

Senators Mullis of the 53rd, Johnson of the 1st and Price of the 56th offered the following substitute to HB 587:

NOT GERMANE

A BILL TO BE ENTITLED

AN ACT

1 To be known as the "Regulatory Reform Act of 2002"; to provide for a short title, findings,
2 and a statement of purpose; to amend Chapter 3 of Title 1 of the Official Code of Georgia
3 Annotated, relating to laws and statutes, so as to provide that the state and each county,
4 municipality, consolidated government, school district, or political subdivision thereof shall
5 be bound by each statute enacted by the General Assembly and by any rule or regulation
6 adopted pursuant to such statute unless the words of the statute plainly, clearly, and
7 unmistakably show that the intention of the General Assembly is otherwise; to amend
8 Chapter 1 of Title 12 of the Official Code of Georgia Annotated, relating to general
9 provisions relative to conservation and natural resources, so as to provide a statement of
10 legislative findings; to define certain terms; to create the Advisory Committee on Risk
11 Assessment and Cost-Benefit Analysis; to provide for the membership and the appointment
12 of members; to provide that the committee shall establish guidelines and procedures
13 controlling such risk assessment and cost-benefit analysis; to provide that the Board of
14 Natural Resources may use such guidelines in the promulgation of rules and regulations
15 relating to environmental protection; to amend Code Section 31-6-21.1 of the Official Code
16 of Georgia Annotated, relating to procedures for rule making by the Department of
17 Community Health, so as to correct a cross-reference; to amend Chapter 13 of Title 50 of the
18 Official Code of Georgia Annotated, known as the "Georgia Administrative Procedure Act,"
19 so as to provide requirements relative to the formulation, drafting, and adoption of rules or
20 amendments to existing rules; to provide a definition; to provide for advisory committees;
21 to provide for cost benefit analyses and risk assessments; to provide for public records; to
22 provide for notices and the contents thereof; to provide for reduction of the economic impact
23 of rules and amendments on small businesses and citizens; to provide for and change certain
24 existing procedures relating to the review of proposed rules by committees of the General
25 Assembly and the procedures connected therewith; to provide for hearings and reports; to
26 provide for the periodic review of rules; to provide for additional duties of agencies; to
27 provide for other matters relative to the foregoing; to repeal conflicting laws; and for other
28 purposes.

1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

2 **SECTION 1.**

3 This Act shall be known and may be cited as the "Regulatory Reform Act of 2002."

4 **SECTION 2.**

5 (a) The General Assembly of Georgia finds that real opportunity is created by free
6 enterprise, not government. Unnecessary government regulations can smother the flame of
7 small business and creativity. In fact, government regulation can be the biggest threat to the
8 survival of small business. Every Georgia family pays thousands of dollars to comply with
9 federal and state regulations. These regulations cost business by reducing profits, lowering
10 salaries, and increasing costs to consumers. The cost of regulations is more than a hidden
11 tax on consumers; regulations also cost jobs. It is the purpose of this Act to limit the future
12 ability of agencies to write and implement regulations that stifle business and cost consumers
13 without affecting their ability to protect the health and safety of Georgians.

14 (b) The General Assembly further finds that:

15 (1) Public health, environmental, and safety regulations, standards, and policies have led
16 to dramatic improvements in human health and the environment in Georgia. Some of
17 those regulations, standards, and policies have been costly to implement and less
18 effective than they could have been. Regulatory activities should be based upon a
19 realistic consideration of risk and on an adequate consideration of costs and potential
20 benefits;

21 (2) Environmental and public health problems are becoming increasingly complex and
22 difficult to discern, and, at the same time, the costs of making further environmental and
23 public health improvements are also increasing considerably. It is estimated that the
24 citizens of the United States spend approximately \$300 billion annually in complying
25 with federal, state, and local environmental protection laws and regulations. We need to
26 ensure that those dollars are being spent wisely in Georgia. Georgia needs new
27 approaches, based on the best scientific, technical, and economic information, to achieve
28 further improvements;

29 (3) Public health, safety, and environmental regulations, standards, and polices adopted
30 by Georgia should be based upon the best scientific information available and should
31 achieve the greatest overall reduction in risk to public health and the environment in the
32 most cost-effective and flexible manner possible;

33 (4) The citizens have a right to be fully informed about the costs, benefits, or any adverse
34 effects on the economy resulting from state regulations and about the policies that

1 underlie regulatory decisions by agencies of this state, and they have a right to know
 2 whether Georgia is achieving the goals expressed in those regulations and policies; and
 3 (5) The goal of this Act is to provide the same or greater environmental, public health,
 4 and safety protection to the citizens of Georgia but to do it in a manner that is more
 5 effective and efficient.

6 SECTION 3.

7 Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes,
 8 is amended by striking Code Section 1-3-8, relating to the binding effect of legislation upon
 9 the state, and inserting in lieu thereof a new Code Section 1-3-8 to read as follows:

10 "1-3-8.

11 The state and each county, municipality, consolidated government, school district, or
 12 political subdivision thereof shall be is not bound by each statute enacted by the General
 13 Assembly and by any rule or regulation adopted pursuant to such statute the passage of a
 14 law unless it is named therein or unless the words of the law statute are so plain, clear, and
 15 unmistakable as to leave no doubt as to plainly, clearly, and unmistakably show that the
 16 intention of the General Assembly is otherwise."

17 SECTION 4.

18 Chapter 1 of Title 12 of the Official Code of Georgia Annotated, relating to general
 19 provisions relative to conservation and natural resources, is amended by designating the
 20 existing provisions of such chapter as "Article 1" and by inserting at the end thereof a new
 21 article to read as follows:

22 "ARTICLE 2

23 12-1-20.

24 As used in this article, the term:

- 25 (1) 'Board' means the Board of Natural Resources.
 26 (2) 'Commissioner' means the commissioner of natural resources.
 27 (3) 'Committee' means the Advisory Committee on Risk Assessment and Cost-Benefit
 28 Analysis created by this article.
 29 (4) 'Department' means the Department of Natural Resources.
 30 (5) 'Division' means the Environmental Protection Division of the Department of Natural
 31 Resources.

1 (6) 'Environmental rule or regulation' means a rule or regulation promulgated by the
2 board to enforce or implement an Act of the General Assembly relating to environmental
3 protection.

4 12-1-21.

5 There is created within the department the Advisory Committee on Risk Assessment and
6 Cost-Benefit Analysis. The committee shall consist of 12 members appointed as follows:

7 (1) Four members appointed by the Speaker of the House of Representatives as follows:

8 (A) One person with expertise in cost-benefit analysis;

9 (B) One person representing county government;

10 (C) One representative from a public health advocacy organization; and

11 (D) One representative from industry;

12 (2) Four members appointed by the President of the Senate as follows:

13 (A) One person representing municipal government;

14 (B) One person with expertise in risk assessment;

15 (C) One representative of an environmental organization; and

16 (D) One representative from agriculture; and

17 (3) Four members appointed by the Governor as follows:

18 (A) One person with expertise in cost-benefit analysis;

19 (B) One person with expertise in risk assessment;

20 (C) One representative from the division; and

21 (D) One representative from industry.

22 12-1-22.

23 The committee shall prepare guidelines for use by the board, the department, and the
24 division in conducting risk assessments and cost-benefit analyses. At a minimum, such
25 guidelines shall include:

26 (1) Procedures and practices for conducting risk assessments and cost-benefit analyses
27 to ensure that such assessments and analyses are conducted in accordance with the best
28 accepted professional standards and methods of scientific, technical, and economic
29 analyses;

30 (2) Models and assumptions to be used, including a discussion of their plausibility, and
31 criteria for when they should be used;

32 (3) Criteria for conducting uncertainty analyses;

33 (4) Criteria for reporting the results of risk assessments and cost-benefit analyses in a
34 way that is reasonably understandable to the public, clearly conveys information about

1 uncertainty and variability, and adequately reveals the science, economic information,
2 and policy judgments, if any, embodied in these assessments and analyses;

3 (5) Criteria for the appropriate use of peer review to help improve the quality of those
4 assessments and analyses; and

5 (6) Criteria for cost-benefit analyses that include consideration of all costs and benefits,
6 including avoidance costs, delayed costs, costs of loss of environmental resources, and
7 benefits to environmental resources including, but not limited to, fish, habitat, and
8 wetlands.

9 12-1-23.

10 (a) Not later than June 30, 2003, the committee shall submit proposed guidelines, along
11 with a summary of the guidelines, to the Governor, the Speaker of the House of
12 Representatives, the President of the Senate, the board, and the commissioner of natural
13 resources and shall concurrently make the recommended guidelines available to the public.

14 (b) Before establishing the final guidelines, the committee shall conduct at least three
15 public hearings on the recommended guidelines and may submit the proposed guidelines
16 to independent and external experts for review. The committee shall hold at least one such
17 public hearing in each portion of the state: south, central, and north Georgia. Not later
18 than December 31, 2003, the committee shall develop and publish final guidelines.

19 (c) The committee shall cease to exist on the date of publication of the final guidelines in
20 accordance with this Code section.

21 (d) Following the publication of the committee's guidelines, the board may use such
22 guidelines in promulgating environmental rules and regulations.

23 (e) Any person who conducts an independent risk assessment or cost-benefit analysis of
24 a proposed environmental rule or regulation may submit such assessment or analysis to the
25 board for consideration."

26 SECTION 5.

27 Code Section 31-6-21.1 of the Official Code of Georgia Annotated, relating to procedures
28 for rule making by the Department of Community Health, is amended by striking subsection
29 (b) of said Code section and inserting in its place the following:

30 "(b) The department shall transmit three copies of the notice provided for in ~~paragraph (1)~~
31 ~~of subsection (a) subparagraph (a)(5)(A)~~ of Code Section 50-13-4 to the legislative counsel.
32 The copies shall be transmitted at least 30 days prior to that department's intended action.
33 Within five days after receipt of the copies, if possible, the legislative counsel shall furnish
34 the presiding officer of each house with a copy of the notice and mail a copy of the notice

1 to each member of the Health and Human Services Committee of the Senate and each
 2 member of the Health and Ecology Committee of the House of Representatives. Each such
 3 rule and any part thereof shall be subject to the making of an objection by either such
 4 committee. Any rule or part thereof to which no objection is made by both such committees
 5 may become adopted by the department at the end of such 30 day period. The department
 6 may not adopt any such rule or part thereof which has been changed since having been
 7 submitted to those committees unless:

- 8 (1) That change is to correct only typographical errors;
- 9 (2) That change is approved in writing by both committees and that approval expressly
 10 exempts that change from being subject to the public notice and hearing requirements of
 11 subsection (a) of Code Section 50-13-4;
- 12 (3) That change is approved in writing by both committees and is again subject to the
 13 public notice and hearing requirements of subsection (a) of Code Section 50-13-4; or
- 14 (4) That change is again subject to the public notice and hearing requirements of
 15 subsection (a) of Code Section 50-13-4 and the change is submitted and again subject to
 16 committee objection as provided in this subsection.

17 Nothing in this subsection shall prohibit the department from adopting any rule or part
 18 thereof without adopting all of the rules submitted to the committees if the rule or part so
 19 adopted has not been changed since having been submitted to the committees and objection
 20 thereto was not made by both committees."

21 SECTION 6.

22 Chapter 13 of Title 50 of the Official Code of Georgia Annotated, known as the "Georgia
 23 Administrative Procedure Act," is amended by striking Code Section 50-13-4, relating to
 24 procedural requirements for adoption, amendment, or repeal of rules, emergency rules,
 25 limitations on actions to contest rules, and legislative override of rules, and inserting in lieu
 26 thereof a new Code Section 50-13-4 to read as follows:

27 "50-13-4.

28 (a)(1) For purposes of this subsection, rules or amendments of a substantive nature shall
 29 include those rules or amendments which affect the health, safety, or welfare of the
 30 public, but shall not include rules or amendments which merely restate statutes or which
 31 provide internal procedures for the administration of the agency.

32 (2) During the formulation or drafting of any proposed rule of a substantive nature or any
 33 amendment to an existing rule of a substantive nature, the agency shall consult with a
 34 representative sampling of individuals and representatives of businesses that might be
 35 affected by the proposed rule or amendment. An agency is authorized to appoint an

1 advisory committee composed of representatives of those people, businesses, and
2 interests which might be affected by a proposed rule to assist the agency in the
3 formulation or drafting of such proposed rule.

4 (3) In the promulgation and adoption of any rule, each agency shall seek alternatives
5 which will legally and feasibly meet the stated objectives of the statutes and which will
6 be less expensive to those individuals and businesses, will produce more flexibility in
7 compliance and enforcement, and will provide better notice to and understanding by the
8 affected individuals and businesses of the reasons for and manner of enforcement of the
9 rule or amendment.

10 (4) Prior to giving the notice required by subparagraph (A) of paragraph (5) of this
11 subsection for any proposed rule or amendment of a substantive nature, the agency shall
12 complete or compile a cost benefit analysis and a risk assessment which shall include an
13 examination of any appropriate scientific research concerning the risk or condition which
14 the rule or amendment is designed to abate or control. Such cost benefit analysis and risk
15 assessment shall be public records and shall be made available for public inspection and
16 copying in the same manner as other public records of the agency.

17 (5) Prior to the adoption, amendment, or repeal of any rule, other than interpretive rules
18 or general statements of policy, the agency shall:

19 (A) Give at least 30 days' notice of its intended action. The notice shall include an
20 exact copy of the proposed rule, which has been developed after consultation with a
21 representative sample of affected businesses and individuals or an advisory committee,
22 and a synopsis of the proposed rule. The synopsis shall be distributed with and in the
23 same manner as the proposed rule. The synopsis shall contain a statement of the
24 purpose and the main features of the proposed rule, and, in the case of a proposed
25 amendatory rule, the synopsis also shall indicate the differences between the existing
26 rule and the proposed rule. If the proposed rule or amendment is a rule or amendment
27 of a substantive nature, the synopsis shall include the cost benefit analysis and risk
28 assessment required by paragraph (4) of this subsection. The notice shall also include
29 the exact date on which the agency shall consider the adoption of the rule and shall
30 include the time and place in order that interested persons may present their views
31 thereon. The notice shall also contain a citation of the authority pursuant to which the
32 rule is proposed for adoption and, if the proposal is an amendment or repeal of an
33 existing rule, the rule shall be clearly identified. The notice shall be mailed to all
34 persons and organizations who have requested in writing that they be placed upon a
35 mailing list which shall be maintained by the agency for advance notice of its
36 rule-making proceedings and who have tendered the actual cost of such mailing as from

1 time to time estimated by the agency. At the time the notice is mailed, a copy of the
 2 notice and synopsis, including the cost benefit analysis and risk assessment required by
 3 paragraph (4) of this subsection, shall be posted on the Internet and made available by
 4 the agency for electronic access and downloading at no cost to any citizen seeking
 5 electronic access to such information;

6 ~~(2)~~(B) Afford to all interested persons reasonable opportunity to submit data, views,
 7 or arguments, orally or in writing. In the case of substantive rules, opportunity for oral
 8 hearing must be granted if requested by 25 persons who will be directly affected by the
 9 proposed rule, by a governmental subdivision, by a standing committee of the General
 10 Assembly to which the proposed rule is referred pursuant to subsection (e) of this Code
 11 section, or by an association having not less than 25 members. The agency shall
 12 consider fully all written and oral submissions respecting the proposed rule. Upon
 13 adoption of a rule, the agency, if requested to do so by an interested person either prior
 14 to adoption or within 30 days thereafter, shall issue a concise statement of the principal
 15 reasons for and against its adoption and incorporate therein its reason for overruling the
 16 consideration urged against its adoption;

17 ~~(3)~~(C) In the formulation and adoption of any rule which will have an economic impact
 18 on businesses in the state, work to reduce the economic impact of the rule on small
 19 businesses which are independently owned and operated, are not dominant in their
 20 field, and employ 100 employees or less by implementing one or more of the following
 21 actions when it is legal and feasible in meeting the stated objectives of the statutes
 22 which are the basis of the proposed rule:

23 ~~(A)~~(i) Establish differing compliance or reporting requirements or timetables for
 24 small businesses;

25 ~~(B)~~(ii) Clarify, consolidate, or simplify the compliance and reporting requirements
 26 under the rule for small businesses;

27 ~~(C)~~(iii) Establish performance rather than design standards for small businesses; or

28 ~~(D)~~(iv) Exempt small businesses from any or all requirements of the rules; and

29 ~~(4)~~(D) In the formulation and adoption of any rule, an agency shall choose an
 30 alternative that does not impose excessive regulatory costs on any regulated person or
 31 entity which costs could be reduced by a less expensive alternative that fully
 32 accomplishes the stated objectives of the statutes which are the basis of the proposed
 33 rule.

34 (b) If any agency finds that an imminent peril to the public health, safety, or welfare,
 35 including, but not limited to, summary processes such as quarantines, contrabands,
 36 seizures, and the like authorized by law without notice, requires adoption of a rule upon

1 fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed
 2 without prior notice or hearing or upon any abbreviated notice and hearing that it finds
 3 practicable to adopt an emergency rule. The rule may be effective for a period of not longer
 4 than 120 days but the adoption of an identical rule under ~~paragraphs (1) and (2) of~~
 5 ~~subsection (a)~~ subparagraphs (a)(5)(A) and (a)(5)(B) of this Code section is not precluded.

6 (c) It is the intent of this Code section to establish basic minimum procedural requirements
 7 for the adoption, amendment, or repeal of administrative rules. Except for emergency rules
 8 which are provided for in subsection (b) of this Code section, the provisions of this Code
 9 section are applicable to the exercise of any rule-making authority conferred by any statute,
 10 but nothing in this Code section repeals or diminishes additional requirements imposed by
 11 law or diminishes or repeals any summary power granted by law to the state or any agency
 12 thereof.

13 (d) No rule adopted after April 3, 1978, shall be valid unless adopted in exact compliance
 14 with ~~subsections~~ paragraph (5) of subsection (a) and subsection (e) of this Code section and
 15 in substantial compliance with the remainder of this Code section. A proceeding to contest
 16 any rule on the ground of noncompliance with the procedural requirements of this Code
 17 section must be commenced within two years from the effective date of the rule.

18 (e) The agency shall transmit the notice provided for in ~~paragraph (1) of subsection (a)~~
 19 subparagraph (a)(5)(A) of this Code section to the legislative counsel. The notice shall be
 20 transmitted at least 30 days prior to the date of the agency's intended action. Within three
 21 days after receipt of the notice, if possible, the legislative counsel shall furnish the
 22 presiding officers of each house with a copy of the notice, and the presiding officers shall
 23 assign the notice to the chairperson of the appropriate standing committee in each house
 24 for review and any member thereof who makes a standing written request. In the event a
 25 presiding officer is unavailable for the purpose of making the assignment within the time
 26 limitations, the legislative counsel shall assign the notice to the chairperson of the
 27 appropriate standing committee. The legislative counsel shall also transmit within the time
 28 limitations provided in this subsection a notice of the assignment to the chairperson of the
 29 appropriate standing committee. Each standing committee of the Senate and the House of
 30 Representatives is to which a proposed rule is assigned pursuant to this subsection and each
 31 member of such standing committee are granted all the rights provided for interested
 32 persons and governmental subdivisions in ~~paragraph (2) of subsection (a)~~ subparagraph
 33 (a)(5)(B) of this Code section.

34 (f) In the event a standing committee to which a notice is assigned as provided in
 35 subsection (e) of this Code section files an objection to a proposed rule prior to its
 36 adoption, it shall be the duty of the chairperson of such standing committee to conduct a

meeting of such committee within 20 days of the date such objection is filed for the
purpose of receiving the comments of the public and the agency concerning the legality of,
the necessity for, the impact of, and the appropriateness of such proposed rule. It shall be
the duty of the agency head or a representative thereof to attend such standing committee
meeting and respond to questions concerning such proposed rule. All comments and
testimony given at such meeting and any recommendations of the committee shall be
reduced to writing and a copy thereof shall be furnished to the agency and made a part of
the record in the proceeding for the adoption of such rule. If the committee which filed the
objection is then satisfied that the proposed rule is appropriate or needs some alteration to
make it appropriate, the committee may thereupon withdraw or modify the objection, in
writing, and shall file a copy of such withdrawal or modification of the objection with the
agency. If the objection is not withdrawn and the agency adopts the proposed rule over the
objection, the rule may be considered by the branch of the General Assembly whose
committee objected to its adoption by the introduction of a resolution for the purpose of
overriding the rule at any time within the first 30 days of the next regular session of the
General Assembly. It shall be the duty of any agency which adopts a proposed rule over
such objection so to notify the presiding officers of the Senate and the House of
Representatives, the ~~chairmen~~ chairpersons of the Senate and House committees to which
the rule was referred, and the legislative counsel within ten days after the adoption of the
rule. In the event the resolution is adopted by such branch of the General Assembly, it shall
be immediately transmitted to the other branch of the General Assembly. It shall be the
duty of the presiding officer of the other branch of the General Assembly to have such
branch, within five days after the receipt of the resolution, to consider the resolution for the
purpose of overriding the rule. In the event the resolution is adopted by two-thirds of the
votes of each branch of the General Assembly, the rule shall be void on the day after the
adoption of the resolution by the second branch of the General Assembly. In the event the
resolution is ratified by less than two-thirds of the votes of either branch, the resolution
shall be submitted to the Governor for his or her approval or veto. In the event of his the
Governor's veto, the rule shall remain in effect. In the event of his the Governor's
approval, the rule shall be void on the day after the date of his or her approval.

~~(g)(1) Subsection (f) of this Code section shall not apply to the Environmental Protection~~
~~Division of the Department of Natural Resources, but paragraph (2) of this subsection shall~~
~~apply to the Environmental Protection Division of the Department of Natural Resources.~~
~~(2) In the event the chairman of any standing committee to which a proposed rule relative~~
~~to the Environmental Protection Division of the Department of Natural Resources is~~
~~assigned notifies the agency that the committee objects to the adoption of the rule or has~~

1 ~~questions concerning the purpose, nature, or necessity of the rule, it shall be the duty of the~~
 2 ~~agency to consult with the committee prior to the adoption of the rule. In the event a~~
 3 ~~proposed rule which is assigned to a standing committee pursuant to subsection (e) of this~~
 4 ~~Code section is projected to have an economic impact of \$1 million or more, as determined~~
 5 ~~by the cost benefit analysis, on businesses and citizens in this state, it shall be the duty of~~
 6 ~~the chairperson of such standing committee to conduct a meeting of the committee within~~
 7 ~~20 days of the date such rule is assigned to the committee for the purpose of receiving the~~
 8 ~~comments of the public and the agency concerning the legality of, the necessity for, the~~
 9 ~~impact of, and the appropriateness of such proposed rule. It shall be the duty of the agency~~
 10 ~~head or a representative thereof to attend such standing committee meeting and respond to~~
 11 ~~questions concerning such proposed rule. All comments and testimony given at such~~
 12 ~~meeting shall be reduced to writing and a copy thereof shall be furnished to the agency and~~
 13 ~~made a part of the record in the proceeding for the adoption of such rule.~~

14 ~~(h) Subsections (a) through (g) of this Code section shall not apply to environmental~~
 15 ~~protection programs delegated by the federal government to the Environmental Protection~~
 16 ~~Division of the Georgia Department of Natural Resources. However, subsections (a)~~
 17 ~~through (g) shall apply to environmental programs not federally delegated.~~

18 ~~(h)~~(i) The provisions of subsections (e) and (f) of this Code section shall apply to any rule
 19 of the Department of Human Resources that is promulgated pursuant to Code Section
 20 31-2-7 or 31-45-10, except that the presiding officer of the Senate is directed to assign the
 21 notice of such a rule to the chairperson of the Senate Defense, Science and Technology
 22 Committee and the presiding officer of the House of Representatives is directed to assign
 23 the notice of such a rule to the chairperson of the House Committee on Industry. As used
 24 in this subsection, the term 'rule' shall have the same meaning as provided in paragraph (6)
 25 of Code Section 50-13-2 and shall include interpretive rules and general statements of
 26 policy, notwithstanding any provision of subsection (a) of this Code section to the
 27 contrary."

28 SECTION 7.

29 Said chapter is further amended by adding a new Code Section 50-13-4.1 following Code
 30 Section 50-13-4 to read as follows:

31 "50-13-4.1.

32 (a) At least once in each four-year period, beginning with the four-year period
 33 commencing on January 1, 2000, each agency shall review all of its rules to determine
 34 whether any existing rule is no longer necessary, is obsolete, or seeks to accomplish a result
 35 which could be accomplished in a more efficient, less burdensome, or less costly manner.

1 After conducting such review, each agency shall prepare a written report summarizing its
2 findings, its supporting reasons, and any proposed course of action. For each rule, the
3 report must include a concise statement of:

4 (1) The rule's effectiveness in achieving its objectives, including a summary of any
5 available data supporting the conclusions reached;

6 (2) Criticisms of the rule received during the four-year period immediately preceding the
7 date of the report, including a summary of any petitions or requests for waiver of or
8 exceptions to the rule tendered to the agency or granted by the agency; and

9 (3) Alternative solutions to the criticisms and the reasons they were rejected or the
10 changes made in the rule in response to those criticisms and the reasons for the changes.

11 (b) A copy of the report shall be sent to the Governor, the Secretary of State, the President
12 of the Senate, the Secretary of the Senate, the Speaker of the House of Representatives, the
13 Clerk of the House of Representatives, and the legislative counsel. The agency, the
14 Secretary of State, the Secretary of the Senate, and the Clerk of the House of
15 Representatives shall make copies of the report available for public inspection and copying.

16 (c) It shall be the duty of the President of the Senate and the Speaker of the House of
17 Representatives to assign each such report to one or more standing committees of the
18 Senate and House of Representatives for review and comment. The chairpersons of the
19 committees to which any such report is assigned shall call a joint meeting or meetings of
20 the committees to review such report and make suggestions to the agency and to the
21 General Assembly concerning any changes in the rules or the statutes which the
22 committees feel are appropriate."

23 SECTION 8.

24 Said chapter is further amended by striking paragraph (4) of subsection (a) of Code Section
25 50-13-13, relating to opportunity for hearings in contested cases, in its entirety and inserting
26 in lieu thereof a new paragraph (4) to read as follows:

27 "(4) Unless precluded by law, informal disposition may be made of any contested case
28 by stipulation, agreed settlement, consent order, or default. It shall be the duty of every
29 agency to provide reasonable assistance and education concerning the requirements of
30 the laws of this state and the rules of the agency to any person or entity in order to
31 achieve compliance with such laws and rules before commencing any contested case. A
32 contested case shall be undertaken only after a reasonable attempt to achieve compliance
33 with the laws and rules has failed to achieve such compliance;"

34 SECTION 9.

- 1 All laws and parts of laws in conflict with this Act are repealed.