an exception to the moratorium, we’d encourage them to consult with key stakeholders. Absent extraordinary circumstances, such as stakeholder pushback, we would not anticipate the Governor’s Office actively weighing in on agencies’ decisions about how to comply with the moratorium.

- **Question #3: What if my agency is amending or repealing rules to comply with the Governor’s public records executive order?**

Answer: Agencies amending administrative rules to comply with the Governor’s Public Records EO fit into one or more of the moratorium exceptions detailed in EO 735. This includes the exceptions for new rules or amendments that are narrowly tailored to “reduce or remove a regulatory burden” or “remove obsolete, outdated, or unnecessary rules.”

- **Question #4: How does my agency indicate that our proposed rulemaking meets one of the order’s exceptions?**

Answer: For agencies that believe they must adopt or amend an administrative rule during the moratorium, the agency should identify the moratorium exception on which they are relying. The agency should identify the exception in the “Substance of Proposed Action” section in the Legislative Services Agency’s Notice of Intended Action form ([APA-2](#)).

## **Resources**

- Executive Order 735: Reducing “Red Tape” on Citizens and Businesses Through a Moratorium on New Administrative Rules and by Establishing Goals for the Reduction of Existing Regulatory Burdens
- Phase I: Administrative Rule Inventory
- Phase I: Administrative Rule Inventory Submission Cover Sheet
- Instructions For Completing the Phase I: Administrative Rule Inventory
- Example entries for Phase I: Administrative Rule Inventory