

Senate Bill 352

By: Senators Cowser of the 46th, Tolleson of the 20th, Bulloch of the 11th, Pearson of the 51st, Smith of the 52nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to
2 procedural requirements for adoption, amendment, or repeal of rules, emergency rules,
3 limitation on actions to contest rules, and legislative override, so as to change certain
4 exemptions from legislative override; to provide an effective date; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedural
9 requirements for adoption, amendment, or repeal of rules, emergency rules, limitation on
10 actions to contest rules, and legislative override, is amended by revising subsections (g)
11 and (i) as follows:

12 "(g)(1) Subsection (f) of this Code section shall not apply to the Environmental
13 Protection Division of the Department of Natural Resources as to any rule for which, as
14 part of the notice required by paragraph (1) of subsection (a) of this Code section, the
15 director of the division certifies that such rule is required for compliance with federal
16 statutes or regulations, but paragraph (2) of this subsection shall apply to the
17 Environmental Protection Division of the Department of Natural Resources as to any rule
18 so certified. As part of such certification, the director shall cite the specific section or
19 sections of federal statutes or regulations with which the proposed rule is intended to
20 comply. General references to the name or title of a federal statute or regulation shall not
21 suffice for the purposes of this paragraph. Any proposed rule or rules that are subject to
22 this paragraph shall be noticed separately from any proposed rule or rules that are not
23 subject to this paragraph.

24 (2) In the event the ~~chairman~~ chairperson of any standing committee to which a proposed
25 rule ~~relative to the Environmental Protection Division of the Department of Natural~~
26 ~~Resources~~ certified by the director of the division pursuant to paragraph (1) of this
27 subsection is assigned notifies the ~~agency~~ director that the committee objects to the

1 adoption of the rule or has questions concerning the purpose, nature, or necessity of ~~the~~
2 such rule, it shall be the duty of the agency director to consult with the committee prior
3 to the adoption of the rule."

4 "(i) This Code section shall not apply to any comprehensive state-wide water management
5 plan or revision thereof prepared by the Environmental Protection Division of the
6 Department of Natural Resources and proposed, adopted, amended, or repealed pursuant
7 to Article 8 of Chapter 5 of Title 12; provided, however, that this Code section shall apply
8 to any rules or regulations implementing such a plan."

9 **SECTION 2.**

10 This Act shall become effective upon its approval by the Governor or upon its becoming law
11 without such approval.

12 **SECTION 3.**

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