

Senate Bill 445

By: Senators Seabaugh of the 28th, Goggans of the 7th, Williams of the 19th, Reed of the 35th and Powell of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding administrative procedure, so as to provide that the
3 effectiveness of a challenged agency rule shall be stayed until the General Assembly has the
4 opportunity to take action on such rule at the next legislative session; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding administrative procedure, is amended by revising subsection
10 (f) of Code Section 50-13-4, relating to procedural requirements regarding action to contest
11 agency rules, as follows:

12 "(f) In the event a standing committee to which a notice is assigned as provided in
13 subsection (e) of this Code section files an objection to a proposed rule prior to its
14 adoption, the effectiveness of such rule shall be stayed until the next legislative session at
15 which time ~~and the agency adopts the proposed rule over the objection,~~ the rule may be
16 considered by the branch of the General Assembly whose committee objected to its
17 adoption by the introduction of a resolution for the purpose of overriding the rule at any
18 time within the first 30 days of the next regular session of the General Assembly. ~~It shall~~
19 ~~be the duty of any agency which adopts a proposed rule over such objection so to notify~~
20 ~~the presiding officers of the Senate and the House of Representatives, the chairmen of the~~
21 ~~Senate and House committees to which the rule was referred, and the legislative counsel~~
22 ~~within ten days after the adoption of the rule.~~ In the event the resolution is adopted by such
23 branch of the General Assembly, it shall be immediately transmitted to the other branch of
24 the General Assembly. It shall be the duty of the presiding officer of the other branch of
25 the General Assembly to have such branch, within five days after the receipt of the
26 resolution, to consider the resolution for the purpose of overriding the rule. In the event the

1 resolution is adopted by two-thirds of the votes of each branch of the General Assembly,
2 the rule shall be void on the day after the adoption of the resolution by the second branch
3 of the General Assembly. In the event the resolution is ratified by less than two-thirds of
4 the votes of either branch, the resolution shall be submitted to the Governor for his
5 approval or veto. In the event of his veto, the rule shall remain in effect. In the event of his
6 approval, the rule shall be void on the day after the date of his approval. If after the
7 thirtieth legislative day of the legislative session of which the challenged rule was to be
8 considered the General Assembly has not considered an override of the challenged rule
9 pursuant to this subsection, the rule shall then immediately take effect."

10

SECTION 2.

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